

## FY 2010 Annual Program Performance Measures

---

**DEPARTMENT:** MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

**APPROPRIATION UNIT:** State Office of Administrative Hearings and Rules (SOAHR)      **PROGRAM:** SOAHR

---

**TIMELINE:** October 1, 2009 through September 30, 2010

### **PROGRAM MISSION STATEMENT (Customer-Focus Direction)**

The State Office of Administrative Hearings and Rules (SOAHR) provides a central forum for parties to administratively litigate contested cases under a variety of statutes. SOAHR is also responsible for the administrative rulemaking process for all state departments and agencies. To fulfill these twin missions, SOAHR employs administrative law judges, analysts, and support staff.

### **VISION STATEMENT**

SOAHR's vision is to promote, define, and implement best practices in all our areas. By benefiting from the creativity and commitment of our staff and partners, we can develop best practices so that our clients – both public and private – are served in a professional, timely, and efficient manner and so that our staff is included, engaged, and encouraged to promote our mission and our vision.

### **PROGRAM STATEMENT**

SOAHR provides litigants with prompt and fair hearings in contested cases referred by:

1. Department of Energy, Labor and Economic Growth
2. Department of Human Services
3. Department of Community Health
4. Department of Corrections
5. Department of Education
6. Department of Natural Resources and Environment
7. Department of Technology, Management and Budget
8. Department of Civil Rights
9. Department of Agriculture
10. Department of State Police
11. Department of Transportation
12. Department of Treasury

SOAHR is also charged with coordination, review, and approval or administrative rule promulgations by all Michigan departments and agencies.

## FY 2010 Annual Program Performance Measures

---

**DEPARTMENT:** MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

**APPROPRIATION UNIT:** State Office of Administrative Hearings and Rules (SOAHR)      **PROGRAM:** SOAHR

---

### FUND SOURCE:

Federal Funds  
State Restricted Funds  
General Fund/General Purpose

### LEGAL BASIS:

See Attachment A

### CUSTOMER IDENTIFICATION:

SOAHR's customers are the people and organizations who participate in hearings and rulemaking. They include parties to disputes that come before SOAHR; Michigan citizens, agents, advocates and attorneys; witnesses; other state and federal personnel, and parties interested in rulemaking.

### CRITICAL GOALS/MAJOR OBJECTIVES and RESULTS

The overarching goal of SOAHR is to provide contested case proceedings in the most timely, efficient, fair, and professional manner possible consistent with due process and within parameters mandated by statute, rules, or internal guidelines and to efficiently and effectively coordinate the administrative rulemaking of state departments and agencies.

#### **Program Goals:**

##### **GOAL 1**

**Achieve timeliness and quality standards by closely monitoring timeliness of appeals being forwarded to SOAHR and by monitoring and adapting to changing caseloads. Achieving timeliness and quality standards aligns to the DELEG values of integrity, trust, and excellence.**

# FY 2010 Annual Program Performance Measures

**DEPARTMENT:** MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

**APPROPRIATION UNIT:** State Office of Administrative Hearings and Rules (SOAHR) **PROGRAM:** SOAHR

## **Goal 1, Objective 1**

- 1.1 SOAHR decisions issued in unemployment appeal cases will exceed the quality standard of 85% percent of the cases scoring at least 80% on the quarterly quality audit, will meet the timeliness standard of 60% of decisions issued within 30 days, and will meet the timeliness standard of 80% issued within 45 days.

### **Strategy 1.1**

**Comment:** SOAHR exceeded the federal quality standard of 85% during the review period. Over the four quarters of FY 2009-2010, 90% of cases scored, met or exceeded quality standards.

The US Department of Labor imposes three separate timeliness standards in unemployment appeals cases. The newest, implemented during the current fiscal year, requires cases to meet an overall 30 day case aging standard. Our overall average for the year was 51.5 days.

The remaining two deadlines require SOAHR to issue opinions within 30 and 45 days of the filing of an appeal. Given the current delay in receipt of appeals, it is not expected that SOAHR will meet standards until the next fiscal year. The Unemployment Agency is delayed in beginning a project to restructure the workflow and install new software. The part of the project that will help us in receiving appeals more timely will be completed by them by the end of FY 2011. It will take several months from the time they install the software for us to make the timeliness deadlines.

## **Goal 1, Objective 2**

- 1.2 ALEs located in SOAHR's Lansing Capital offices will meet their varied timeliness standards in at least 90% of cases closed.

### **Strategy 1.2**

**Comment:** For the FY 10 reporting period, the Capitol Complex group opened 8,038 cases. During the reporting period, the Capitol Complex timeliness standard adherence rate was 95.9%.

## FY 2010 Annual Program Performance Measures

---

**DEPARTMENT:** MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

**APPROPRIATION UNIT:** State Office of Administrative Hearings and Rules (SOAHR)      **PROGRAM:** SOAHR

---

### **Goal 1, Objective 3**

1.3 ALEs performing hearings for the Public Service Commission should transmit electric and gas cases within 160 days after the initial hearing in 90% of cases. Transmittals in telecommunication cases should be completed within 100 days after the initial hearing in 90% of cases.

#### **Strategy 1.3**

**Comment:** During the reporting period, the office closed 168 cases. In some instances, the transmittal of the case exceeded the 160-day goal in electric or gas cases or the 100-day goal in telecommunication cases. In many of those instances, however, the matter was settled or the complexity of the case required additional time to compile the record, but the Proposal for Decision was still issued in 35 days or less. If these cases are excluded from the timeliness computation, the timeliness rate for all case types is 95% for the reporting period.

### **GOAL 2**

**Improve services to client agencies by increasing training and redesigning databases. This goal will address the DELEG value of excellent customer service as well as inclusion.**

### **Goal 2, Objective 1**

2.1 To increase understanding and efficiency of the rulemaking process, each department will be offered individual 3-hour training sessions for newly appointed Regulatory Affairs Officers and ancillary staff.

#### **Strategy 2.1:**

**Comment:** All new Regulatory Affairs Officers attended three-hour training sessions. Staff training was also conducted at the bureau/division level for agencies that promulgate a higher volume of rules. Finally, the annual RAO meeting was conducted on June 3, 2010.

## FY 2010 Annual Program Performance Measures

---

**DEPARTMENT:** MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

**APPROPRIATION UNIT:** State Office of Administrative Hearings and Rules (SOAHR)      **PROGRAM:** SOAHR

---

### **Goal 2, Objective 2**

2.2 SOAHR will work with the Governor's Cabinet and all departments to re-engineer its case management system to improve the quality and efficiency of services to others in the Executive Branch of government and the public.

#### **Strategy 2.2**

**Comment:** SOAHR has made significant progress over the past year toward meeting this goal. We have contracted with Evans Caseload and are working with them to customize their product to meet our case management needs. We are operating under a two-phase plan for completion of the process and final implementation. Phase One, which will include approximately one-half of SOAHR staff is expected to be completed in June 2011, with a final completion date goal of September 2011.

#### **GOAL 3**

**SOAHR will explore options to decrease its operational costs through identifying efficiencies in its various components. By reducing burdens on state taxpayers, this goal will address the DELEG values of excellence and customer satisfaction.**

### **Goal 3, Objective 1**

3.1 The mergers of two outstate offices, currently located in Livonia and Troy, will be completed during the next fiscal year.

#### **Strategy 3.1**

**Comment:** SOAHR closed its Troy and Livonia Offices and opened its new Southfield office on October 16, 2010.

#### **GOAL 4**

**SOAHR will actively seek out input and teamwork through increased visibility in SOAHR offices.**

## FY 2010 Annual Program Performance Measures

---

**DEPARTMENT:** MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

**APPROPRIATION UNIT:** State Office of Administrative Hearings and Rules (SOAHR)      **PROGRAM:** SOAHR

---

### **Goal 4, Objective 1**

4.1 The SOAHR Executive Director or Deputy Director will visit one office at least once each month.

#### **Strategy 4.1**

**Comment:** During the review period, either the Executive Director or the Deputy Director visited at least one, non-central office location each month.

#### **GOAL 5**

**SOAHR will develop a program to systematically acknowledge significant milestones in the careers of team members and significant accomplishments they have achieved.**

### **Goal 5, Objective 1**

5.1 SOAHR will provide recognition certificates to staff achieving specified levels of service and inform other team members of these accomplishments via email.

#### **Strategy 5.1**

**Comment:** SOAHR continues to recognize employees with a Service Recognition Award signed by Executive Director Plummer for each five-year milestone. At the end of the calendar year, all SOAHR staff receives an e-mail recognizing each of those employees' accomplishments.

## FY 2010 Annual Program Performance Measures

---

**DEPARTMENT:** MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

**APPROPRIATION UNIT:** State Office of Administrative Hearings and Rules (SOAHR) **PROGRAM:** SOAHR

---

### **Goal 5, Objective 2**

5.2 SOAHR Managers will stress team and individual progress recognition through emails generated throughout their team and throughout SOAHR.

#### **Strategy 5.2**

**Comment:** Managers have systematically met this objective by acknowledging individual and team accomplishments, including writing articles for the “Managers’ Moment” published monthly on the SOAHR Intranet.

### **PROGRAM EFFECTIVENESS and Efficiency (Current Year)**

#### **Program Goals/Metrics**

See Attachments B through D

#### **Performance Measures**

Same measures as detailed within this report with the exception of those deemed completed during the prior review period.

#### **Program Improvements Made**

- 1) Through revisions in case processing and scheduling, SOAHR significantly reduced a backlog in pending appeals in Department of Human Services’ case referrals resulting in a decrease in DHS cases pending from its peak of 17,421 in March of 2010 to 7,364 at the close of the FY 10 fiscal year.
- 2) A pilot project successfully launched in the previous fiscal year testing the use of remote video interpreter services was expanded during the review period to reduce interpreter costs in administrative hearings.
- 3) Through the use of program enhancement dollars, SOAHR was able to increase and redeploy staffing in our DHS case referral areas.
- 4) Working cooperatively with the Unemployment Agency, SOAHR has launched a redetermination waiver project allowing unemployment appeals to proceed from initial agency determination directly to hearing – enhancing the state’s ability to process unemployment appeals.
- 5) SOAHR entered into an Interagency Agreements with MSHDA and the Department of Civil Rights to handle their appeals in early FY 10, trained and selected ALEs for the new rotations, developed the necessary database and templates, and begun closing cases in these areas.

## FY 2010 Annual Program Performance Measures

---

**DEPARTMENT:** MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

**APPROPRIATION UNIT:** State Office of Administrative Hearings and Rules (SOAHR)      **PROGRAM:** SOAHR

---

### PROGRAM IMPROVEMENT PLANS FOR FY11

- 1) In response to increasing caseloads, SOAHR is in the process of expanding the number of ALEs processing PSC matters and further diversifying the work performed by the ALEs at Constitution Hall (PSC, U/A, etc.).
- 2) During 2009-2010, a procedural manual was created to document the basic steps in uploading statutorily required information onto the SOAHR website (i.e. Michigan Register, current and pending rules, Michigan Administrative Code). Since DTMB has recently updated its behind-the-scenes website management programming, the procedural manual will need to be amended to reflect these changes. This manual will assist non-technical staff in backing up technical staff, to make sure website information is posted in accordance with statute.
- 3) SOAHR is developing a case management system that will be operational in the last two quarters of FY11. The new case management system will allow us to coordinate hearing dockets among case types. This will enable us to better model the central panel system, where ALEs can be assigned to different case types to proactively address variation in incoming case levels among case types. The case management system will also significantly reduce the number of database systems staff must maintain.
- 4) Working cooperatively with the Department of Corrections, on November 1, 2010 SOAHR will reduce ALE staffing by 40% in response to a change in the definition of prisoner misconducts.

### CHALLENGES FOR FY11 and BEYOND

- 1) As a result of the recent early retirement program, SOAHR will need to respond proactively to the impending loss of institutional knowledge and develop plans to utilize existing resources to minimize the resulting disruptions.
- 2) Until the Unemployment Insurance Agency is able to implement their new work process system, it is likely that SOAHR will still experience a significant delay in receiving the appeals, eliminating or reducing our ability to meet the Federal timeliness standards.
- 3) As a result of reduced staffing in Correctional facilities and a planned reduction in misconduct tickets, SOAHR will be required to rethink its staffing placement and be much more nimble in its deployment of remaining staff and will be further required to transition to an electronic hearing protocol to keep travel expenses in check.
- 4) Increasing caseloads in both unemployment appeals and public benefit appeals will continue to challenge SOAHR's ALE and administrative support resources.

### CHARTS

See Attachments B through D

## Attachment A

### Agriculture

- 1) Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- 2) Food Law of 2000, 2000 PA 91 and 92, as amended
- 3) Motor Fuels Quality Act, 1984 PA 44, as amended.
- 4) Grade A Milk Law of 2001, 2001 PA 266, as amended.

### Civil Rights

- 1) Elliott Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 et seq.

### Community Health

- 1) Michigan Public Health Code, 1978 PA 368, MCL 333.1101 et seq.
- 2) Nurse Aid Registry, MCL 333.21771 and 42 CFR 488.301 et seq.
- 3) Social Security Act, 42 USC 301 et seq.
- 4) Social Welfare Act, 1939 PA 280, MCL 400.1 et seq.
- 5) Mental Health Code, 1974 PA 258, MCL 330.1001 et seq.
- 6) 42 USC 300k et seq.
- 7) 42 CFR 431.200 et seq.
- 8) 42 CFR 438.100 et seq.
- 9) 7 CFR 246.1 et seq.

### Corrections

- 1) Corrections Code of 1953, 1953 PA 232, as amended.

### Education

- 2) Teachers' Tenure Act, 1937 PA 4, MCL 38.71 et seq.
- 3) Revised School Code, 1976 PA 451, as amended.
- 4) Individuals with Disabilities Education Act, 20 USC 1400 et seq.
- 5) National School Lunch Act, 42 USC 1751.

## Attachment A

### Energy, Labor, and Economic Growth

- 1) Michigan Employment Relations Commission
  - a) Public Employment Relations Act, 1947 PA 336, MCL 423.201 et seq.
  - b) Labor Relations and Mediation Act, 1939 PA 176, MCL 423.1 et seq.
  - c) Compulsory Arbitration of Labor Disputes in Police and Fire Departments, 1969 PA 312, MCL 423.231 et seq.
  - d) Political Activities by Public Employees, 1976 PA 169, MCL 15.401 et seq.
  
- 2) Bureau of Commercial Services
  - a) Michigan Occupational Code, 1980 PA 299, as amended.
  - b) Carnival Safety and Amusement Act, 1966 PA 225, MCL 408.651 et seq.
  - c) Prepaid Funeral and Cemetery Sales Act, 1986 PA 255, MCL 328.211 et seq.
  - d) Ski Area Safety Act, 1962 PA 199, MCL 408.321 et seq.
  - e) Unarmed Combat Regulatory Act, 2004 PA 403, MCL 338.3601 et seq.
  
- 3) Wage Hour Division
  - a) Payment of Wages and Fringe Benefit Act, 1978 PA 390, MCL 408.471 et seq.
  - b) Youth Employment Standard Act, 1978 PA 90, MCL 409.101 et seq.
  
- 4) Bureau of Construction Codes
  - a) Stille-DeRossett-Hale Single Construction Code Act, 1972 PA 230, MCL 125.1501 et seq.
  - b) Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.971 et seq.
  - c) State Plumbing Act, 2002 PA 733, MCL 338.3511 et seq.
  - d) Michigan Electrical Administrative Act, 1956 PA 217, MCL 338.881 et seq.
  - e) Elevator Safety Board, 1967 PA 227, MCL 408.801 et seq.
  - f) Mobile Home Commission Act, 1987 PA 96, MCL 125.2301 et seq.
  - g) Boiler Act of 1965, 1965 PA 290, MCL 408.751 et seq.
  - h) Barrier Free Design Act, 1966 PA 1, MCL 125.1351 et seq.
  
- 5) MIOSHA
  - a) Occupational Safety and Health Act, 1974 PA 154, MCL 408.1001 et seq.
  - b) Asbestos Workers' Accreditation Act, 1988 PA 440, MCL 338.3401 et seq.
  - c) Asbestos Abatement Contractors Act, 1986 PA 135, MCL 338.3101 et seq.

## Attachment A

- 6) Commission for the Blind
  - a) Blind and Visually Impaired Persons Act, 1978 PA 260, MCL 393.351 et seq.
  - b) State Vocational Rehabilitation Program, 34 CFR 361.1 et seq.
- 7) Unemployment Agency
  - a) Michigan Employment Security Act, 1936 PA 1, MCL 421.5 et seq.
- 8) Bureau of Workforce Transformation
  - a) King-Chavez-Parks Initiative.
- 9) Office of Finance and Insurance Services
  - a) Michigan Insurance Code, 1956 PA 218, MCL 500.100 et seq.
  - b) Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1100 et seq.
  - c) Third Party Administrators Act, 1984 PA 218, MCL 550.901 et seq.
  - d) Health Maintenance Organization, 1956 PA 218, MCL 500.3501 et seq.
  - e) Debt Management Act, 1975 PA 304, MCL 451.411 et seq.
  - f) Living Care Disclosure Act, 1976 PA 440, MCL 554.801 et seq.
  - g) Mobile Home Commission Act, 1987 PA 96, MCL 125.2301 et seq.
  - h) Consumer Mortgage Protection Act, 2002 PA 692, MCL 445.1631 et seq.
  - i) Mortgage Brokers, Lenders, and Services Licensing Act, 1987 PA 193, MCL 445.1651 et seq.
  - j) Uniform Securities Act, 2008 PA 551, MCL 456.2101 et seq.
- 10) Michigan Tax Tribunal
  - a) General Property Tax Act, 1893 PA 206, MCL 211.1, et seq.
  - b) Lessee-User Tax Act, 1953 PA 189, MCL 211.181, et seq.
  - c) Real Estate Transfer Tax, 1966 PA 134, MCL 207.501, et seq.
  - d) Property Tax Limitation Act, 1933 PA 62, MCL 211.201, et seq.
  - e) Revenue Act, 1941 PA 122, MCL 205.1, et seq.
  - f) Income Tax Act of 1967, 1967 PA 281, MCL 206.1, et seq.
  - g) General Sales Tax Act, 1933 PA 167, MCL 205.51, et seq.
  - h) Use Tax Act, 1937 PA 94, MCL 205.91, et seq.
  - i) Streamlined Sales and Use Tax Revenue Equalization Act, 2004 PA 175, MCL 205.171, et seq.
  - j) Streamlined Sales and Use Tax Administration Act, 2004 PA 174, MCL 205.801, et seq.
  - k) Single Business Tax Act, 1975 PA 228, MCL 208.1, et seq, (repealed by 2006 PA 325, effective after December 31, 2007).

## Attachment A

- l) Michigan Business Tax Act, 2007 PA 36, MCL 208.1101, et seq.
  - m) Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.801, et seq.
  - n) Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.821, et seq.
  - o) Motor Carrier Fuel Tax Act, 1980 PA 119, MCL 207.211, et seq.
  - p) International Motor Fuel Tax Agreement, MCL 207.212a(1).
  - q) Motor Fuel Tax Act, 2000 PA 403, MCL 207.1001, et seq.
  - r) Estate Tax Act, 1899 PA 188, MCL 205.201, et seq.
  - s) Severance Tax on Oil or Gas, 1929 PA 48, MCL 205.301, et seq.
  - t) Tobacco Products Tax Act, 1993 PA 327, MCL 205.421, et seq.
  - u) Multistate Tax Compact, 1969 PA 343, MCL 205.581, et seq.
  - v) Township Public Improvement Act, 1954 PA 188, MCL 41.721, et seq.
  - w) Notice of Special Assessment Hearings Act, 1962 PA 162, MCL 211.741, et seq.
  - x) Natural Resources and Environmental Protection Act, 1994 PA 401 - Part 309 of the Natural Resources Act ["Lake Improvements"], MCL 324.30902.
  - y) Township and Village Public Improvement Act, 1923 PA 116, MCL 41.411, et seq.
  - z) County Department and Board of Public Works, 1957 PA 185, MCL 123.731, et seq.
  - aa) Police and Fire Protection, 1989 PA 81, MCL 41.801, et seq.
  - bb) Lighting of Township Highways, 1931 PA 246, MCL 41.289, et seq.
  - cc) Sidewalks and Pavements in Townships, 1931 PA 246, MCL 41.721, et seq.
  - dd) Sidewalks and Pedestrian Overpasses, 1921 PA 67, MCL 41.288, et seq.
  - ee) Connecting Water, Sewer and Sewage, and Garbage Disposal Systems, 1939 PA 342, MCL 41.171, et seq.
- 11) Michigan State Housing Development Authority
- a) Section 8 of the United States Housing Act of 1937, 42 USC 1473f.
  - b) Local Historic Districts Act, 1970 PA 169, MCL 399.205 et seq.
- 12) Liquor Control Commission
- a) Michigan Liquor Control Code, 1988 PA 58, MCL 436.1101 et seq.
- 13) Michigan Rehabilitation Services
- a) Rehabilitation Act of 1973, 29 USC 701 et seq.
  - b) Rehabilitation of Act of 1964, 1964 PA 232, MCL 395.81 et seq.

## Attachment A

### 14) Public Service Commission

- a) Michigan Administrative Procedures Act, as amended; MCL 24.201 et seq.
- b) Transmission of Electricity, 1909 PA 106; MCL 460.551 to 460.559.
- c) Railroads, 1909 PA 300; MCL 462.2 et seq.
- d) Public Utilities Commission, 1919 Pa 419; MCL 460.51 to 460.62.
- e) Carriers by Water, 1921 PA 246; MCL 460.201 to 460.206.
- f) Interest on Guaranty Deposits, 1921 PA 347; MCL 460.651 to 460.652.
- g) Rehearings by Public Utilities Commission, 1923 PA 94; MCL 460.351 to 460.352.
- h) Electric and Gas Corporations, 1923 PA 238; MCL 486.251 et seq.
- i) Certificate of Convenience and Necessity, 1929 PA 69; MCL 460.501 to 460. 506.
- j) Natural Gas, 1929 PA 9; MCL 483.101 et seq.
- k) Crude Oil and Petroleum, 1929 PA 19; MCL 483.1 et seq.
- l) The Motor Carrier Act, 1933 PA 254; MCL 475.1 to 479.43.
- m) Public Service Commission, 1939 PA 3; MCL 460.1 to 460.11.
- n) Gas Safety Standards, 1969 PA 165; MCL 483.151 et seq.
- o) Costs of Regulating Public Utilities, 1972 PA 299; MCL 460.111 to 460.120.
- p) Emergency 9-1-1 Service Enabling Act, 1986 PA 32; MCL 484.1101 et seq.
- q) Michigan Telecommunications Act, 1991 PA 179, MCL 484.2101 et seq.
- r) Electric Transmission Line Certification Act, 1995 PA 30, MCL 460.561 to 460.575.
- s) Validation of Orders and Extension of Jurisdiction Regarding Evidences of Indebtedness, 1996 PA 149, MCL 460.311 to 460.312.
- t) Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act, 2002 PA48, MCL 484.3101 et seq.
- u) Michigan Broadband Development Authority Act, 2002 PA 49; MCL 3201 et seq.
- v) Uniform Video Services Local Franchise Act, 2002 PA 480; MCL 484.3301 et seq.
- w) Clean, Renewable, and Efficient Energy Act, 2008 PA 295; MCL 460.1001 et seq.

### Human Services

- 1) Social Security Act, 42 USC 301 et seq.
- 2) Social Welfare Act, 1939 PA 280, MCL 400.1 et seq.
- 3) Public Welfare Act of 1939, R 400.3101 - 400.3131, MAC.
- 4) Child Care and Development Block Grant of 1990 (42 USC 9801 et seq).
- 5) 45 CFR Parts 98 and 99.
- 6) Social Security Act, as amended, Title IVA (42 USC 601 et seq.); Title IVE (42 USC 670 et seq.); Title XX (42 USC 1397 et seq.); Title XIX (20 and 42 CFR).
- 7) Temporary Aid to Needy Families (TANF), Act, 42 USC 607.
- 8) Social Welfare Act, 1939 PA 280, MCL 400.1 et seq. and implementing regulations R 400.56 et seq.
- 9) Social Security Act, Sections 1902 and 1905 (42 CFR 435).

## Attachment A

- 10) Social Security Act, Title XIX, (1115) (a) (1).
- 11) Title VII of the Food and Nutrition Service Act, 7 CFR 271.1.3(a).
- 12) Supplemental Nutrition Assistance Program, 7 CFR 272.1(d).
- 13) Food Stamp Act of 1977, Title VII.
- 14) Food Stamp Reauthorization Act of 2002, 7 U.S.C. 2011-2036.
- 15) Adoption Assistance and Child Welfare Act of 1980.
- 16) P.L. 104-193 of 1996.
- 17) Child Care Organization Act, 1973 PA 116, MCL 722.111 et seq.
- 18) Adult Foster Care Facilities Act, 1979 PA 218, MCL 400.701 et seq.
- 19) Public Health Code, 1978 PA 368, Part 213, MCL 333.21301 et seq.
- 20) Child Protection Law, 1975 PA 238, MCL 722.621 et seq.

### Natural Resources and Environment

- 1) Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 et seq.
  - a) Review of Decision, MCL 324.1101.
  - b) Part 17, Michigan Environmental Protection Act, MCL 324.1701 et seq.
  - c) Part 31, Point Source Pollution Control, MCL 324.3101 et seq.
  - d) Part 31, Floodplains and Floodways, MCL 324.3101 et seq.
  - e) Part 35, Use of Water in Mining Low-Grade Iron Ore, MCL 324.3501 et seq.
  - f) Part 41, Sewage Disposal and Waterworks Systems, MCL 324.4101 et seq.
  - g) Part 52, Strategic Water Quality Initiatives, MCL 324.5201 et seq.
  - h) Part 53, Clean Water Assistance, MCL 324.5301 et seq.
  - i) Part 54, Save Drinking Water Assistance, MCL 324.5401 et seq.
  - j) Part 55, Air Resources Protection, MCL 324.5501 et seq.
  - k) Part 91, Soil Erosion and Sedimentation Control, MCL 324.9101 et seq.
  - l) Part 111, Hazardous Waste Management, MCL 324.11101 et seq.
  - m) Part 115, Solid Waste Management, MCL 324.11501 et seq.
  - n) Part 117, Septage Waste Servicers, MCL 324.11701 et seq.
  - o) Part 121, Liquid Industrial Wastes, MCL 324.12101 et seq.
  - p) Part 211, Underground Storage Tank Regulations, MCL 324.21101 et seq.
  - q) Part 213, Leaking Underground Storage Tanks, MCL 324.21301 et seq.
  - r) Part 301, Inland Lakes and Streams, MCL 324.30101 et seq.
  - s) Part 303, Wetlands Protection MCL 324.30301 et seq.
  - t) Part 305, Natural Rivers, MCL 324.30501 et seq.
  - u) Part 315, Dam Safety, MCL 324.31501 et seq.
  - v) Part 323, Shorelands Protection and Management, MCL 324.32301 et seq.
  - w) Part 325, Great Lakes Submerged Lands, MCL 324.32501 et seq.
  - x) Part 326, Great Lakes Submerged Logs Recovery, MCL 324.32601 et seq.

## Attachment A

- y) Part 327, Great Lakes Preservation, MCL 324.32701 et seq.
  - z) Part 353, Sand Dunes Protection and Management, MCL 324.35301 et seq.
  - aa) Part 361, Farmland and Open Space Preservation, MCL 324.36101 et seq.
  - bb) Part 427, Breeders and Dealers, MCL 324.42701 et seq.
  - cc) Part 445, Charter and Livery Boat Safety, MCL 324.44501 et seq.
  - dd) Part 459, Propagation of Game Fish in Private Waters, MCL 324.45901 et seq.
  - ee) Part 473, Commercial Fishing, MCL 324.47301 et seq.
  - ff) Part 615, Supervisor of Wells, MCL 324.61501 et seq.
  - gg) Part 617, Unitization, MCL 324.61701 et seq.
  - hh) Part 625, Mineral Wells, MCL 324.62501 et seq.
  - ii) Part 631, Reclamation of Mining Lands, MCL 324.63101 et seq.
  - jj) Part 632, Nonferrous Metallic Mineral Mining, MCL 324.63201 et seq.
  - kk) Part 635, Surface and Underground Coal Mine Reclamation, MCL 324.63501 et seq.
  - ll) Part 637, Sand Dune Mining, MCL 324.63701 et seq.
  - mm) Part 801, Marine Safety, MCL 324.80101 et seq.
- 2) Privately Owned Cervidae Producers Marketing Act, MCL 287.951, et seq.
  - 3) Public Health Code.
    - a) Part 125, Campgrounds, Swimming Areas, and Swimmers' Itch, MCL 333.12501 et seq.
    - b) Part 127, Water Supply and Sewer Systems, MCL 333.12701 et seq.

### Management and Budget

- 1) Public School Employees Retirement Act, 1980 PA 300, MCL 38.1301 et seq.
- 2) State Employees Retirement Act, 1943 PA 240, MCL 38.1 et seq.
- 3) Judicial Retirement Act, 1992 PA 234, MCL 38.2101 et seq.
- 4) State Police Retirement Act, 1986 PA 182, MCL 38.1601.

### State Police

- 1) Michigan Commission on Law Enforcement Standards, 1965 PA 203, MCL 38.601 et seq.

### Transportation

- 1) Railroad Code of 1993, 1993 PA 354, MCL 462.101 et seq.
- 2) Highway Advertising Act, 1972 PA 106, MCL 252.301 et seq.
- 3) State Transportation Preservation Act, 1976 PA 295, MCL 474.51 et seq.
- 4) Bidders on Public Works, 1933 PA 170, MCL 123.501 et seq.

## Attachment A

- 5) Acquiring Property for Highway Purposes, 1925 PA 352, MCL 213.171 et seq.
- 6) Public Highways and Private Roads, 1909 PA 283, MCL 220.1 et seq.
- 7) Acquisition of Property for Public Highways, 1966 PA 295, MCL 213.361 et seq.
- 8) State Trunkway Highway System, 1951 PA 51, MCL 247.611 et seq.

### Treasury

- 1) Michigan Gaming Control Board
  - a) Michigan Gaming and Revenue Act, MCL 432.201 et seq.
  - b) Horse Racing Law of 1995, 1995 PA 279, MCL 431.1001 et seq.
- 2) Bureau of State Lottery
  - a) McCauley-Traxler-Law-Bowman-McNeely Lottery Act, 1972 PA 239, MCL 432.1 et seq.

**State Office of Administrative Hearings and Rules  
Fiscal Year 2009-2010  
Case Opening Statistics – Attachment B**

Hearing Case Type	Area	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total
<b>Agriculture</b>	General	2	0	2	0	4
<b>DCH</b>	Med Ben	528	559	494	557	2,138
	Health Policy	12	11	36	44	103
	BHS	12	13	9	7	41
	BHP	57	55	54	49	215
	MHC	1	2	1	2	6
	Med Prov	7	12	12	8	39
	Rehearing	20	15	13	7	55
	Other	1	2	3	24	30
	<b>Total:</b>	<b>638</b>	<b>669</b>	<b>622</b>	<b>698</b>	<b>2,627</b>
<b>Corrections</b>	Misconduct	20,474	21,481	19,651	20,037	81,643
	Parole Hearing	336	172	148	0	656
	Parole Arraign	267	87	54	0	408
	Other	125	125	125	125	500
	<b>Total:</b>	<b>21,202</b>	<b>21,865</b>	<b>19,978</b>	<b>20,162</b>	<b>83,207</b>
<b>Education</b>	TCR	0	0	1	0	1
	STC	7	13	17	9	46
	CACFP	0	0	2	4	6
	Prop Transfer	1	0	0	1	2
	Special Ed	12	18	21	7	58
	<b>Total:</b>	<b>20</b>	<b>31</b>	<b>41</b>	<b>21</b>	<b>113</b>
<b>DEQ</b>	LWM	22	10	10	12	54
	Water	2	0	0	3	5
	Air	0	1	0	0	1
	Oil & Gas	10	3	2	3	18
	RRD	0	0	0	0	0
	WHM	0	0	0	0	0
	Misc	2	0	1	3	6
	<b>Total:</b>	<b>36</b>	<b>14</b>	<b>13</b>	<b>21</b>	<b>84</b>
<b>History, Arts, &amp; Libraries</b>	General	5	0	1	4	10

**State Office of Administrative Hearings and Rules  
Fiscal Year 2009-2010  
Case Opening Statistics – Attachment B**

Hearing Case Type	Area	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total
<b>DHS</b>	Adopt	5	0	1	25	31
	AMP	313	437	351	442	1,543
	CDC	724	460	356	518	2,058
	SER	553	375	282	528	1,738
	FAP	3,046	4,495	2,849	2,731	13,121
	SMP	0	0	0	0	0
	DSS	12	11	9	16	48
	FIP	811	860	750	1,033	3,454
	JET	812	584	676	599	2,671
	Med Elig	3,224	3,376	2,659	3,819	13,078
	Title IVE	91	123	97	145	456
	SSI	42	60	38	42	182
	Expungement	0	20	23	51	94
	SDA	195	212	173	205	785
	OCAL	18	14	39	10	81
	Med Disability	855	886	1,143	1,255	4,139
	Rehearing	92	49	79	59	279
	<b>Total:</b>	<b>10,793</b>	<b>11,962</b>	<b>9,525</b>	<b>11,478</b>	<b>43,758</b>
<b>DLEG</b>	UA	11,247	16,175	13,615	9,500	50,537
	TT	155	56	292	278	781
	LCC	70	46	23	20	159
	PSC	25	48	61	60	194
	BCS	39	87	91	68	285
	MRS	N/A	0	0	0	0
	OFIS	6	6	9	11	32
	MSHDA	N/A	0	27	12	39
	BCC	12	22	4	10	48
	MIOSHA	15	11	7	17	50
	MIOSHA Show Cause	17	7	4	7	35
	Wage Hour	54	93	47	30	224
	Wage Hour Show Cause	9	27	19	10	65
	CFB	0	0	0	0	0
	MERC	114	119	97	87	417
	BCE	0	0	0	0	0
	<b>Total:</b>	<b>11,763</b>	<b>16,697</b>	<b>14,296</b>	<b>10,110</b>	<b>52,866</b>
<b>DMB</b>	General	<b>20</b>	<b>21</b>	<b>19</b>	<b>18</b>	<b>78</b>
<b>MDCR</b>	General	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DNR</b>	General	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>4</b>
<b>State Police</b>	MCOLES	<b>2</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>7</b>
<b>Transportation</b>	General	<b>28</b>	<b>19</b>	<b>9</b>	<b>3</b>	<b>59</b>
<b>Treasury</b>	General	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>4</b>
<b>Total</b>		<b>44,509</b>	<b>51,284</b>	<b>44,506</b>	<b>42,522</b>	<b>182,821</b>

**State Office of Administrative Hearings and Rules  
Fiscal Year 2009-2010  
Case Closure Statistics – Attachment C**

Hearing Case Type	Area	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total
<b>Agriculture</b>	General	1	1	1	1	4
<b>DCH</b>	Med Ben	482	572	535	496	2,085
	Health Policy	36	13	12	12	73
	BHS	9	10	7	11	37
	BHP	70	67	44	57	238
	MHC	1	2	4	1	8
	Med Prov	21	8	32	26	87
	Rehearing	21	17	14	9	61
	Other	5	1	2	12	20
	<b>Total:</b>	<b>645</b>	<b>690</b>	<b>650</b>	<b>624</b>	<b>2,609</b>
<b>Corrections</b>	Misconduct	20,474	21,481	19,654	20,037	81,646
	Parole Hearing	336	172	148	0	656
	Parole Arraign	267	87	54	0	408
	Other	125	125	125	125	50
	<b>Total:</b>	<b>21,202</b>	<b>21,865</b>	<b>19,981</b>	<b>20,162</b>	<b>83,210</b>
<b>Education</b>	TCR	0	0	0	1	1
	STC	15	11	15	10	51
	CACFP	0	0	1	1	2
	Prop Transfer	1	0	1	0	2
	Special Ed	11	18	14	18	61
	<b>Total:</b>	<b>27</b>	<b>29</b>	<b>31</b>	<b>30</b>	<b>117</b>
<b>DEQ</b>	LWM	27	21	19	24	91
	Water	3	4	4	0	11
	Air	0	0	0	0	0
	Oil & Gas	3	6	2	5	16
	RRD	0	0	0	0	0
	WHM	1	1	0	0	2
	Misc.	1	1	1	2	5
	<b>Total:</b>	<b>35</b>	<b>33</b>	<b>26</b>	<b>31</b>	<b>125</b>
<b>History, Arts, and Libraries</b>	General	6	4	0	1	11

**State Office of Administrative Hearings and Rules  
Fiscal Year 2009-2010  
Case Closure Statistics – Attachment C**

Hearing Case Type	Area	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total	
<b>DHS</b>	Adopt	6	10	5	15	36	
	AMP	266	332	656	837	2,091	
	CDC	506	427	872	1,127	2,932	
	SER	329	286	948	1,110	2,673	
	FAP	2,947	4,748	3,353	2,759	13,807	
	SMP	0	0	0	0	0	
	DSS	11	11	31	37	90	
	FIP	792	762	1,275	1,467	4,296	
	JET	521	527	1,064	650	2,762	
	Medicaid Elig	2,720	3,355	4,354	5,216	15,645	
	Title IVE	130	123	154	174	581	
	SSI	55	53	172	132	412	
	Expungement	0	68	32	31	131	
	SDA	207	238	233	279	957	
	OCAL	36	21	46	21	124	
	Medicaid Disab	905	1,175	1,224	1,119	4,423	
	Rehearing	103	39	60	69	271	
	<b>Total:</b>	<b>9,534</b>	<b>12,175</b>	<b>14,479</b>	<b>15,043</b>	<b>51,231</b>	
	<b>DLEG</b>	UA	9,607	12,644	14,342	14,976	51,569
		TT	119	37	209	186	551
LCC		72	41	21	14	148	
PSC		39	38	47	43	167	
BCS		81	70	71	93	315	
MRS		N/A	0	1	0	1	
OFIS		7	7	7	4	25	
MSHDA		N/A	0	15	20	35	
BCC		13	9	14	2	38	
MIOSHA		10	14	11	25	60	
MIOSHA Show Cause		13	11	5	2	31	
Wage Hour		84	74	78	61	297	
Wage Hour Show Cause		9	26	14	16	65	
CFB		0	0	0	0	0	
MERC		101	102	113	55	371	
BCE		0	0	0	0	0	
<b>Total:</b>		<b>10,155</b>	<b>13,073</b>	<b>14,948</b>	<b>15,497</b>	<b>53,673</b>	
<b>DMB</b>		General	<b>20</b>	<b>20</b>	<b>22</b>	<b>20</b>	<b>82</b>
<b>MDCR</b>		General	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DNR</b>		General	<b>3</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>10</b>
<b>State Police</b>	MCOLES	<b>6</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>11</b>	
<b>Transportation</b>	General	<b>36</b>	<b>19</b>	<b>18</b>	<b>1</b>	<b>74</b>	
<b>Treasury</b>	General	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>4</b>	
<b>Total</b>		<b>40,670</b>	<b>47,916</b>	<b>50,161</b>	<b>51,414</b>	<b>191,161</b>	

**State Office of Administrative Hearings and Rules  
Fiscal Year 2009 - 2010  
Hearing Statistics – Attachment D**

Hearing Case Type	Area	1 <sup>st</sup> Schd	1 <sup>st</sup> Held	2 <sup>nd</sup> Schd	2 <sup>nd</sup> Held	3 <sup>rd</sup> Schd	3 <sup>rd</sup> Held	4 <sup>th</sup> Schd	4 <sup>th</sup> Held	Total Schd	Total Held
<b>Agriculture</b>	General	1	0	1	1	2	0	1	0	5	1
<b>DCH</b>	Med Ben	661	202	660	249	635	273	580	229	2,536	953
	Health Policy	54	16	19	13	41	28	27	14	141	71
	BHS	31	4	24	6	28	8	29	4	112	22
	BHP	123	44	121	48	125	53	146	58	515	203
	MHC	2	0	3	2	2	2	2	1	9	5
	Med Prov	158	19	55	11	65	20	56	11	334	61
	Rehearing	20	20	15	15	13	13	7	7	55	55
	Other	10	1	1	0	5	1	25	20	41	22
	<b>Total:</b>	<b>1,059</b>	<b>306</b>	<b>898</b>	<b>344</b>	<b>914</b>	<b>398</b>	<b>872</b>	<b>344</b>	<b>3,743</b>	<b>1,392</b>
<b>Corrections</b>	Misconduct	20,474	20,474	21,481	21,481	19,651	19,651	20,037	20,037	81,643	81,643
	Parole Hearing	336	336	172	172	148	148	0	0	656	656
	Parole Arraign	267	267	87	87	54	54	0	0	408	408
	Other	125	125	125	125	125	125	125	125	125	125
	<b>Total</b>	<b>21,202</b>	<b>21,202</b>	<b>21,865</b>	<b>21,865</b>	<b>19,978</b>	<b>19,978</b>	<b>20,162</b>	<b>20,162</b>	<b>83,207</b>	<b>83,207</b>
<b>Education</b>	TCR	0	0	0	0	0	0	1	1	1	1
	STC	32	10	7	2	12	3	22	7	73	22
	CACFP	0	0	0	0	1	1	0	0	1	1
	Property Transfer	1	1	2	1	1	1	1	1	5	4
	Spec Ed	48	6	53	17	27	10	37	6	165	39
	<b>Total:</b>	<b>81</b>	<b>17</b>	<b>62</b>	<b>20</b>	<b>41</b>	<b>15</b>	<b>61</b>	<b>15</b>	<b>245</b>	<b>67</b>

**State Office of Administrative Hearings and Rules  
Fiscal Year 2009 - 2010  
Hearing Statistics – Attachment D**

Hearing Case Type	Area	1 <sup>st</sup> Schd	1 <sup>st</sup> Held	2 <sup>nd</sup> Schd	2 <sup>nd</sup> Held	3 <sup>rd</sup> Schd	3 <sup>rd</sup> Held	4 <sup>th</sup> Schd	4 <sup>th</sup> Held	Total Schd	Total Held
DEQ	LWM	8	2	10	1	15	8	11	2	44	13
	Water	1	0	4	2	0	0	1	3	6	5
	Air	0	0	0	0	0	0	0	0	0	0
	Oil & Gas	9	3	4	1	7	6	2	1	22	11
	RRD	0	0	0	0	0	0	0	0	0	0
	WHM	0	0	0	0	0	0	0	0	0	0
	Misc.	0	0	0	0	0	0	0	0	0	0
	<b>Total:</b>	<b>18</b>	<b>5</b>	<b>18</b>	<b>4</b>	<b>22</b>	<b>14</b>	<b>14</b>	<b>6</b>	<b>72</b>	<b>29</b>
History, Arts, and Libraries	General	12	10	6	1	1	0	5	4	24	15
DHS	Adopt	10	50	8	4	4	1	11	4	33	59
	AMP	71	24	48	16	209	59	349	62	677	161
	CDC	108	35	82	21	616	78	797	152	1,603	286
	SER	77	13	71	7	742	60	836	84	1,726	164
	FAP	1,311	265	2,526	520	1,696	378	1,257	247	6,790	1,410
	SMP	0	0	0	0	0	0	0	0	0	0
	DSS	5	2	1	1	34	3	27	5	67	11
	FIP	165	45	125	35	657	82	708	104	1,655	266
	JET	328	124	480	129	1,077	339	562	208	2,447	800
	Med Elig	1,018	262	1,541	374	2,159	489	2,591	510	7,309	1,635
	Title IVE	1	0	2	2	34	8	8	6	45	16
	SSI	14	2	3	1	125	12	106	4	248	19
	Expungement	0	0	74	54	19	11	69	45	162	110
	SDA	90	27	123	41	42	27	176	55	431	150
	OCAL	40	14	41	16	47	26	45	16	173	72
	Med Dis	789	502	1,204	825	1,142	790	1,064	738	4,199	2855
	Rehearing	92	92	2	2	1	1	0	0	95	95
	<b>Total:</b>	<b>4,119</b>	<b>1,457</b>	<b>6,331</b>	<b>2,048</b>	<b>8,604</b>	<b>2,364</b>	<b>8,606</b>	<b>2,240</b>	<b>27,660</b>	<b>8,109</b>

**State Office of Administrative Hearings and Rules  
Fiscal Year 2009 - 2010  
Hearing Statistics – Attachment D**

Hearing Case Type	Area	1 <sup>st</sup> Schd	1 <sup>st</sup> Held	2 <sup>nd</sup> Schd	2 <sup>nd</sup> Held	3 <sup>rd</sup> Schd	3 <sup>rd</sup> Held	4 <sup>th</sup> Schd	4 <sup>th</sup> Held	Total Schd	Total Held
<b>DLEG</b>	UA	9,607	9,607	12,644	12,644	14,342	14,342	14,976	14,976	51,569	51,569
	TT	119	119	37	37	209	209	186	186	551	551
	LCC	70	70	46	46	23	23	20	20	159	159
	PSC	96	51	89	42	134	76	134	61	453	230
	BCS	121	45	84	27	126	78	129	62	460	212
	MRS	N/A	N/A	4	3	1	0	0	0	5	3
	OFIS	19	9	20	5	23	8	14	4	76	26
	MSHDA	N/A	N/A	0	0	36	15	12	14	48	29
	BCC	15	12	16	9	12	9	4	2	47	32
	MIOSHA	19	7	33	3	25	12	22	10	99	32
	Wage Hour	99	51	92	69	144	51	81	51	416	222
	CFB	0	0	0	0	0	0	0	0	0	0
	MERC	140	37	151	32	151	32	125	34	567	135
	BCE	0	0	0	0	0	0	0	0	0	0
	<b>Total</b>	<b>10,305</b>	<b>10,008</b>	<b>13,216</b>	<b>12,917</b>	<b>15,226</b>	<b>14,855</b>	<b>15,703</b>	<b>15,419</b>	<b>54,450</b>	<b>53,200</b>
<b>DMB</b>	General	38	6	41	18	40	25	32	17	151	66
<b>MDCR</b>	General	N/A	N/A	0	0	0	0	0	0	0	0
<b>DNR</b>	General	0	0	0	0	0	0	2	2	2	2
<b>State Police</b>	MCOLES	4	4	2	0	3	3	3	1	12	8
<b>MDOT</b>	General	56	19	30	7	32	15	3	1	121	42
<b>Treasury</b>	General	2	0	4	1	2	0	1	0	9	1
<b>Total</b>		<b>36,897</b>	<b>33,034</b>	<b>42,474</b>	<b>37,226</b>	<b>44,865</b>	<b>37,667</b>	<b>45,465</b>	<b>38,211</b>	<b>169,701</b>	<b>146,138</b>