



Public Availability of Information About Agency Adjudicators

Committee on Adjudication

Proposed Recommendation | December 17, 2020

1 Federal agency officials throughout the country preside over hundreds of thousands of
2 adjudications each year.¹ As the Administrative Conference has previously observed, litigants,
3 their lawyers, and other members of the public benefit from having ready online access to
4 procedural rules, decisions, and other key materials associated with adjudications.² They also
5 benefit from having ready online access to the policies and practices by which agencies appoint
6 and oversee administrative law judges and other adjudicators. The availability of these policies
7 and practices helps inform the public about, among other things, any actions agencies have taken
8 to ensure the impartiality of administrative adjudicators³ and promotes an understanding of
9 adjudicators' constitutional status under the Appointments Clause and other constitutional
10 provisions.⁴

11 Agencies may benefit from disclosures about agency adjudicators because it allows them
12 to compare their own policies with those made publicly available by other agencies. Agencies'
13 proactive disclosures, which may sometimes already be required under the Freedom of

¹ See Admin. Conf. of the U.S., Recommendation 2016-2, *Aggregate Agency Adjudication*, 81 Fed. Reg. 40,260, 40,260 (June 21, 2016).

² Admin. Conf. of the U.S., Recommendation 2018-5, *Public Availability of Adjudication Rules*, 84 Fed. Reg. 2142 (Feb. 6, 2019); Admin. Conf. of the U.S., Recommendation 2017-1, *Adjudication Materials on Agency Websites*, 82 Fed. Reg. 31,039 (July 5, 2017).

³ Cf. Admin. Conf. of the U.S., Recommendation 2018-4, *Recusal Rules for Administrative Adjudicators*, 84 Fed. Reg. 2139 (Feb. 6, 2019).

⁴ See, e.g., *Lucia v. SEC*, 138 S. Ct. 2044 (2018); *Arthrex v. Smith & Nephew*, 941 F.3d 1320 (Fed. Cir. 2019), *cert. granted*, ___ S. Ct. ___ (Oct. 13, 2020) (No. 19-1434).



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14 Information Act and the E-Government Act, may also be more cost-effective than agencies'
15 responding to individual requests for information.⁵

16 Like other recent recommendations regarding adjudicators,⁶ this Recommendation
17 addresses officials who preside over (1) hearings governed by the formal hearing provisions of
18 the Administrative Procedure Act (APA)⁷ and (2) hearings that are not governed by those
19 provisions but are required by statute, regulation, or executive order. It also addresses officials
20 (agency heads excluded) who review hearing-level adjudicators' decisions on appeal. For ease of
21 reference, this Recommendation refers to the covered adjudicators as either "administrative law
22 judges" (ALJs) or "administrative judges" (AJs).⁸ Agencies may decide to include the
23 disclosures identified in this Recommendation about other adjudicators, depending on the level
24 of formality of the proceedings over which they preside and whether they serve as full-time
25 adjudicators. Agencies may also decide to make similar disclosures with respect to agency heads
26 if their websites do not already provide sufficient information.

27 This Recommendation is concerned with policies and practices relating to adjudicators
28 that agencies should disclose, including those addressing appointment and qualifications;
29 compensation (including salaries, bonuses, and performance incentives); duties and
30 responsibilities; supervision and assignment of work; position within agencies' organizational
31 hierarchies; methods of evaluating performance; limitations on ex parte communications and
32 other policies ensuring the separation between adjudicative and enforcement functions; recusal
33 and disqualification; the process for review of adjudications; and discipline and removal.

⁵ FOIA Improvement Act of 2016, Pub. L. No. 114-185, § 2, 130 Stat. 538, 538 (amending 5 U.S.C. § 552(a)(2)); E-Government Act of 2002, Pub. L. No. 140-347, § 206, 116 Stat. 2899, 2916 (amending 44 U.S.C. § 3501).

⁶ See, e.g., Admin. Conf. of the U.S., Recommendation 2018-4, *Recusal Rules for Administrative Adjudicators*, 84 Fed. Reg. 2139 (Feb. 6, 2019).

⁷ See 5 U.S.C. §§ 554, 556–557.

⁸ The vast majority of ALJs work at the Social Security Administration. AJs work at many different agencies under a variety of titles, including not only "Administrative Judge" but also, by way of example, "Hearing Officer," "Immigration Judge," "Veterans Law Judge," "Administrative Patent Judge," and "Administrative Appeals Judge."



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34 Many of the policies and practices applicable to ALJs governing these matters are already
35 publicly available because they reside in in the APA, Office of Personnel Management rules, and
36 other legal authorities.⁹ Nevertheless, agencies that employ ALJs can take steps to improve the
37 public's access to this information.

38 ALJs, in any case, make up a small portion of federal adjudicators. There are many more
39 AJs than ALJs.¹⁰ AJs are regulated by a complex mix of statutory provisions, including civil
40 service laws, agency rules codified in the *Code of Federal Regulations*, and agency-specific
41 policies that take a variety of forms. Many types of information about AJs reside in these
42 sources, but they may be difficult to find.¹¹ Some relevant sources may not be publicly available,
43 including internal administrative and personnel manuals, position descriptions, and labor
44 agreements. This is particularly true with respect to certain kinds of policies, such as those
45 relating to compensation and performance incentives.¹² Of course, the Administrative
46 Conference recognizes that some of these agency policies and practices may qualify for an
47 exemption under the Freedom of Information Act,¹³ Privacy Act,¹⁴ or other laws and executive-
48 branch policies.

49 Agency websites are the most helpful location for agencies to make relevant policies and
50 practices publicly available. Individuals most naturally seek information about administrative
51 policies and practices on agencies' websites. Agencies can situate information about their
52 adjudicators in a logical and easily identifiable place on their websites and structure their

⁹ 5 U.S.C. §§ 554, 557, 3105, 4301, 5372, 7521; 5 C.F.R. part 930, subpart B; Exec. Order No. 13,843, 83 Fed. Reg. 32,755 (July 13, 2018) (issued July 10, 2018).

¹⁰ Kent Barnett et al., *Non-ALJ Adjudicators in Federal Agencies: Status, Selection, Oversight, and Removal 1* (Sept. 24, 2018) (report to the Admin. Conf. of the U.S.), <https://www.acus.gov/report/non-alj-adjudicators-federal-agencies-status-selection-oversight-and-removal-1>.

¹¹ Leigh Anne Schriever, *Public Availability of Information About Adjudicators 10* (Nov. 23, 2020) (report to the Admin. Conf. of the U.S.).

¹² *Id.* at 7.

¹³ 5 U.S.C. § 552.

¹⁴ 5 U.S.C. § 552a.



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53 websites to synthesize policies in plain language and link to information from many different
54 sources.¹⁵

55 This Recommendation encourages agencies to provide clear and readily accessible
56 descriptions on their websites of the policies governing the appointment and oversight of ALJs
57 and AJs and to include links to relevant legal documents. How, exactly, they should do so will of
58 course depend on the specific features of their adjudicative programs and their institutional
59 needs.

RECOMMENDATION

- 60 1. Each adjudicative agency should prominently display on its website a short,
61 straightforward description of all generally applicable policies and practices governing
62 the appointment and oversight of ALJs and AJs, including, as applicable, those that
63 address:
 - 64 a. Procedures for assessing, selecting, and appointing candidates for adjudicator
65 positions and the legal authority under which the appointments are made;
 - 66 b. Placement of adjudicators within agencies' organizational hierarchies;
 - 67 c. Compensation structure and performance incentives, such as bonuses, non-
68 monetary awards, and promotions;
 - 69 d. Procedures for assigning cases;
 - 70 e. Assignment, if any, of non-adjudicative duties to adjudicators;
 - 71 f. Limitations on ex parte communications, including between adjudicators and
72 other agency officials, related to the disposition of individual cases, as well as
73 other policies ensuring a separation of adjudication and enforcement functions;
 - 74 g. Standards for recusal by and disqualification of adjudicators;
 - 75 h. Administrative review of adjudicators' decisions;
 - 76 i. Supervision of adjudicators by higher-level officials;

¹⁵ Cf. Admin. Conf. of the U.S., Recommendation 2017-3, *Plain Language in Regulatory Drafting*, 82 Fed. Reg. 61,728 (Dec. 29, 2017).



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- 77 j. Evaluation of adjudicators, including quantitative and qualitative methods for
78 appraising adjudicators' performance, such as case-processing goals, if any; and
79 k. Discipline and removal of adjudicators.

80 Agencies may choose not to provide access to policies covered by a Freedom of
81 Information Act exemption or may be required not to disclose information otherwise
82 protected by law.

83 2. On the same webpage as the information described in Paragraph 1 appears, each
84 adjudicative agency should provide links to key legal documents or, when links are not
85 available, citations to such documents. These documents may include (a) federal statutes,
86 including relevant provisions of the APA and other laws applicable to ALJs and AJs; (b)
87 agency-promulgated rules regarding adjudicators, including Office of Personnel
88 Management rules applicable to ALJs; (c) publicly available agency-promulgated
89 guidance documents relating to adjudicators, including manuals, bench books, and other
90 explanatory materials; and (d) delegations of authority. To the extent that some policies
91 concerning adjudicators may be a matter of custom, such as assignment of non-
92 adjudicative duties, each adjudicative agency should consider documenting those policies
93 in order to make them publicly accessible to the extent practicable.

94 3. The webpage containing the information described in Paragraphs 1 and 2 should present
95 the materials in a clear, logical, and comprehensive fashion. One possible method of
96 presenting this information appears in Appendix A. The appendix gives one example for
97 ALJs and another for AJs.

98 4. If an agency's mission consists exclusively or almost exclusively of conducting
99 adjudications, the agency should provide a link to the webpage containing the
100 information described in Paragraphs 1 and 2 on the agency's homepage. If conducting
101 adjudications is merely one of an agency's functions, the agency should provide a link to
102 these materials from a location on the website that is both dedicated to adjudicative
103 materials and logical in terms of a user's likelihood of finding the documents in the
104 selected location. One example would be an enforcement or adjudication page or the
105 homepage for the component in which a particular category of adjudicators works.



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106 Citations to agency webpages that currently provide this information in a way that makes
107 it easy for the public to locate, as well as descriptions of how to find those pages on
108 agency websites, appear in Appendix B.



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APPENDIX A

109 **Sample Website Text for Administrative Law Judges**

110 **About Our Administrative Law Judges**

111 Administrative Law Judges (ALJs) at [agency name] conduct hearings and decide cases under
112 [insert name of authorizing act]. They are part of the [agency component in which ALJs are
113 located], which is directed by [title of office head] and has offices in [cities]. Visit [link to
114 agency organization chart] to see how [office] relates to other offices at [agency].

115 [Agency name] is committed to ensuring that all hearings and appeals are conducted in a fair and
116 equitable manner. Parties are entitled to a due process hearing presided over by an impartial,
117 qualified ALJ. ALJs resolve cases involving [kinds of cases ALJs hear] in a fair, transparent, and
118 accessible manner. Our ALJs are appointed by [agency official], and are [describe
119 qualifications]. ALJs are paid according to the [pay scale for ALJs with [link to the scale](#)] scale
120 (with [cost-of-living adjustments](#) for ALJs' locations) set by another agency, the Office of
121 Personnel Management.

122 Cases are assigned to ALJs [in each geographic office] in rotation so far as practicable. The ALJ
123 assigned to your case is responsible for [job duties, like taking evidence, hearing objections,
124 issuing decisions]. ALJs are required by statute to perform their functions impartially. 5 U.S.C.
125 § 556(b). To ensure impartiality, they do not take part in investigative or enforcement activities,
126 nor do they report to officials in the [agency]'s investigative or enforcement components. 5
127 U.S.C. §§ 554(d); 3105. The ALJ assigned to your case may not communicate privately about
128 the facts of your case with other agency officials. [More details on [agency name]'s rules about
129 communicating with ALJs are available [location of agency-specific ex parte prohibitions]].

130 By law, [agency] does not reward or discipline ALJs for their decisions. [Agency] does not
131 evaluate ALJs' performance and can only discipline or remove an ALJ from office if another



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132 agency, the Merit Systems Protection Board, decides after a hearing that good cause supports
133 doing so. 5 U.S.C. §§ 4301, 7521.

134 The agency has adopted rules of recusal [link] that allow a participant to request that the ALJ in
135 charge of his or her case be disqualified if the participant believes the ALJ cannot fairly and
136 impartially decide the cases.

137 If you are dissatisfied with an ALJ's decision, you can request reconsideration from the ALJ or
138 appeal that decision to [agency office/official]. Visit [link] for information on appealing an ALJ
139 decision. [Agency office/official] may also review your case on [its/his or her] own initiative if
140 there is an issue with the ALJ's decision.

141 ***For Further Information:***

- 142 • Hiring process: [link]
- 143 • Pay rates: [link]
- 144 • How cases are assigned to ALJs: [link]
- 145 • Communicating with ALJs (ex parte communications): [link]
- 146 • Process for addressing allegations that an ALJ has a conflict of interest (recusal and
147 disqualification procedures): [link]
- 148 • How to appeal an ALJ decision: [link]
- 149 • Case processing goals: [link]
- 150 • Process for addressing allegations of ALJ misconduct: [link]

151 ***See also:***

- 152 • Statutory provisions governing ALJs: 5 U.S.C. §§ 554, 557, 3105, 4301, 5372, 7521
- 153 • OPM's regulations governing ALJs: 5 C.F.R. §§ 930.205, 930.206, 930.207, 930.211
- 154 • MSPB's regulations governing ALJs: 5 C.F.R. §§ 1201.127–1201.142
- 155 • [Additional legal provisions governing ALJs]



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- 156 • Executive Orders pertaining to ALJs: [EO 13,843](#) (giving agencies control over the hiring
157 process of ALJs) [add other pertinent EOs]



158 **Sample Website Text for Administrative Judges**

159 *If agencies have different kinds of adjudicators, they should consider providing a separate*
160 *webpage for each.*

161 **About Our [Insert Adjudicator Title]**

162 [Adjudicator title] at [agency name] [conduct hearings and decide cases/review appeals] under
163 [name of authorizing act(s)]. They are part of the [agency component in which adjudicators are
164 located], which is directed by [title of office head] and has offices in [cities]. Visit [link to
165 agency organization chart] to see how [office] relates to other offices at [agency].

166 [Agency name] is committed to ensuring that all hearings and appeals are conducted in a fair and
167 equitable manner. Parties are entitled to a due process hearing presided over by an impartial,
168 qualified [adjudicator title]. [Adjudicator title] resolve cases involving [kinds of cases] in a fair,
169 transparent, and accessible manner. Our [adjudicator title] are appointed pursuant to [authorizing
170 statute] by [agency official] [for terms of [number of years] years], and are [describe
171 qualifications]. [Adjudicator title] are paid according to the [pay scale for adjudicator with link to
172 the scale] scale set [by another agency, the Office of Personnel Management/by [agency title]],
173 and they [are/are not] eligible to receive bonuses or other performance incentives.

174 Cases are [describe how cases are assigned]. The [adjudicator title] assigned to your case is
175 responsible for [job duties, like taking evidence, hearing objections, issuing decisions].
176 [Description of policies (if any exist) that ensure the agency component or adjudicators remain
177 independent from investigative or enforcement activities]. [Description of rules about ex parte
178 communications, if any exist].

179 [Agency official or body] is responsible for evaluating the quality of [adjudicator title] decisions,
180 and [agency official or body] conducts performance reviews of [adjudicator title]. [Agency
181 official/entity from another agency] may remove the [adjudicator title] or [agency official or
182 body/other entity] may discipline the [adjudicator title] by [kinds of discipline] when warranted.



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183 The agency has adopted rules of recusal [link] that allow a participant to request that the
184 [adjudicator title] in charge his or her case be disqualified if the participant believes the
185 [adjudicator title] cannot fairly and impartially decide the case.

186 If you are dissatisfied with an [adjudicator title] decision, you can request reconsideration from
187 the [adjudicator title] or appeal that decision to [agency office/official]. Visit [link] for
188 information on appealing an [adjudicator title] decision. [Agency office/official] may also review
189 your case on [its/his or her] own initiative if there is an issue with the [adjudicator title]'s
190 decision.

191 ***For Further Information:***

- 192 • Hiring process: [link]
- 193 • Pay rates: [link]
- 194 • Bonuses and performance incentives: [link]
- 195 • How cases are assigned to [adjudicator title]: [link]
- 196 • Communicating with [adjudicator title] (ex parte communications): [link]
- 197 • Process for addressing allegations that an [adjudicator title] has a conflict of interest
198 (recusal and disqualification procedures): [link]
- 199 • How to appeal an [adjudicator title] decision: [link]
- 200 • Case processing goals: [link]
- 201 • Process for addressing allegations of [adjudicator title] misconduct: [link]

202 ***See also:***

- 203 • Statutory provisions regarding [adjudicator title], including the appointment authority:
204 [statutory citations]
- 205 • Agency regulations governing [adjudicator title]: [C.F.R. provisions]



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APPENDIX B

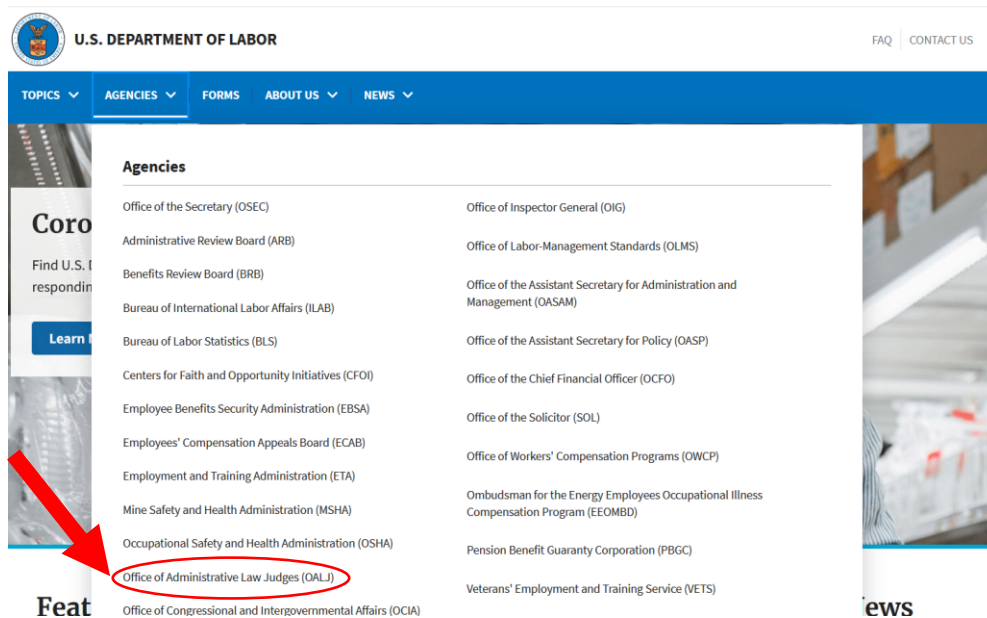
206 *Example 1 – Department of Labor’s Office of Administrative Law Judges*

207 The website of the Office of Administrative Law Judges provides an example of how agencies
208 can intuitively place information about adjudicators on their websites in plain-language text with
209 citations. It is easy to find because a link to it is placed on the home page for the Office of
210 Administrative Law Judges.

211 Citation: *About the Office of Administrative Law Judges*, U.S. DEP’T OF LABOR,
212 <https://www.dol.gov/agencies/oalj/about/ALJMISSN> (last visited Nov. 9, 2020).

213 How to Find:

- 214 1. Go to the Department of Labor Website (www.dol.gov) and click on the “Agencies Tab,”
215 which should bring up a drop-down menu. Click on “Office of Administrative Law
216 Judges (OALJ).”

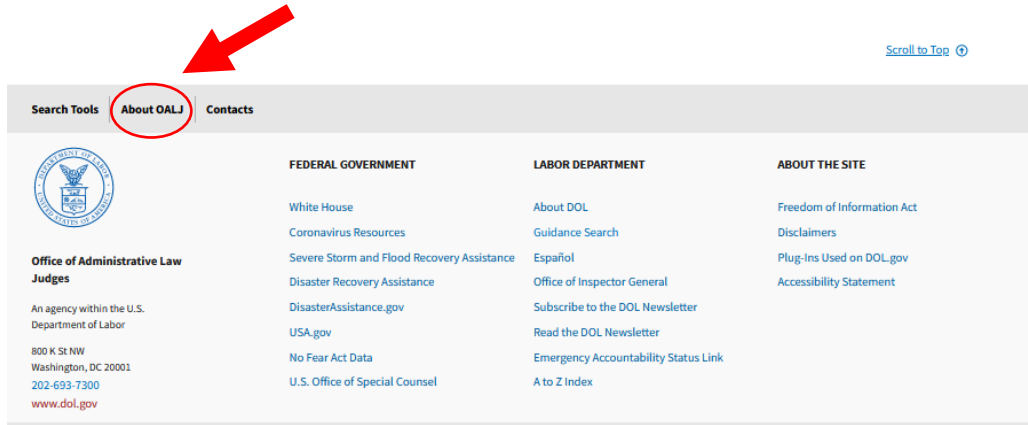


217



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218 2. Scroll down to the bottom of the OALJ page and click on “About OALJ.”



219

220 3. The “About the Office of Administrative Law Judges” page includes information about
221 the locations of administrative law judges (ALJs), the authority under which they are
222 appointed, and the kinds of cases heard by ALJs.



223



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224 *Example 2 – Department of Health and Human Service’s Office of Medicare Hearings and*
225 *Appeals*

226 The website of the Office of Medicare Hearings and Appeals shows a clear and intuitive way
227 agencies can organize information about adjudicators. The link to the “About OMHA” page is
228 easy to find from the main page for the Office of Medicare Hearings and Appeals, which
229 contains a link to it.

230 Citation: *About OMHA*, U.S. DEP’T OF HEALTH & HUMAN SERVS.,
231 <https://www.hhs.gov/about/agencies/omha/about/index.html> (last visited Nov. 9, 2020).

232 How to Find:

- 233 1. Go to the main page for OMHA (<https://www.hhs.gov/about/agencies/omha/index.html>)
234 and click on “About OMHA” on the left side.

The screenshot shows the top navigation bar with links for About HHS, Programs & Services, Grants & Contracts, and Laws & Regulations. Below this is a breadcrumb trail: Home > About > Agencies > Office of Medicare Hearings & Appeals (OMHA). The main content area is titled 'Office of Medicare Hearings and Appeals (OMHA)' and includes a description of the agency's role. A left sidebar contains several menu items: 'The Appeals Process', 'Filing an Appeal', 'About OMHA' (circled in red with a red arrow), 'Contact OMHA', and 'Work for Us'. Below the main content area, there is a section titled 'OMHA OPERATIONS DURING THE COVID-19 PANDEMIC' with detailed text about the agency's operations during the pandemic.

235



- 236 2. The “About OMHA” page includes information about what cases ALJs at OMHA hear
- 237 and the organization of the agency.

Text Resize A A A
Print
Share

Office of Medicare Hearings and Appeals (OMHA)

The Appeals Process +

Filing an Appeal +

About OMHA -

Organizational Chart

Leadership

Workload Information and Statistics

Health Data Sets

Special Initiatives

Settlement Conference Facilitation

Statistical Sampling

Appellant Forums

Contact OMHA

Work for Us

About OMHA

The Office of Medicare Hearings and Appeals (OMHA) is responsible for [Level 3 of the Medicare claims appeal process](#); certain [Medicare entitlement appeals](#); [Part B](#) and Part D premium appeals.

OMHA was created by the Medicare Modernization Act of 2003 to simplify the appeals process and make it more efficient. During an appeal, an OMHA Administrative Law Judge or attorney adjudicator conducts a new (“de novo”) review of an appellant’s case and issues a decision based on the facts and the law.

The Chief Administrative Law Judge leads the entire agency, which consists of six field offices and a headquarters office. Each field office includes many Administrative Law Judges and attorney adjudicators who are overseen by an Associate Chief Administrative Law Judge. Appeals are assigned to these adjudicators by a Centralized Docketing Division in accordance with standardized procedures.

[Contact information for each OMHA field office is available.](#)

Operating Plan

Office of Medicare Hearings and Appeals (OMHA)

Operating Plan for FY 2015 - 2016 (Dollars in Millions)

| Activities | FY 2015 | FY 2016 |
|------------|---------|---------|
| OMHA | 87.381 | 107.381 |
| OMHA Total | 87.381 | 107.381 |

Organizational Chart

See how our office is structured and find information on key personnel.

Workload Information and Statistics

Find data about OMHA’s current workload, including decision statistics and average processing time.

Health Data Sets

Find data sets on receipts by fiscal year, appeal category, procedure, and state.

Special Initiatives

Learn how OMHA is working to improve the Medicare appeals process through pilot programs and other special initiatives.

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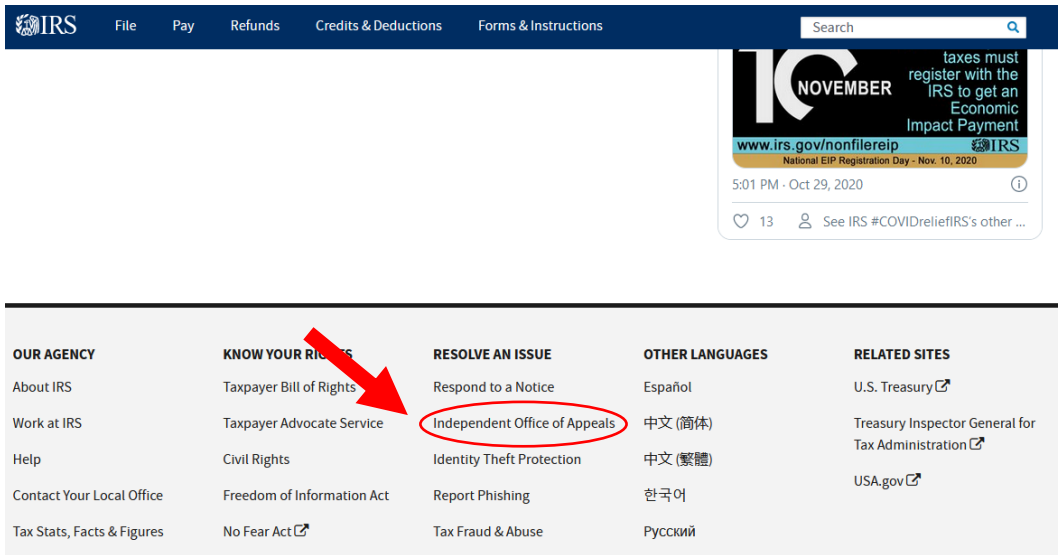
239 Example 3 – Internal Revenue Service’s Independent Office of Appeals

240 The website of the Independent Office of Appeals presents an example of how agencies can use
 241 website text to reassure the public about their adjudicators’ independence and impartiality in
 242 plain language. The IRS website has a link to the Independent Office of Appeals webpage on its
 243 main page. The first sentence of the Office’s homepage includes a hyperlink to a page containing
 244 more information about its adjudications, including details about ex parte communications and
 245 the separation of adjudicative functions from other agency functions.

246 Citation: *Appeals – An Independent Organization*, I.R.S., [https://www.irs.gov/appeals/appeals-](https://www.irs.gov/appeals/appeals-an-independent-organization)
 247 [an-independent-organization](https://www.irs.gov/appeals/appeals-an-independent-organization) (last visited Nov. 9, 2020).

248 How to Find:

- 249 1. Go to the IRS’s home page (www.irs.gov) and scroll down to the bottom. Click on
 250 “Independent Office of Appeals.”



251



252 2. Click on “Independent Office of Appeals” in the first sentence on the webpage.

Appeals

English | Español | 中文(简体) | 中文(繁體) | 한국어 | Русский | Tiếng Việt | Kreyòl aisyen

Interactive Tax Assistant

Tools

Report Phishing

Fraud/Scams

Notices and Letters

Appeals

Considering an Appeal

Requesting an Appeal

What to Expect

Frequently Asked Questions

Accessibility

Contact an International IRS Office

Tax Topics

Other Languages

Coronavirus (COVID-19) Impact on Appeals Cases

We appreciate your patience and understanding during this time. If you have questions about your case, contact your assigned Appeals Office by phone. Please see our latest update on [In-person conferences](#).

The IRS **Independent Office of Appeals** is here to resolve disputes, without litigation, in a way that is **fair and impartial to the government and to you**.

About Your Appeal

- Considering an Appeal
- Requesting an Appeal
- What to Expect
- Appeals Functions & Contacts [PDF](#)

Special Case Procedures

- Innocent Spouse
- Mediation Programs
- Rejected Offers in Compromise
- Penalty Appeals
- Art Appraisal Services

Forms, Videos and Podcasts

- Online videos and podcasts of the Appeals process
- Forms and publications about your appeal rights

Other Items of Interest

- ATCL Conferencing Initiative completed May 1, 2020 [PDF](#)
- Virtual Face-to-Face Conferences (Webex)
- Independent Office of

253

254 3. The “Appeals – An Independent Organization” page includes information about the
255 agency’s relationship with other agency components and provides an explanation about
256 the rules around ex parte communications.

Appeals – An Independent Organization

English | Español | 中文(繁體) | 한국어 | Русский | Tiếng Việt

Interactive Tax Assistant

Tools

Report Phishing

Fraud/Scams

Notices and Letters

Appeals

Considering an Appeal

Requesting an Appeal

What to Expect

Frequently Asked Questions

Accessibility

Contact an International IRS Office

Tax Topics

Other Languages

Appeals is separate and independent from the IRS Examination and Collection functions that make tax assessments and initiate collection actions. Our mission is to resolve tax controversies:

- Without litigation
- On a basis which is fair and impartial to both the Government and you, and
- In a manner that will enhance voluntary compliance and your confidence in the integrity and efficiency of the Service

Independence and impartiality are our most important core values, because our **independence protects our ability to make objective and impartial decisions**.

We safeguard the fairness of our tax system. You aren't required to request an appeal before going to court, but the appeals process is less formal, less costly and isn't subject to complex rules of evidence or procedure. In addition, you don't give up the right to go court by coming to Appeals.

We also offer services through our mediation programs. These programs are designed to help you resolve your dispute at the earliest possible stage in the audit or collection process.

What Ex Parte Means to You

In judicial proceedings, the term “ex parte” refers to a one-sided or partisan point of view received on behalf of or from one side or party only. Within the IRS, an ex parte communication is a communication between an Appeals employee and employees of other IRS functions—without you or your representative being given an opportunity to participate in the communication. Reinforcing our independence, certain ex parte communications are prohibited. For additional guidance related to the prohibition on ex parte communications, see [Revenue Procedure 2012-18](#).

Additional Information about Appeals

- If you have a dispute with the IRS and are thinking about appealing their decision, go to [Considering an Appeal](#) for information on whether Appeals may be the place for you.
- If you've decided to request an appeal, go to [Requesting an Appeal](#) to learn more about the process.
- For information on our policies, please refer to the [Fact Sheet – IRS Independent Office of Appeals](#) [PDF](#) and the related [Frequently Asked Questions](#) [PDF](#).
- For information on the structure of Appeals, refer to [Appeals Functions & Contacts](#) [PDF](#).

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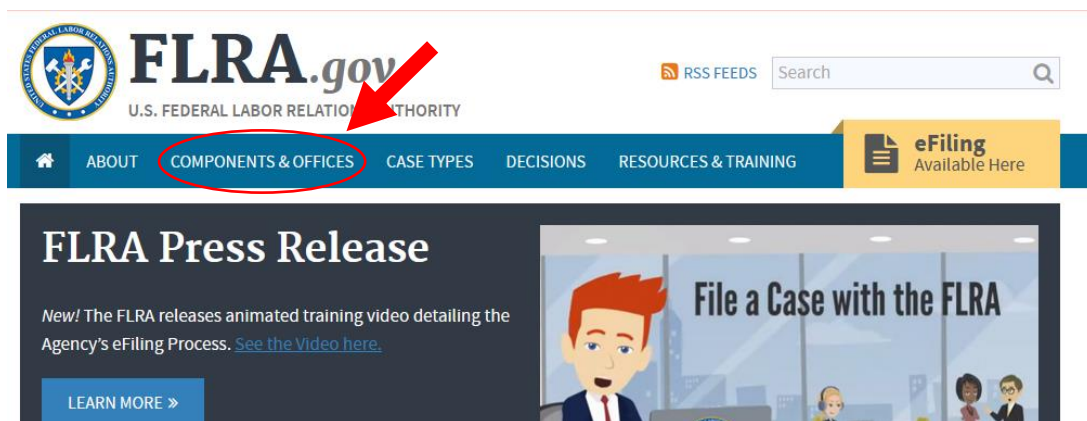
258 *Example 4 – Federal Labor Relations Authority*

259 The website of the Federal Labor Relations Authority provides a good example of how agencies
260 can create an easily-located page that is accessible from the main page and that provides
261 information about the appointment and job duties of the adjudicators.

262 Citation: *Office of Administrative Law Judges*, FED. LABOR RELATIONS AUTH.,
263 <https://www.flra.gov/components-offices/offices/office-administrative-law-judges> (last visited
264 Nov. 9, 2020).

265 How to Find:

266 1. Go to the FLRA website (www.flra.gov) and click on “Components & Offices.”



267



268 2. Click on “Office of Administrative Law Judges.”

Components & Offices

The FLRA is organized into three statutory components – the Authority, the Office of the General Counsel (OGC), and the Federal Service Impasses Panel (FSIP) – each with unique adjudicative or prosecutorial roles. The agency also provides full program and staff support to two other organizations – the Foreign Service Impasse Disputes Panel and the Foreign Service Labor Relations Board.

In This Section

COMPONENTS

- [The Authority](#)
- [Office of the General Counsel](#)
- [The Federal Service Impasses Panel](#)

OFFICES

- [Office of Administrative Law Judges](#)
- [Office of Case Intake and Publication](#)
- [Office of the Executive Director](#)
- [Office of Inspector General](#)
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FEATURED TOPICS

Is the FLRA hiring?
Find a listing of all of the FLRA's current job openings.

Contact Us
Find a listing of FLRA contacts that you can call for more information.

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270 3. The “Office of Administrative Law Judges” page includes information about office
 271 location, the authority for the appointment of ALJs, and descriptions of the kinds of cases
 272 ALJs hear.

Office of Administrative Law Judges

What we do

FLRA Administrative Law Judges conduct hearings and issue recommended decisions on cases involving alleged unfair labor practices. Administrative Law Judges also render recommended decisions involving applications for attorney fees filed under the Back Pay Act and the Equal Access to Justice Act.

The Authority appoints Administrative Law Judges under [§ 7105\(d\)](#) of the Federal Service Labor-Management Relations Statute.

To learn more, please see our page on [procedures](#) relevant to cases before Administrative Law Judges, and our page on the [Settlement Judge Program](#).

Contact information

Office of Administrative Law Judges
 Federal Labor Relations Authority
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 Washington, DC 20424
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