

AGENCY NAME:	South Carolina Administrative Law Court		
AGENCY CODE:	C05	SECTION:	58

Fiscal Year 2015-16 Accountability Report

SUBMISSION FORM

AGENCY MISSION	<p>The Court’s 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 State agencies or departments. The purpose of an administrative court such as the ALC, is to separate the adjudicatory proceedings from the investigative and policy-making functions of the agency. Prior to the creation of the Court, citizens who had a dispute with a state agency and wanted to challenge any action related to the dispute had to appear before hearing officers employed or contracted by that particular agency. The creation of this Court provided a forum separate from the agency whose decision was in dispute. The Court places a very high value on its ability to be fair and neutral to all of the litigants that appear before the Court and on continuing efforts to improve its results.</p>
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AGENCY VISION	<p>The Court's vision is to provide a technologically advanced court, easily accessible by all customers and stakeholders, to ensure the fair, prompt and objective resolution of all cases.</p>
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Please state yes or no if the agency has any major or minor (internal or external) recommendations that would allow the agency to operate more effectively and efficiently.

RESTRUCTURING RECOMMENDATIONS:	None at this time
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Please identify your agency’s preferred contacts for this year’s accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Jana Shealy	734-6411	jshealy@scalc.net
SECONDARY CONTACT:	Margaret Sanders	734-6413	msanders@scalc.net

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I have reviewed and approved the enclosed FY 2015-16 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN AND DATE):	
(TYPE/PRINT NAME):	Ralph King Anderson, III, Chief Judge

BOARD/CMSN CHAIR (SIGN AND DATE):	
(TYPE/PRINT NAME):	

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AGENCY’S DISCUSSION AND ANALYSIS

The Administrative Law Court is in the Executive Branch and since its inception has evolved from an agency with 6 Administrative Law Judges (ALJ) and staff to an agency and court of record with an additional division, the Office of Motor Vehicle Hearings (OMVH), housing five (5) hearings officers and staff. The Court’s jurisdiction increased at a steady pace and the caseload increased almost twelve fold from its inception until 2015. Since last FY reporting, the number of cases has again decreased slightly. (In 1994, 720 cases were filed and in FY 15-16, 7,868 cases were filed). The Court now hears cases involving all state agencies except those arising under the Consolidated Procurement Code, the Public Service Commission and the Workers’ Compensation Commission. (See Age of Disposed Cases below for specific case types filed with the Court). Also, during this time, appeals of the Court’s decisions have moved from either the board or commission of the agency or the circuit court, directly to the appellate courts of the State. The Court has successfully managed this additional workload even during difficult budget cycles and staff vacancies due to reductions in appropriations. During the past several budget cycles, however, the Court has received new funding and revenue to offset many of those previous cuts.

The Chief Judge is statutorily responsible for the assignment of cases filed with the Court to an ALJ and is the Director of the OMVH where the cases are automatically assigned to a hearing officer based on specific geographic regions. The Chief Judge is also responsible for the administration of the Court and OMVH, including budgetary matters and supervision of the support staff. The other ALJs are individually responsible for efficiently disposing of cases assigned to them and for the supervision of his or her administrative assistant/law clerk. Although the Chief Judge is the administrator of the Court, each ALJ has complete autonomy over the cases he or she is assigned to adjudicate. Therefore, each ALJ and his or her law clerk are responsible for ensuring the fair and prompt disposition of the cases assigned to their office. There is no required uniformity among the judges’ offices nor are there requirements that mandate compliance with the timeframes or workflows.

During the past several years, the Court has reviewed and analyzed its main performance measure, the Age of Disposed Cases Chart and the disposal objectives for each case type. This analysis was necessary after years of using the same time frames, even though many of the proceedings have increased in complexity especially with the proliferation of the motion practice before the Court. Therefore, in this year’s report, the Court has incorporated its revised objectives and timeframes for disposal of cases. With the adoption of the new objectives, the format of the Chart has also been modified to a more user friendly version where the Agency below is more readily identifiable and the user can see which cases are heard as contested cases and which cases are heard on appeal. A few of the case types have remained in the same category as previously identified where others have moved. For instance, Health Licensing cases (such as issues involving Nursing Homes) have moved from the 120 Day Objective to the 180 Day Objective but Wage Disputes from LLR and DOR alcohol applications have remained in the 90 Day Objective. Also, there is a new timeframe, a 300 Day Objective, that includes four of the Court’s most complex and time-consuming cases. Even though the Court’s current structure, with six autonomous judges’ offices, remains unchanged and there is therefore no direct centralized oversight of case disposition processes, the new objectives along with the upgrade in technology have been tremendous assets to the Court in the management of its caseload and performance measures. (See Age of Disposed Cases Chart and Line Graphs for improvement in percentage of cases meeting the objectives).

The Court’s future goals remain the development of an electronic filing system and the reduction of paper files retained by the Court. As is true for most courts, improvements in its speed of filing and access to information, which is enhanced by technological advancements, will increase a court’s efficiency in processing and disposing

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of cases. This will be a multi-step process involving review of our data (classification), retention policies, electronic records and destruction of records, as well as budget and procurement issues related to electronic filing. The Court is continuing efforts to meet its strategic goal to develop technology improvements to increase the Court’s efficiency and the public’s access to information. With last year’s additional funding, the Court is now able to prioritize IT security and ensure the confidentiality of all sensitive data while providing a stable web presence for the agency and making sure data records are available to the general public. It is one of the Court’s strategic goals to stay on the cutting edge of technology. The Court recognizes that all employees can play a major role in contributing to cyber security. The IT staff has developed an internal intranet site that provides helpful information regarding our internal processes. This includes useful tools to make sure all users have the necessary knowledge and know how to recognize and respond to cyber intrusion. To further emphasize the importance of IT security, the following motto has been adopted by IT staff and is posted on the Court’s intranet site: "At SCALC we care we’re security aware!"

AGENCY’S RISK ASSESSMENT AND MITIGATION STRATEGIES

The ALC is an agency and court of record pursuant to S.C. Code Section 1-23-500. Proceedings before the ALC are those in which the right to a hearing is provided by Title 1, Chapter 23 of the South Carolina Code, is specifically required by other statutes or regulations or is required by due process under the South Carolina or United State Constitution. Therefore, the greatest negative impact on the public if the ALC were to fail to accomplish or meet its goals and objectives would be the denial of the statutory or constitutional right to due process for its litigants; including citizens, agencies and other stakeholders.

There are several possible scenarios where the ALC would potentially seek outside assistance to mitigate any such negative impact on the public. First, there is always the potential for the Court’s caseload or jurisdiction to increase to the point that it would be unable to maintain its current level of disposition of cases. It would then look to the General Assembly for additional operational and/or staffing resources. Although the Court could also seek to increase its filing fees, it would prefer to request the increase in state funding. As a follow-up to the issue regarding source of funding, since we are heavily reliant on revenue for operation of the Court, if we saw a significant decrease in the number of cases filed (particularly at the OMVH level) the Court could potentially request that the loss of revenue be offset by an increase in annual appropriations as well.

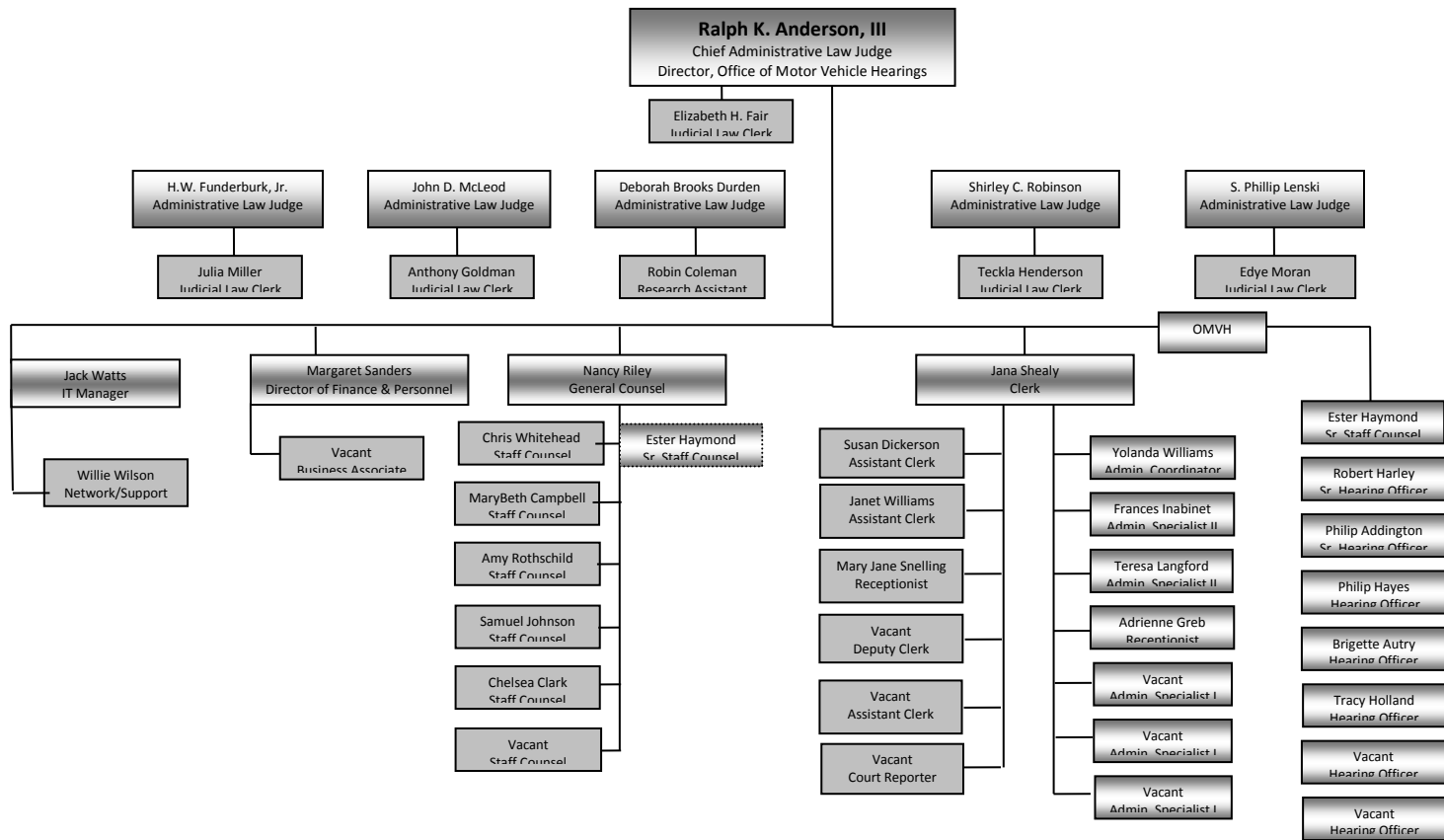
Another potential impact on the Court, as with any agency or department, would be a threat from a natural disaster, terrorist attack (cyber or physical) or even an isolated attack from an individual. The Court currently has a comprehensive security system complete with a full time Bureau of Protective Services officer on the premises, video cameras and card reader entry to its offices. Although no system is 100% secure 100% of the time, due to the implementation of IT security policies and procedures directed by the General Assembly and the Department of Administration, the Court’s information is secure on site as well as with back-up to the DIT’s data center. Should a natural disaster or attack occur, the Court would also of course rely on outside agencies, such as appropriate law enforcement and first responders to assist in the Court’s recovery.

There are several current appropriate options for the General Assembly and the Court to utilize to mitigate the risks assessed above. First, every year the Court goes before their respective subcommittees in the House Ways and Means and Senate Finance to discuss this report in the presentation of its budget plan for the upcoming fiscal year. Further each agency is subject to annual audits pursuant to S.C. Code Section 11-7-20. Also, the House and Senate have the ability to conduct oversight review of agencies pursuant to S.C. Code Section 2-2-5 et seq. In addition, the Department of Administration has a number of initiatives where state agencies must

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comply or provide information to them which could be used to assess and mitigate risks that may negatively impact the public by the Court's inability to effectively achieve its mission.

The ALC has no specific restructuring recommendations at this time.



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ALC (Only) Age of Disposed Cases Chart		Total Disposed	Avg. Age	% Meeting
Agency I. Contested Cases Objective = 90 Days		136	87	71
DNR	Hunting/Fishing Violations [ALC CC 90]	6	69	67
DOR	ABC Applications/Renewals [ALC CC 90]	59	75	83
LLR	Wage Disputes [ALC CC 90]	1	209	0
LLR	OSHA Violations [ALC CC 90]	19	144	42
ANY	Injunctive Relief Hearings [ALC IJ 90]	17	70	71
ANY	Public Hearings for Proposed Regulations [ALC RH 90]	27	87	74
ANY	Subpoenas	3	22	100
ANY	Miscellaneous	4	107	25
Agency II. Contested Cases Objective = 120 Days		62	213	53
DCA	Applications/Violations [ALC CC 120]	3	123	67
DNR	Coastal Fisheries Violations [ALC CC 120]	3	91	100
DOI	Insurance Agent Applications [ALC CC 120]	--	--	--
DOI	Insurance Rate Cases [ALC CC 120]	--	--	--
DOR	ABC violations [ALC CC 120]	54	228	50
SLED	CWP/PI/Security License [ALC CC 120]	2	123	50
Agency III. Contested Cases Objective = 180 Days		105	172	67
ANY	Setoff Debt Collection [ALC CC 180]	3	154	100
ANY	Tourism Expenditure Review [ALC CC 180]	--	--	--
DHEC	Health Licensing Cases [ALC CC 180]	16	131	75
DNR	Boating Under the Influence [ALC CC 180]	6	95	100
DOI	Insurance Agent Violations [ALC CC 180]	4	301	50
DOR	Bingo Violations [ALC CC 180]	9	202	56
DOR	County Property Tax [ALC CC 180]	48	186	63
DOT	Outdoor Adv./DBE/Displacement & Disqualification	3	191	67
PEBA	State Retirement Systems [ALC CC 180]	12	168	58
SOS	Charities [ALC CC 180]	4	109	75
Agency IV. Contested Cases Objective = 300 Days		64	339	63
DHEC	Certificate of Need [ALC CC 300]	5	111	100
DHEC	Environmental Permitting [ALC CC 300]	12	313	67
DHEC	Ocean and Coastal Resource Management [ALC CC 300]	7	408	29
DOR	State Tax Cases [ALC CC 300]	40	364	63
Agency V. Appeals Objective = 120		84	116	62
DEW	Employment and Workforce Appeals [Appeals from DEW]	84	116	62
Agency VI. Appeals (Other non-inmate) Objective = 180		92	200	55
HHS	Medicaid and Provider Appeals [Appeals (all others) 180]	10	362	20
DOA	Employee Grievance Appeals [Appeals (all others) 180]	9	162	56
Any	Charter School Appeals [Appeals (all others) 180]	--	--	--
CJA	Criminal Justice Academy Appeals [Appeals (all others)]	3	143	33
OMVH	Driver's License Suspensions/Ignition Interlock Appeals	25	177	68
LLR	Prof. Licensing Board Appeals [Appeals (all others) 180]	11	258	45
DSS	Daycare/Fostercare Appeals, SNAP (FI) [DSS]	27	158	67

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PEBA	Employee Insurance Program Appeals	7	195	43
Agency VII. Appeals (Inmate) Objective = 180 days		887	85	93
DOC	Inmate grievances [DOC & PPPS]	887	85	93
ALL CASE TYPES		1430	118	82
ALL CASE TYPES excluding inmate grievances		543	171	63

COMBINED COURT AND OMVH WORKLOAD SINCE 2009

FISCAL YEAR	COURT	OMVH	TOTAL CASES FILED	COURT	OMVH	TOTAL FINAL DECISIONS
FY 09-10	1955	6577	8,532	1591	5222	6,813
FY 10-11	1945	6786	8,731	1986	6760	8746
FY 11-12	1733	6939	8,671	1886	7501	9387
FY 12-13	1472	6776	8,248	1497	6678	8,175
FY 13-14	1698	6863	8,561	1776	6777	8,553
FY 14-15	1615	6796	8,411	1771	6627	8,398
FY 15-16	1483	6385	7,868	1430	6568	7,998

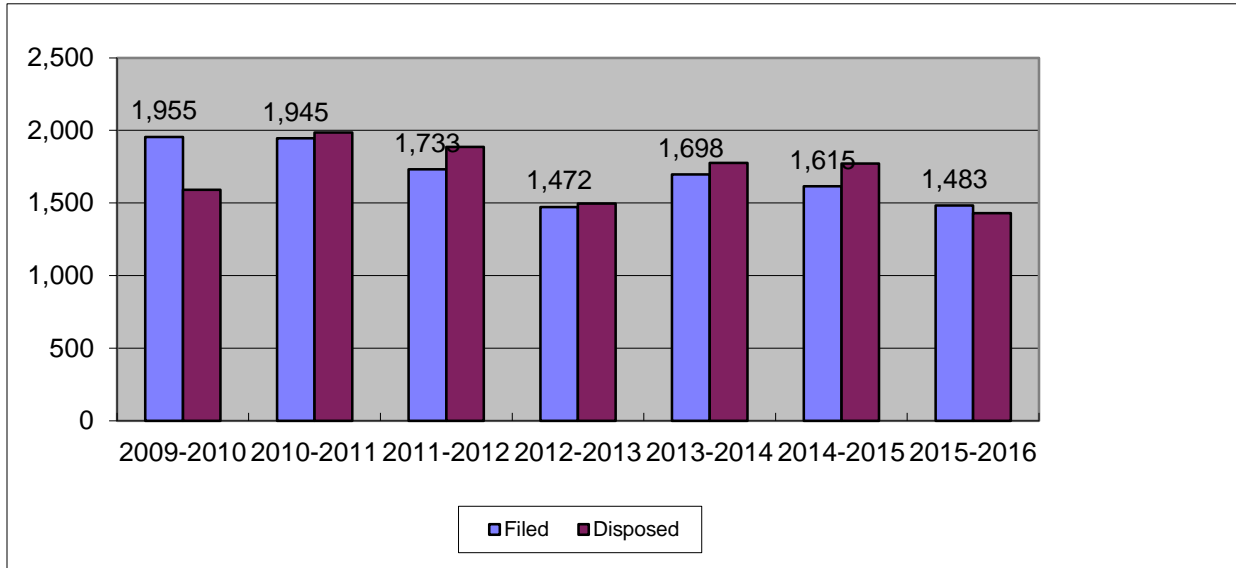
COURT'S WORKLOAD REPORT SINCE 2009

FISCAL YEAR	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/ Furtick Appeals</u>	TOTAL CASES FILED	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/ Furtick Appeals</u>	TOTAL FINAL DECISIONS
FY 09-10	838	1,117	1,955	492	1,099	1,591
FY 10-11	750	1,195	1,945	924	1,062	1,986
FY 11-12	643	1,090	1,733	627	1,259	1,886
FY 12-13	567	905	1472	559	938	1497
FY 13-14	636	1,062	1,698	670	1106	1776
FY 14-15	594	1,021	1,615	655	1116	1771

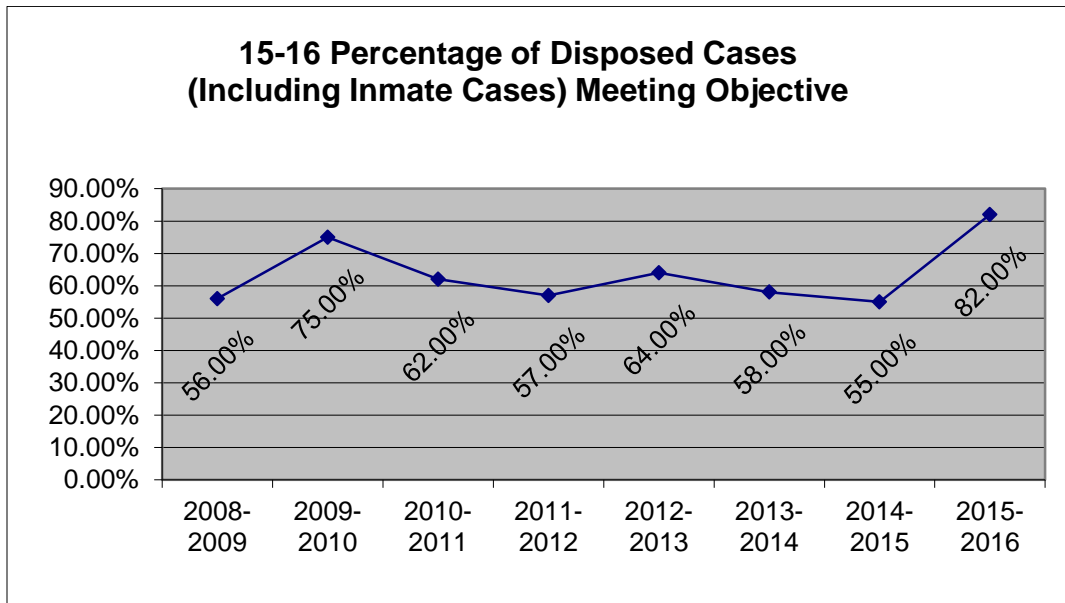
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FY 15-16	506	977	1,483	543	887	1,483
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FILINGS AND DISPOSITIONS FOR THE COURT (EXCLUDING OMVH) SINCE 2009

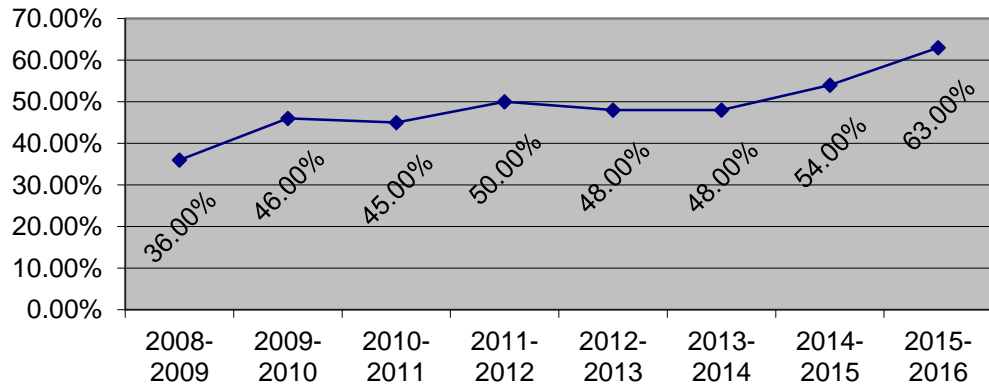


DISPOSITION PERCENTAGES FOR THE COURT (EXCLUDING OMVH) SINCE 2008



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**15-16 Percentage of Disposed Cases
(Excluding Inmate Cases) Meeting Objective**



OMVH WORKLOAD REPORT FOR CURRENT YEAR 2015-2016

Case Type #	Description	CASES FILED	FINAL DECISIONS
01	Implied Consent or BAC	6197	6332
02	Habitual Offender 1 st Declared	52	71
03	Habitual Offender Reduction	42	51
04	Financial Responsibility	31	45
05	Dealer Licensing	9	7
06	Physical Disqualification	8	8
07	IFTA	7	9
08	Self-Insured	0	0
09	Driver Training School	0	0
10	IRP	1	1
11	Miscellaneous	4	4
12	Points Suspension	6	8
13	HOR 2	7	5
14	IID (Ignition Interlock)	31	27
TOTAL		6385	6568

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OMVH WORKLOAD REPORT FOR FY 2014-2015

Case Type #	Description	CASES FILED	FINAL DECISIONS
01	Implied Consent or BAC	6594	6447
02	Habitual Offender 1 st Declared	63	45
03	Habitual Offender Reduction	44	33
04	Financial Responsibility	45	45
05	Dealer Licensing	7	8
06	Physical Disqualification	12	9
07	IFTA	11	15
08	Self-Insured	0	0
09	Driver Training School	0	1
10	IRP	1	5
11	Miscellaneous	4	5
12	Points Suspension	8	12
13	HOR 2	5	2
14	IID (Ignition Interlock)	2	0
TOTAL		6796	6627

FILINGS AND DISPOSITIONS FOR THE OMVH SINCE 2006

