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State of South Carolina

Administrative Law Judge Division

C05

Marvin F. Kittrell
Chief Judge

H. Lee Smith
Clerk



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STATE DOCUMENTS

March 1, 1996

Office of State Budget
Attention: Donna Capps
1122 Lady Street, 12th Floor
Columbia, South Carolina 29201

Dear Ms. Capps:

Please find enclosed a diskette containing the WordPerfect file and one hard copy of the Accountability Report for FY 1994-95. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. Lee Smith".

H. Lee Smith

Agency Annual Accountability Report

C05 ADMINISTRATIVE LAW JUDGE DIVISION

MISSION STATEMENT: The Administrative Law Judge Division is an autonomous agency of the executive branch of State government, created by Act No. 181 of 1993, widely known as the "Restructuring Act." The provisions establishing the Division are contained in Article 5, Chapter 23 of Title 1 of the 1976 South Carolina Code of Laws. Its mission is to provide a neutral forum for fair, prompt and objective hearings for any person(s) affected by an action, or proposed action, of certain agencies of the State of South Carolina.

PROGRAM NAME: Administrative Law Hearings

PROGRAM GOAL: Provide a neutral forum for fair, prompt and objective hearings for any person(s) affected by an action, or proposed action, of certain agencies of the State of South Carolina.

PROGRAM OBJECTIVES: During FY 1994-95, tentative standards were developed to evaluate how promptly cases are heard and disposed. According to the general complexity of each case type, most matters should be disposed within 90, 120 or 180 days from the date of filing.

PERFORMANCE MEASURES:

Workload: Agency workload is generally measured in terms of the number of cases filed with the Division and the number of cases disposed or decided. The following table provides quarterly totals for filings and dispositions during FY 1994-95.

Quarter	Number of Cases Filed	Number of Final Decisions
July 1 -- September 30, 1994	146	97
October 1 -- December 31, 1994	133	87
January 1 -- March 31, 1995	181	132
April 1 -- June 30, 1995	260	186
TOTAL for FY 1994-1995	720	502

ADMINISTRATIVE LAW JUDGE DIVISION
 PERFORMANCE MEASURES (continued)

Outcomes: During FY 1994-95, sixteen specific case types were tracked. The sixteen case types are divided into three categories, based upon complexity and normal length of time to schedule hearings and prepare a final order. Seven case types are included in "Category I" and the objective is to dispose of most of these cases within 90 days, or to maintain an average age (between filing and disposition) of 90 days or less. Six case types are included in "Category II" and the objective is 120 days. Three case types are included in "Category III" and the objective is 180 days. The following table indicates for each case type and category the total number of cases disposed, the average age of those cases at the time of disposition, and the percentage of cases which were disposed within the tentative time frames. As with any adjudicatory process, there are various legitimate reasons for a particular case to require additional time; scheduling difficulties, complicated research efforts, motions for reconsideration, and other procedural delays might prevent cases from being disposed within the desired time frames.

	Total Number of Cases Disposed	Average Age at Disposition (in days)	% of Cases Disposed within Objective
Category I Case Types: Objective = 90 Days	329	66.2	83.6%
Wage disputes [LLR]	16	55.6	87.5%
Hunting/fishing license revocations/suspensions [DNR]	7	59.3	100.0%
Alcoholic beverage license applications/renewals [DOR]	218	66.4	82.9%
Alcoholic beverage license violations [DOR]	66	67.5	80.9%
Video games and bingo violations [DOR]	13	67.1	92.3%
State tax cases [DOR]	2	65.5	100.0%
Public hearings for proposed regulations	7	78.3	85.7%
Category II Case Types: Objective = 120 Days	107	100.8	73.8%
Health licensing cases [DHEC]	4	48.8	100.0%
OCRM cases [DHEC]	25	115.7	60.0%
Insurance rate cases [DOI]	61	100.6	75.4%
Coastal fisheries license revocations/suspensions [DNR]	2	90.5	100.0%
County property tax (real and personal) cases [DOR]	10	63.7	90.0%
Appeals of day-care or foster care license revocations [DSS]	5	147.6	60.0%
Category III Case Types: Objective = 180 Days	66	130.0	75.0%
Certificate of need cases [DHEC]	12	164.4	66.7%
Appeals from professional licensing boards [LLR]	15	128.8	73.3%
Environmental permitting cases [DHEC]	39	119.8	78.4%
ALL CASE TYPES	502	82.0	80.4%

NOTE: LLR: Dept. of Labor, Licensing and Regulation; DNR: Dept. of Natural Resources; DOR: Dept. of Revenue and Taxation; DHEC: Dept. of Health and Environmental Control; DOI: Dept. of Insurance; DSS: Dept. of Social Services.