

**Testimony of Christina Jackson,
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Before the D.C. Council Committee on Public Works & Operations
Performance Oversight Hearing: Office of Administrative Hearings
February 24, 2026**

Introduction

The Washington Council of Lawyers submits this testimony outlining the additional resources and operational improvements the Office of Administrative Hearings (“OAH”) requires to fulfill its obligation to properly administer justice for the District residents it serves.

Washington Council of Lawyers was founded in 1971 and today remains the only voluntary bar association in the District of Columbia solely dedicated to promoting pro bono service and public-interest law. We have over 450 dues-paying members and connect with more than 11,000 other public-interest-minded legal professionals and law students through our communications, events, and trainings. Our members work at small and large law firms, corporate legal offices, local and federal government agencies, law schools, legal services providers, and policy organizations. Together we strive to ensure that our legal system treats everyone fairly, regardless of money, position, or power.

OAH is an essential resource for District of Columbia residents who receive vital support from D.C. government agencies. While the local D.C. courts are often the focus of access-to-justice discussions in our city, it is at OAH where District residents generally must begin to address and resolve disputes about whether they have received appropriate government support and treatment in areas such as access to food stamps, economic assistance, healthcare benefits, unemployment insurance, education, rental assistance, and shelter.

OAH is designed to provide a fair and efficient means of resolving legal controversies in these critical areas of daily life. But the volume of cases presented at OAH each year is

staggering – over 44,000 in FY 2025. Filings are outpacing OAH’s capacity to handle them, with regular OAH practitioners citing delays in case initiation and disposition. In our view, and given the human stakes involved, access to justice at OAH requires increasing staff to sufficient levels to ensure the most efficient resolution of the cases before it. We also hope that the Council and others will carefully examine OAH’s case processing procedures to identify areas that might be impeding efficient case adjudication. Our testimony will also address the OAH final order database and the OAH Resource Center.

OAH Needs More Staffing to Handle a Significant Increase in Caseload

In her testimony a year ago before this Committee, Chief Administrative Law Judge M. Colleen Currie candidly acknowledged that despite the increased use of technology, “OAH has struggled to manage [caseload] increases for multiple reasons, central of which is insufficient staffing levels.”¹ In her Budget Oversight Hearing testimony a few months later, she emphasized that “as it currently stands, OAH does not have sufficient staff to process and adjudicate its caseload in a timely manner.”² As she explained:

OAH currently has 36 ALJs and 39 Clerks Office staff members who work directly on cases - not nearly enough to address current caseloads, let alone address backlogs. Given current caseload trends, OAH will be in the same position at the end of Fiscal Year 2025 and in Fiscal Year 2026. *To put it bluntly, OAH is simply beyond capacity* (emphasis added).³

The situation is currently worsening, with the highest number of cases in OAH's history. In FY 2025, 44,305 cases were opened, a 31% increase over the FY 2024 numbers

¹ Testimony of M. Colleen Currie, Fiscal Year 2024 Performance Oversight Hearing, February 6, 2025, at 2.

² Testimony of M. Colleen Currie, FY 2026 Budget Oversight Hearing, June 6, 2025 (“Budget Testimony”), at 3.

³ Budget Testimony at 4.

(33,477 cases).⁴ Moreover, as of September 30, 2025, of the 37 Administrative Law Judge (“ALJ”) positions, five were vacant.⁵

This is particularly troubling given that OAH has experienced a steady increase in appeals that relate to critical benefit programs such as Medicaid, the Supplemental Nutrition Assistance Program, and Temporary Assistance for Needy Families, as well as shelter cases. For example, in FY 2024, OAH opened 3,790 cases from the Department of Human Services, while in FY 2025, the number jumped to 5,171. As OAH explained in its Annual Report, these appeals decreased during the pandemic due to moratoria against the suspension, reduction, or termination of public benefits, but when the moratoria expired, case filings increased. According to OAH, they “have rebounded to the highest levels seen since OAH began operations.”⁶ Unemployment insurance cases have also increased (from 1,602 cases opened in FY 2024 to 2,559 opened in FY 2025) due to the reduction in the federal workforce.⁷

The most crushing caseload numbers are from Department of Public Works (“DPW”) appeals. In FY 2024, there were 11,458 DPW cases opened⁸, while in FY 2025, this number skyrocketed to 21,092, nearly the highest level since 2018.⁹

The unfortunate combination of insufficient staffing and increased caseloads has, unsurprisingly, resulted in a case closure rate well below OAH’s target of 100%. In FY 2025, the case closure rate was only 64.27%, compared to a case closure rate of 74.94% in FY 2024.¹⁰ In its FY 2025 Performance Accountability Report, OAH included a frank discussion of the impact its staffing challenges have on the case closure rate:

⁴ Office of Administrative Hearings, Fiscal Year 2025 Annual Report, December 31, 2025 (“2025 Annual Report”) at 11.

⁵ 2025 Annual report at 8. Currently, there are four vacancies, and job announcements have been published for these posts.

⁶ 2025 Annual report at 16.

⁷ 2025 Annual report at 17.

⁸ Office of Administrative Hearings, Fiscal Year 2024 Annual Report at 12.

⁹ 2025 Annual Report at 10, 14.

¹⁰ Office of Administrative Hearings, Fiscal Year 2026 Performance Plan, (“Performance Plan”), November 26, 2025 at 7.

This surge in cases has placed unprecedented pressure on the organization, highlighting the urgent need for additional staffing to manage the growing workload. . . . Various factors, including changes in regulatory policies, an increase in disputes requiring administrative hearings, and broader socio-economic trends, have contributed to this uptick. The strain on resources has become increasingly apparent, affecting the agency's ability to maintain efficiency and effectiveness. . . . Despite the clear need for more staff to handle the increased workload, OAH's staffing levels have not kept pace. Last year, the agency was on the brink of expanding its team to better address the growing caseload. However, the implementation of the waiver process halted these plans. . . . As a result, the agency was unable to hire the necessary personnel, exacerbating the challenges posed by the rising number of cases. . . . The combination of increasing case volumes and staffing limitations has created a challenging environment for OAH. . . . Ensuring that OAH can expand its staff will be crucial in maintaining the quality and timeliness of its administrative hearings.¹¹

The OAH caseload increase, along with chronic staffing shortages, results in an agency constantly under duress. The OAH Organizational Chart in the FY 2025 Annual Report presents a sobering but informative snapshot of the agency-wide staff vacancy crisis. Vacancies are detailed in almost every employment category, including 15 vacancies out of 44 full-time employee slots in the case management and judicial support division.¹² This reflects a chronic shortage of legal assistants, which forces ALJs to take on more administrative tasks rather than focusing on their substantive legal work. The lack of support staff creates a bottleneck, adversely affecting both litigants and judges. The Committee should explore this ongoing problem and identify ways to recruit and retain

¹¹ Office of Administrative Hearings, FY 2025 Performance Accountability Report, January 15, 2026, at 8.

¹² 2025 Annual Report at 7.

more legal assistants (including by increasing their pay) to stop the revolving door leading to staff shortages.

The staffing crisis at OAH is not new. For example, the 2023 OAH staffing study found that the agency was understaffed for its then-current caseload. The study, which was conducted at the direction of the D.C. Council, was completed by B. McNamee Consulting, LLC (“BMC”).¹³

The BMC study noted that:

Given the current and predicted future case volume coming to OAH from the agencies they serve, OAH believes they have neither the staffing capacity nor process efficiency to handle it. BMC’s study and subsequent findings capture the extent that these assumptions are true.

The authors concluded that:

Vacant positions have increased the workload on employees, particularly those working directly on cases. Further exasperating workload is the increasing caseloads from the district agencies served by OAH. . . . [T]his has increased the conditions where employees are unable to maintain standardized processes, provide necessary training and professional development, adopt and properly incorporate technology into operations, and an overall breakdown in working relationships. BMC believes that the longer these conditions persist, employee retention and court operational efficiency will worsen.¹⁴

The BMC study found that OAH must increase the number of staff working directly on cases from 61 to 71 full-time equivalent employees and recommended that OAH

¹³ D.C. Office Administrative Hearing, Court Feasibility Study, 2023 (“BMC Study”).

¹⁴ BMC Study at 4.

increase staff who do not work directly on cases by 3.25 FTE.¹⁵ Unfortunately, little or nothing has been accomplished towards meeting this goal.

Taken together, the ever-increasing caseload, the continued high vacancy rate at OAH, and the persuasive recommendations of the staffing study make a compelling case for increased staffing and a more efficient hiring process at OAH. Additional staff is needed because even if all budgeted vacancies were filled, it would be difficult for OAH to meet its key performance indicators. Moreover, although OAH is no longer obliged to seek hiring waivers, its ability to fill positions in a nimble manner is far from assured.

In its FY 2026 Performance Plan, OAH noted that it had received a multi-year budget enhancement for 8 additional full-time employees, stating that it “will be focusing on developing a hiring strategy to recruit the proper staff to fill these vacancies,” with a completion date of September 30, 2026.¹⁶ We suggest that the Committee explore the progress OAH has made in drafting and implementing this strategy, and consider a status hearing in October 2026 to hear back from OAH on its progress.

In sum, we urge this Committee and the Council to investigate OAH’s years-long staffing challenges, to explore how OAH might institute more flexible and responsive hiring and retention practices, and to further examine the FY 2026 budget for OAH (once proposed) to ensure it addresses these staffing concerns.

The OAH Hearing Scheduling Process Causes Delays

We recognize that certain factors leading to increased caseloads and case disposition time (for example, budgetary constraints on hiring and the overall care and accuracy with which District agencies issue the underlying decisions that are appealed) are ultimately dependent on circumstances outside of OAH’s control. Nonetheless, there are situations under OAH control, such as pending motions that at times languish with

¹⁵ BMC Study at 6.

¹⁶ Performance Plan at 9.

no decisions forthcoming. We urge OAH to consider procedural changes that are within its control to expedite case processing. We also urge the Council to use its oversight authority to explore and help resolve these issues.

The OAH Final Order Database Must be Improved In Order to Function as a Usable Research Tool

A searchable database of OAH final orders, published on the agency's website, is necessary for litigants and their advocates to properly prepare their cases. Although we are pleased that final orders issued on or after October 1, 2024, are now available on the OAH website, this is only a first step to improving access to OAH legal doctrine.

Currently, the search function for researching final orders is extremely limited. While it is possible to find decisions issued in specific clusters (such as public benefits or unemployment compensation) and one can type in the name of an administrative law judge and find that judge's decisions, legal research needs go far beyond these basic functions. The effective way to utilize case precedent during litigation is finding it via a search engine that can pull up cases relevant to the matter at hand, using a legal principle or other "keyword" as the basis of the search.

As this Committee has previously recognized:

By providing online access to OAH's Final Orders, the public gains a deeper understanding of how OAH Administrative Law Judges (ALJs) adjudicate cases, including what law is applied, how that law is interpreted, and what evidence an ALJ considers in making their decisions. . . . OAH must work [sic] continue its work on this to enable full text, natural language, or Boolean search capabilities that are currently unavailable.¹⁷

¹⁷ Committee on Public Works & Operations, Fiscal Year 2026 Committee Budget Report at 48-49.

We urge members of this Committee to inquire about the steps OAH has taken to produce a usable case database in the seven months since the Committee issued this mandate and to ensure that this issue is promptly addressed.

OAH Should Expedite the Hiring of its Resource Center Manager

As noted in prior testimony before the Council, upwards of 90% of litigants at OAH have no lawyer and navigate complex legal procedures on their own. As the D.C. Access to Justice Commission found in its *Delivering Justice* report, the majority of individuals in OAH cases involving public benefits, housing, unemployment, and school discipline lack counsel.¹⁸ These litigants need information and support to understand both the procedural and substantive issues in their cases. They need guidance in understanding legal terminology and reviewing legal documents issued by OAH or filed by opposing parties.

This is where the OAH Resource Center plays a critical role. The Resource Center helps these litigants navigate the complex legal landscape of OAH matters. It is a lifeline for these individuals, knowing that success at OAH is often required to ensure they receive the adequate level of food, financial assistance, healthcare, housing, and educational benefits they seek.

In FY 2024, a Legal Resource Center Manager and a Resource Center Coordinator were hired to enhance Resource Center services. However, the Resource Center Manager resigned in August 2025 and has not yet been replaced. While OAH has identified replacement staff on an interim basis, this prolonged delay in hiring a new Manager creates a leadership void that impedes improvements to the Resource Center's operations.

¹⁸ Delivering Justice: Addressing the Civil Legal Needs in the District of Columbia at 210, D.C. Access to Justice Commission. https://dcaccesstojustice.org/assets/pdf/Delivering_Justice_2019.pdf.

For example, a Resource Center with a permanent Manager might implement new programs that engage law students and volunteer attorneys to assist clients. This is an area that the Washington Council of Lawyers, the District's voluntary bar association for pro bono and public interest lawyers, is anxious to help support. However, we hesitate to propose new legal partnerships with the Resource Center until there is a permanent manager.

Conclusion

The Office of Administrative Hearings affects the day-to-day lives of thousands of D.C. residents. It provides a safety net for residents who disagree with government agency decisions involving important benefits such as food stamps, health insurance, and affordable housing. Case-processing reforms and significant staffing increases, including a fully staffed Resource Center, are needed to ensure the agency can adjudicate disputes efficiently. As the Chief Judge told this Committee last June, the fact that OAH operates beyond capacity "does not only impact OAH, but it also impacts the District as a whole."¹⁹

Thank you for the opportunity to submit this testimony before this Committee on this vital access to justice issue affecting thousands of District residents.

¹⁹ Budget Testimony at 4.