

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



OCT 03 2018

DECISION

MEMORANDUM FOR THE SECRETARY

THROUGH:

PATRICK PIZZELLA
Deputy Secretary

Handwritten initials "PP" in a circle and a signature, likely of Patrick Pizzella.

NICHOLAS C. GEALE
Chief of Staff

FROM:

STEPHEN R. HENLEY
Chief Administrative Law Judge

Handwritten signature of Stephen R. Henley.

SUBJECT:

Appointment of Department Administrative Law Judges

PRIORITY:

Very Important

SUMMARY

The Office of Administrative Law Judges (OALJ) requests your appointment of one administrative law judge (ALJ).

BACKGROUND/STATEMENT OF ISSUES

The U.S. Department of Labor engages ALJs to conduct hearings and issue decisions in cases arising under more than 80 labor-related statutes, Executive Orders, and DOL regulations. *See* 5 U.S.C. § 3105 ("Each agency shall appoint as many administrative law judges as are necessary for proceedings required to be conducted in accordance with sections 556 and 557 of [the Administrative Procedure Act]."); *see also* 5 C.F.R. §§ 6.2-6.4, 6.8; Executive Order of July 10, 2018 Excepting Administrative Law Judges From the Competitive Service, Exec. Order No. 13,843, 83 Fed. Reg. 32,755 (July 13, 2018).

On August 8 and 15, 2018, a Department of Labor review panel consisting of the Acting Assistant Secretary for Policy, the Chief Judge and Chair of the Employees' Compensation Appeals Board, the Chief Human Capital Officer, and me as Chief Judge of the Office of Administrative Law Judges, reviewed and evaluated applications from some 42 Administrative Law Judges (ALJ) currently employed in other federal government agencies for transfer to vacant positions in the Office of Administrative Law Judges (OALJ). The panel subsequently recommended and you appointed eleven individuals as Department of Labor ALJs on September 12, 2018. The appointments were to be effective upon transfer to the Department of Labor.

Ten of the eleven ALJs have indicated they will accept formal offers of employment once tendered by the Human Resources Office. One individual declined, having taken a position with another agency that did not require her to relocate. Consequently, that position is now vacant. The review panel reconvened on September 27, 2018 and reassessed the remaining candidates' qualifications.

The review panel unanimously recommends the appointment of Loranzo M. Fleming as a Department of Labor administrative law judge. Judge Fleming has a demonstrated record of success as a current ALJ with the Social Security Administration and possesses a unique combination of judicial, management, legal and leadership skills. In the event that Judge Fleming declines an offer of employment with the Department of Labor, the review panel unanimously recommends you appoint Judge [REDACTED]. Appointment of either of these individuals would be effective upon transfer to the Department of Labor. The resumes of both individuals and their state bar status are included for your review. You may appoint either, or none, of these ALJs.

OTHER DOL AGENCIES INVOLVED

The Office of the Deputy Secretary; the Office of the Solicitor, Office of Legal Counsel; the Office of the Assistant Secretary for Policy; the Office of the Assistant Secretary for Administration and Management; and the Employees' Compensation Appeals Board.

OTHER FEDERAL AGENCIES INVOLVED

None

CONGRESSIONAL INTEREST

None

LATEST DATE(S) FOR ACTION

We request your decision as soon as possible.

CONTACT

Stephen R. Henley, Chief Administrative Law Judge, at (202) 693-7424.

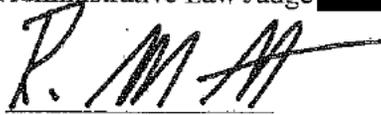
cc: Jonathan Berry, Acting Assistant Secretary for Policy; Christopher Godfrey, Chief Judge and Chair, Employees' Compensation Appeals Board; Sydney Rose, Chief Human Capital Officer

DECISION

Subject: Appointment of Department Administrative Law Judge

Recommended Course of Action: Appoint Administrative Law Judge Loranzo M. Fleming as a Department administrative law judge authorized to execute and fulfill the duties of that office according to law and regulation. In the event Judge Fleming declines an offer of employment, appoint Administrative Law Judge [REDACTED]

Approved:



Date:

OCT 09 2018

Let's Discuss:

Date:

COMMENTS: