



# Office of Administrative Law Judges

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Quarterly Report on Case Inventory for 3<sup>rd</sup> Quarter FY 2020

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## Table of Contents

<b>Dispositive Motions Pending More than 6 Months</b> .....	3
<b>Record Closed More Than 6 Months without a Decision</b> .....	4
<b>Pending Cases</b> .....	5
<b>Pending Cases Trends</b> .....	6
<b>Disposed Cases</b> .....	8
<b>Case Completion Time</b> .....	11
<b>Case Completion Time Trend</b> .....	13
<b>Figure 1.</b> Total Dispositive Motions Pending More than 6 Months for FY 20 Q3 by Office .....	3
<b>Figure 2.</b> Total Record Closed More Than 6 Months without a Decision FY 20 Q3 by Office .....	4
<b>Figure 3.</b> Pending Cases More Than 2 years and 3 Years from Date of Docket by Office.....	5
<b>Figure 4.</b> Pending Cases More Than 2 Years from Date of Docket by Office Quarter over Quarter Differences .....	6
<b>Figure 5.</b> Pending Cases More Than 3 Years from Date of Docket by Office Quarter over Quarter Differences .....	7
<b>Figure 6.</b> Total Disposed Cases FY 20 (1 October 2019 - 30 June 2020) .....	8
<b>Figure 7.</b> Total Disposed Cases FY 19 (1 October 2018 - 30 September 2019).....	9
<b>Figure 8.</b> Total Disposed Cases FY 18 (1 October 2017 - 30 September 2018).....	10
<b>Figure 9.</b> Case Completion Time (Median) in Months from Docket to Disposition FY 20 (01 October 2019 -30 June 2020).....	11
<b>Figure 10.</b> Case Completion Time (Mean) in Months from Docket to Disposition FY 20 (01 October 2019 - 30 June 2020).....	12
<b>Figure 11.</b> Median Time to Disposition by Case Area FY 17 – FY 20 .....	13
<b>Figure 12.</b> Mean Time to Disposition by Case Area FY 17 – FY 20 .....	14

## Dispositive Motions Pending More than 6 Months

**Figure 1.** Total Dispositive Motions Pending More than 6 Months for FY 20 Q3 by Office

	Total Dispositive Motions FY 20 Q3
<b>NATIONAL OFFICE</b>	<b>1</b>
<b>WASHINGTON, DC OFFICE</b>	<b>4</b>
<b>BOSTON OFFICE</b>	<b>0</b>
<b>CHERRY HILL OFFICE</b>	<b>0</b>
<b>CINCINNATI OFFICE</b>	<b>3</b>
<b>COVINGTON OFFICE</b>	<b>0</b>
<b>NEWPORT NEWS OFFICE</b>	<b>0</b>
<b>PITTSBURGH OFFICE</b>	<b>0</b>
<b>SAN FRANCISCO OFFICE</b>	<b>0</b>
<b>OALJ TOTAL</b>	<b>8</b>

**\* Note:**

*For purposes of this reporting requirement, “dispositive” motion includes Motions for Summary Decision, Motions to Dismiss (to include withdrawals and kick-outs to federal court), Motions to Remand, Motions for Reconsideration, and Motions for Approval of Settlement Agreements or to accept and adopt Consent Findings. If an action includes more than one claim for relief or involves multiple parties, a motion is not dispositive unless, if granted, it resolves all the claims for all the parties to a case. 29 C.F.R. §§18.70-72, 93.*

*In most cases, a judge cannot act on a motion until at least 17 days have passed after receipt. 29 C.F.R. §§ 18.32(c); 18.33(d).*

## Record Closed More Than 6 Months without a Decision

**Figure 2.** Total Record Closed More Than 6 Months without a Decision FY 20 Q3 by Office

	Total Record Closed FY 20 Q3
<b>NATIONAL OFFICE</b>	<b>522*</b>
<b>WASHINGTON, DC OFFICE</b>	<b>85</b>
<b>BOSTON OFFICE</b>	<b>40</b>
<b>CHERRY HILL OFFICE</b>	<b>20</b>
<b>CINCINNATI OFFICE</b>	<b>62</b>
<b>COVINGTON OFFICE</b>	<b>3</b>
<b>NEWPORT NEWS OFFICE</b>	<b>53</b>
<b>PITTSBURGH OFFICE</b>	<b>54</b>
<b>SAN FRANCISCO OFFICE</b>	<b>36</b>
<b>OALJ TOTAL</b>	<b>875</b>

**\* Note:**

**National Office:** Number includes 500 PERMANENT ALIEN LABOR CERTIFICATION cases.

For purposes of this reporting requirement, a record closes on the later of the date the hearing was concluded, the transcript was received, post-hearing evidence was due, closing briefs were to be filed, or the date the presiding ALJ issues an order formally closing the record. If a party waives a hearing, the record closes on the date the presiding judge sets for filing of all submissions. In other words, a record is closed when the case is "ready to write."

## Pending Cases

*Figure 3. Pending Cases More Than 2 years and 3 Years from Date of Docket by Office*

	Total Pending Cases More Than 2 Years From the Date of Docket	Total Pending Cases More Than 3 Years From the Date of Docket
<b>NATIONAL OFFICE</b>	<b>403</b>	<b>245</b>
<b>WASHINGTON, DC OFFICE</b>	<b>184</b>	<b>89</b>
<b>BOSTON OFFICE</b>	<b>56</b>	<b>16</b>
<b>CHERRY HILL OFFICE</b>	<b>30</b>	<b>5</b>
<b>CINCINNATI OFFICE</b>	<b>117</b>	<b>49</b>
<b>COVINGTON OFFICE</b>	<b>33</b>	<b>9</b>
<b>NEWPORT NEWS OFFICE</b>	<b>70</b>	<b>21</b>
<b>PITTSBURGH OFFICE</b>	<b>82</b>	<b>21</b>
<b>SAN FRANCISCO OFFICE</b>	<b>89</b>	<b>34</b>
<b>OALJ TOTAL</b>	<b>1064</b>	<b>489</b>

## Pending Cases Trends

Figure 4. Pending Cases More Than 2 Years from Date of Docket by Office Quarter over Quarter Differences

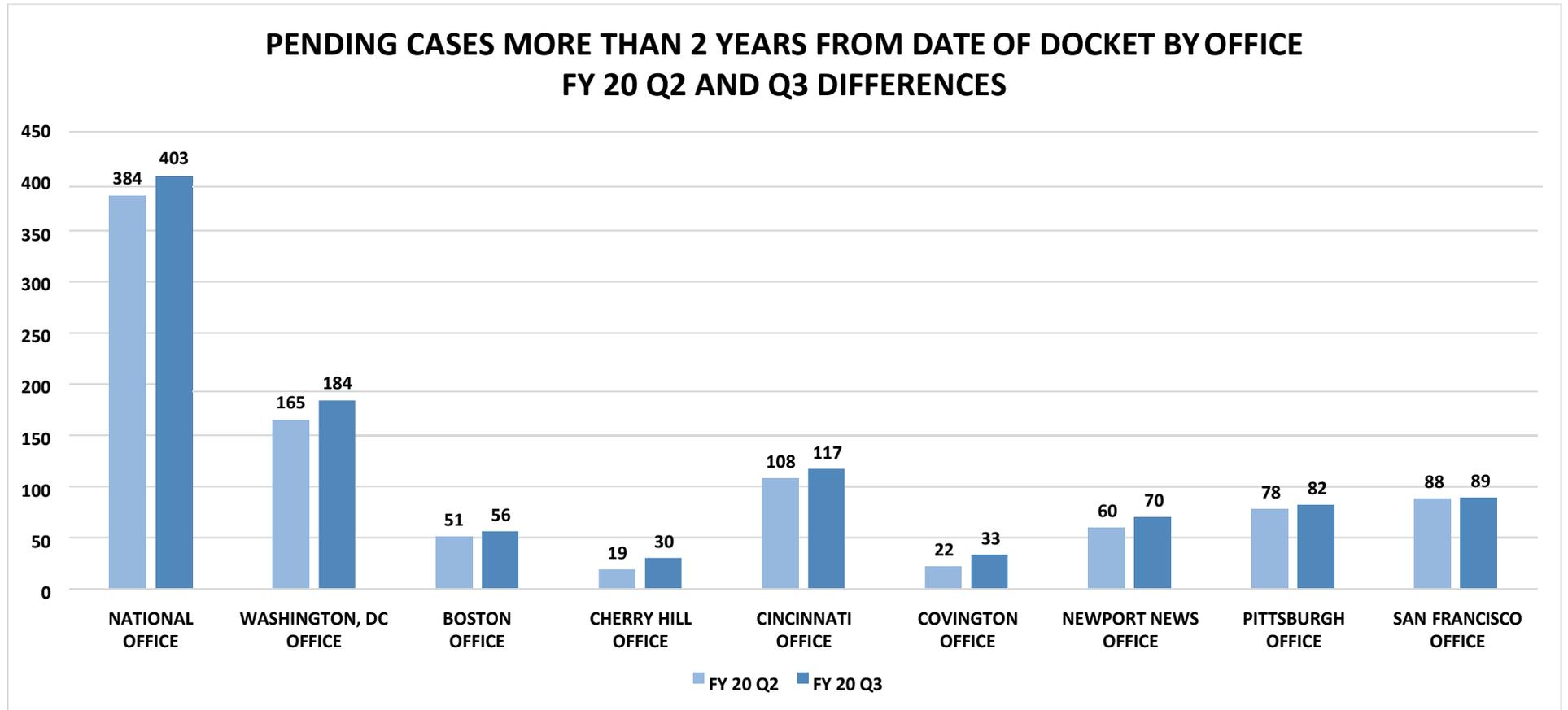
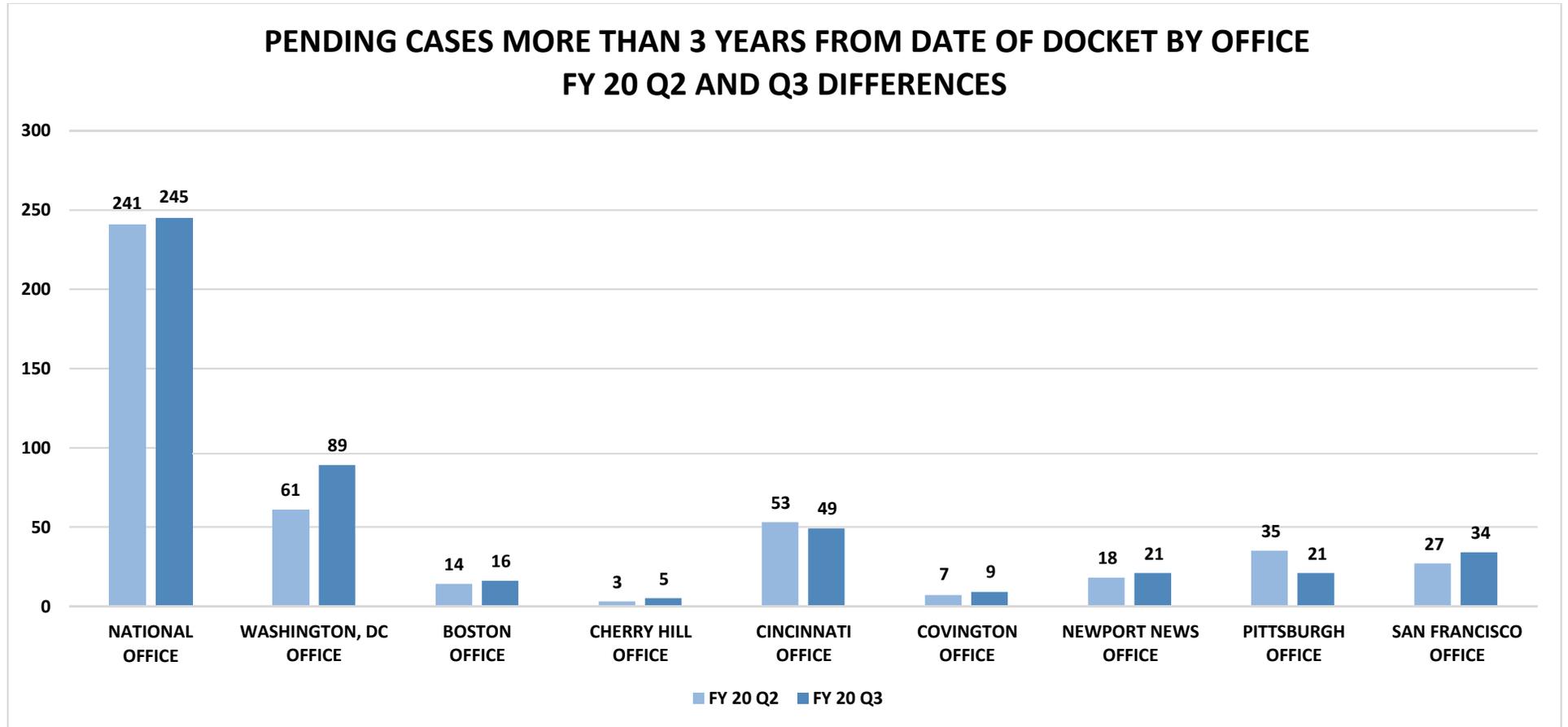


Figure 5. Pending Cases More Than 3 Years from Date of Docket by Office Quarter over Quarter Differences



## Disposed Cases

Figure 6. Total Disposed Cases FY 20 (1 October 2019 - 30 June 2020)

		District Office Disposed Cases											
		Totals	NATIONAL OFFICE	WASHINGTON, DC	BOSTON	CHERRY HILL	CINCINNATI	COVINGTON	NEWPORT NEWS	PITTSBURGH	SAN FRANCISCO		
Total Disposed Cases FY 20 (1 October 2019 - 30 June 2020)	By Case Area	BLACK LUNG BENEFITS ACT	1081	68	120	58	133	314	40	81	211	56	
		DEFENSE BASE ACT	1157	173	218	142	21	73	137	209	1	183	
		LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT	957	17	48	143	79	19	167	165	4	315	
		PERMANENT ALIEN LABOR CERTIFICATION	193	183	6	2	0	0	2	0	0	0	
		TEMPORARY ALIEN LABOR CERTIFICATION	301	30	25	35	28	46	32	34	32	39	
		TRADITIONAL	98	48	2	4	4	5	6	6	19	4	
		WHISTLEBLOWER	285	29	17	17	27	37	45	19	66	28	
		<b>OALJ Totals</b>	<b>4072</b>	<b>548</b>	<b>436</b>	<b>401</b>	<b>292</b>	<b>494</b>	<b>429</b>	<b>514</b>	<b>333</b>	<b>625</b>	
		By Decision Type	ADMINISTRATIVE CLOSURE	30	6	4	2	1	1	3	2	0	11
			AWARD OF BENEFITS	528	28	44	69	58	123	19	41	96	50
		CONSENT ORDER	44	8	2	8	9	5	2	8	1	1	
		DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	452	188	42	22	18	53	49	21	23	36	
		DENIAL OF BENEFITS	313	22	21	21	54	64	11	33	65	22	
		DISMISSAL	283	59	14	22	23	14	40	19	79	13	
		KICK-OUT TO FEDERAL COURT	2	1	0	0	0	0	0	0	0	1	
		RECOMMENDED DECISION & ORDER	10	1	0	5	0	3	0	1	0	0	
		REMAND	1601	151	180	180	97	170	148	333	47	295	
		SETTLEMENT	684	32	128	68	29	38	153	44	5	187	
		SUMMARY/DEFAULT JUDGMENT	34	5	1	4	0	4	1	11	1	7	
		WITHDRAWAL	91	47	0	0	3	19	3	1	16	2	
	<b>DALJ Totals</b>	<b>4072</b>	<b>548</b>	<b>436</b>	<b>401</b>	<b>292</b>	<b>494</b>	<b>429</b>	<b>514</b>	<b>333</b>	<b>625</b>		

\* Note:

**Traditional:** includes cases involving grants administration, federal contract disputes, child labor violations, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, and recordkeeping required by ERISA.

**Whistleblower:** includes complaints involving corporate fraud and violations of transportation, environmental, and food safety statutes.

Figure 7. Total Disposed Cases FY 19 (1 October 2018 - 30 September 2019)

		District Office Disposed Cases								
		Totals	WASHINGTON, DC	BOSTON	CHERRY HILL	CINCINNATI	COVINGTON	NEWPORT NEWS	PITTSBURGH	SAN FRANCISCO
By Case Area	BLACK LUNG BENEFITS ACT	1358	247	65	187	367	121	82	226	63
	DEFENSE BASE ACT	1204	579	43	37	31	159	152	11	192
	LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT	1578	79	254	121	37	350	265	9	463
	PERMANENT ALIEN LABOR CERTIFICATION	512	511	1	0	0	0	0	0	0
	TEMPORARY ALIEN LABOR CERTIFICATION	342	82	33	37	38	43	32	31	46
	TRADITIONAL	171	86	7	9	8	8	10	28	15
	WHISTLEBLOWER	336	68	16	44	44	72	28	18	46
	<b>OALJ Totals</b>	<b>5501</b>	<b>1652</b>	<b>419</b>	<b>435</b>	<b>525</b>	<b>753</b>	<b>569</b>	<b>323</b>	<b>825</b>
By Decision Type	ADMINISTRATIVE CLOSURE	49	35	2	1	0	3	4	1	3
	AFFIRMING	7	0	2	0	2	0	2	0	1
	AWARD OF BENEFITS	674	92	136	34	169	46	48	85	64
	CONSENT DECREE	2	0	0	0	0	2	0	0	0
	CONSENT ORDER	93	28	4	7	4	6	4	30	10
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	1268	643	57	114	49	240	25	24	116
	DENIAL OF BENEFITS	324	36	13	24	97	31	44	48	31
	DISMISSAL	198	60	15	25	19	38	13	9	19
	FINAL ORDER	130	82	3	22	2	6	11	0	4
	KICK-OUT TO FEDERAL COURT	1	0	0	1	0	0	0	0	0
	ORDER OF DISMISSAL	92	29	2	7	27	12	3	3	9
	ORDER OF REMAND	575	107	33	60	41	69	127	24	114
	RECOMMENDED DECISION & ORDER	12	4	1	0	0	0	7	0	0
	REMAND	1269	270	118	108	74	166	231	64	238
	REVERSING	3	1	0	0	0	2	0	0	0
	SETTLEMENT	604	151	24	26	22	127	40	14	200
	SUMMARY/DEFAULT JUDGMENT	32	4	5	0	4	2	4	0	13
WITHDRAWAL	168	110	4	6	15	3	6	21	3	
<b>OALJ Totals</b>	<b>5501</b>	<b>1652</b>	<b>419</b>	<b>435</b>	<b>525</b>	<b>753</b>	<b>569</b>	<b>323</b>	<b>825</b>	

\* Note:

**Traditional:** includes cases involving grants administration, federal contract disputes, child labor violations, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, and recordkeeping required by ERISA.

**Whistleblower:** includes complaints involving corporate fraud and violations of transportation, environmental, and food safety statutes.

Figure 8. Total Disposed Cases FY 18 (1 October 2017 - 30 September 2018)

		District Office Disposed Cases									
		Totals	WASHINGTON, DC	BOSTON	CHERRY HILL	CINCINNATI	COVINGTON	NEWPORT NEWS	PITTSBURGH	SAN FRANCISCO	
Total Disposed Cases FY 18 (1 October 2017 - 30 September 2018)	By Case Area	BLACK LUNG BENEFITS ACT	1416	246	54	181	387	137	78	252	81
	DEFENSE BASE ACT	944	389	20	22	26	167	127	11	182	
	LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT	1673	84	232	144	19	440	305	15	434	
	PERMANENT ALIEN LABOR CERTIFICATION	1263	1183	3	1	0	0	68	0	8	
	TEMPORARY ALIEN LABOR CERTIFICATION	282	76	25	20	32	44	33	16	36	
	TRADITIONAL	122	75	0	11	8	6	4	8	10	
	WHISTLEBLOWER	359	74	29	60	37	83	20	8	48	
	OALJ Totals	6059	2127	363	439	509	877	635	310	799	
	By Decision Type	ADMINISTRATIVE CLOSURE	13	1	2	0	0	1	1	2	6
	AFFIRMING	39	8	5	5	9	0	12	0	0	
	AWARD OF BENEFITS	620	43	123	48	142	10	69	80	105	
	CONSENT DECREE	2	0	0	0	0	0	0	0	2	
	CONSENT ORDER	30	21	1	0	2	3	1	0	2	
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	2398	1145	100	57	73	570	100	44	309	
DENIAL OF BENEFITS	344	22	17	39	104	13	24	73	52		
FINAL ORDER	314	175	4	85	0	3	43	1	3		
ORDER OF DISMISSAL	541	367	10	45	17	58	14	5	25		
ORDER OF REMAND	1555	226	96	147	137	215	366	79	289		
REVERSING	10	2	2	1	1	0	4	0	0		
SUMMARY/DEFAULT JUDGMENT	9	0	2	2	1	1	0	0	3		
WITHDRAWAL DISMISSAL	184	117	1	10	23	3	1	26	3		
OALJ Totals	6059	2127	363	439	509	877	635	310	799		

\* Note:

**Traditional:** includes cases involving grants administration, federal contract disputes, child labor violations, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, and recordkeeping required by ERISA.

**Whistleblower:** includes complaints involving corporate fraud and violations of transportation, environmental, and food safety statutes.

## Case Completion Time

**Figure 9. Case Completion Time (Median) in Months from Docket to Disposition FY 20 (01 October 2019 - 30 June 2020)**

	All OALJ Avg in Months	District Office Average Time (Median) in Months from Docket to Disposition								
		NATIONAL OFFICE	WASHINGTON, DC	BOSTON	CHERRY HILL	CINCINNATI	COVINGTON	NEWPORT NEWS	PITTSBURGH	SAN FRANCISCO
<b>By Case Area</b>										
BLACK LUNG BENEFITS ACT	20	35	28	28	19	17	13	21	15	26
DEFENSE BASE ACT	8	9	9	7	11	10	8	7	9	8
LONGSHORE AND HARBOR WORKERS COMPENSATION ACT	8	7	8	6	5	14	8	7	9	9
PERMANENT ALIEN LABOR CERTIFICATION	53	54	32	6	<1	<1	5	<1	<1	<1
TEMPORARY ALIEN LABOR CERTIFICATION	1	2	1	2	1	1	1	1	1	1
TRADITIONAL	14	7	13	8	7	23	13	17	84	9
WHISTLEBLOWER	12	17	11	9	8	14	9	7	17	11
<b>By Decision Type</b>										
ADMINISTRATIVE CLOSURE	3	2	14	2	5	9	2	5	<1	3
AWARD OF BENEFITS	21	34	34	20	21	20	13	20	15	28
CONSENT ORDER	7	5	8	5	5	14	8	9	24	6
DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	22	51	20	2	2	12	16	23	1	1
DENIAL OF BENEFITS	23	29	32	28	19	22	14	32	20	32
DISMISSAL	12	8	12	6	7	20	8	9	18	7
KICK-OUT TO FEDERAL COURT	10	5	<1	<1	<1	<1	<1	<1	<1	15
RECOMMENDED DECISION & ORDER	7	<1	<1	7	<1	17	<1	2	<1	<1
REMAND	7	8	9	7	6	9	7	7	8	7
SETTLEMENT	9	12	10	5	9	13	8	8	8	11
SUMMARY/DEFAULT JUDGMENT	9	13	10	16	<1	15	6	6	35	5
WITHDRAWAL	9	11	<1	<1	7	8	6	8	7	11

**\* Note:**

**Traditional:** includes cases involving grants administration, federal contract disputes, child labor violations, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, and recordkeeping required by ERISA.

**Whistleblower:** includes complaints involving corporate fraud and violations of transportation, environmental, and food safety statutes.

Figure 10. Case Completion Time (Mean) in Months from Docket to Disposition FY 20 (01 October 2019 - 30 June 2020)

	All OALJ Avg in Months	District Office Average Time (Mean) in Months from Docket to Disposition										
		NATIONAL OFFICE	WASHINGTON, DC	BOSTON	CHERRY HILL	CINCINNATI	COVINGTON	NEWPORT NEWS	PITTSBURGH	SAN FRANCISCO		
By Case Area	BLACK LUNG BENEFITS ACT	22	36	29	28	18	21	14	23	17	26	
	DEFENSE BASE ACT	9	9	9	7	13	11	9	8	9	9	
	LONGSHORE AND HARBOR WORKERS COMPENSATION ACT	10	12	9	8	6	13	9	10	9	11	
	PERMANENT ALIEN LABOR CERTIFICATION	49	50	37	5	<1	<1	4	<1	<1	<1	
	TEMPORARY ALIEN LABOR CERTIFICATION	2	5	1	2	2	2	2	4	1	1	
	TRADITIONAL	26	11	12	8	7	30	13	17	79	12	
	WHISTLEBLOWER	14	16	16	11	8	15	12	9	16	16	
By Decision Type	ADMINISTRATIVE CLOSURE	5	<1	20	2	5	9	1	4	<1	3	
	AWARD OF BENEFITS	23	34	34	20	21	24	15	25	17	28	
	CONSENT ORDER	10	20	7	5	5	15	7	9	24	6	
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	27	48	20	6	5	13	15	15	2	6	
	DENIAL OF BENEFITS	26	36	35	33	19	24	16	29	21	36	
	DISMISSAL	18	18	13	6	6	21	10	11	31	10	
	KICK-OUT TO FEDERAL COURT	10	5	<1	<1	<1	<1	<1	<1	<1	<1	15
	RECOMMENDED DECISION & ORDER	12	<1	<1	7	<1	29	<1	2	<1	<1	
	REMAND	9	9	11	7	6	13	7	8	8	8	
	SETTLEMENT	10	11	9	6	9	11	9	9	17	12	
	SUMMARY/DEFAULT JUDGMENT	12	22	10	15	<1	15	6	7	35	7	
	WITHDRAWAL	12	15	<1	<1	9	11	5	8	7	11	

\* Note:

**Traditional:** includes cases involving grants administration, federal contract disputes, child labor violations, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, and recordkeeping required by ERISA.

**Whistleblower:** includes complaints involving corporate fraud and violations of transportation, environmental, and food safety statutes.

## Case Completion Time Trend

Figure 11. Median Time to Disposition by Case Area FY 17 – FY 20

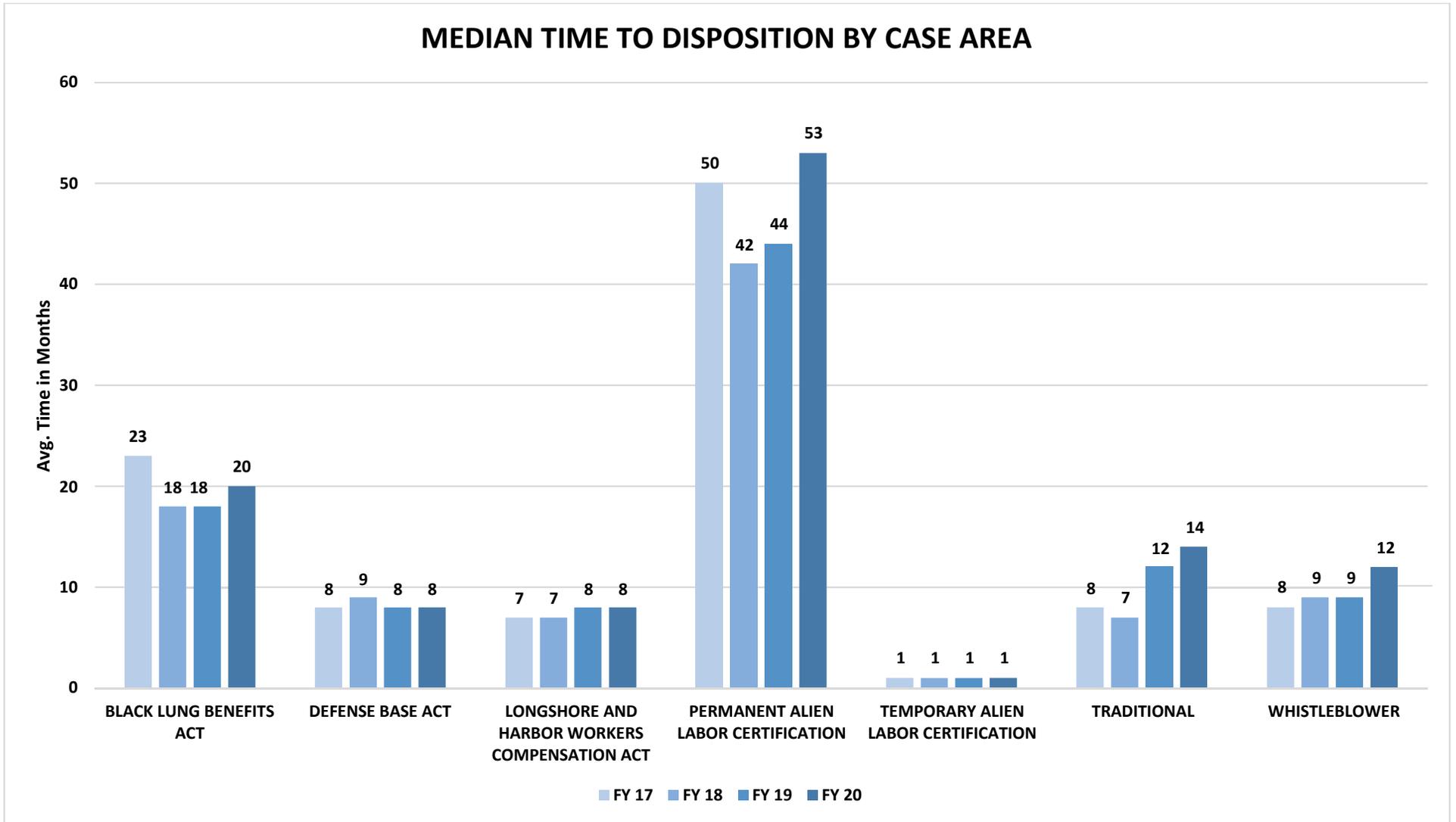
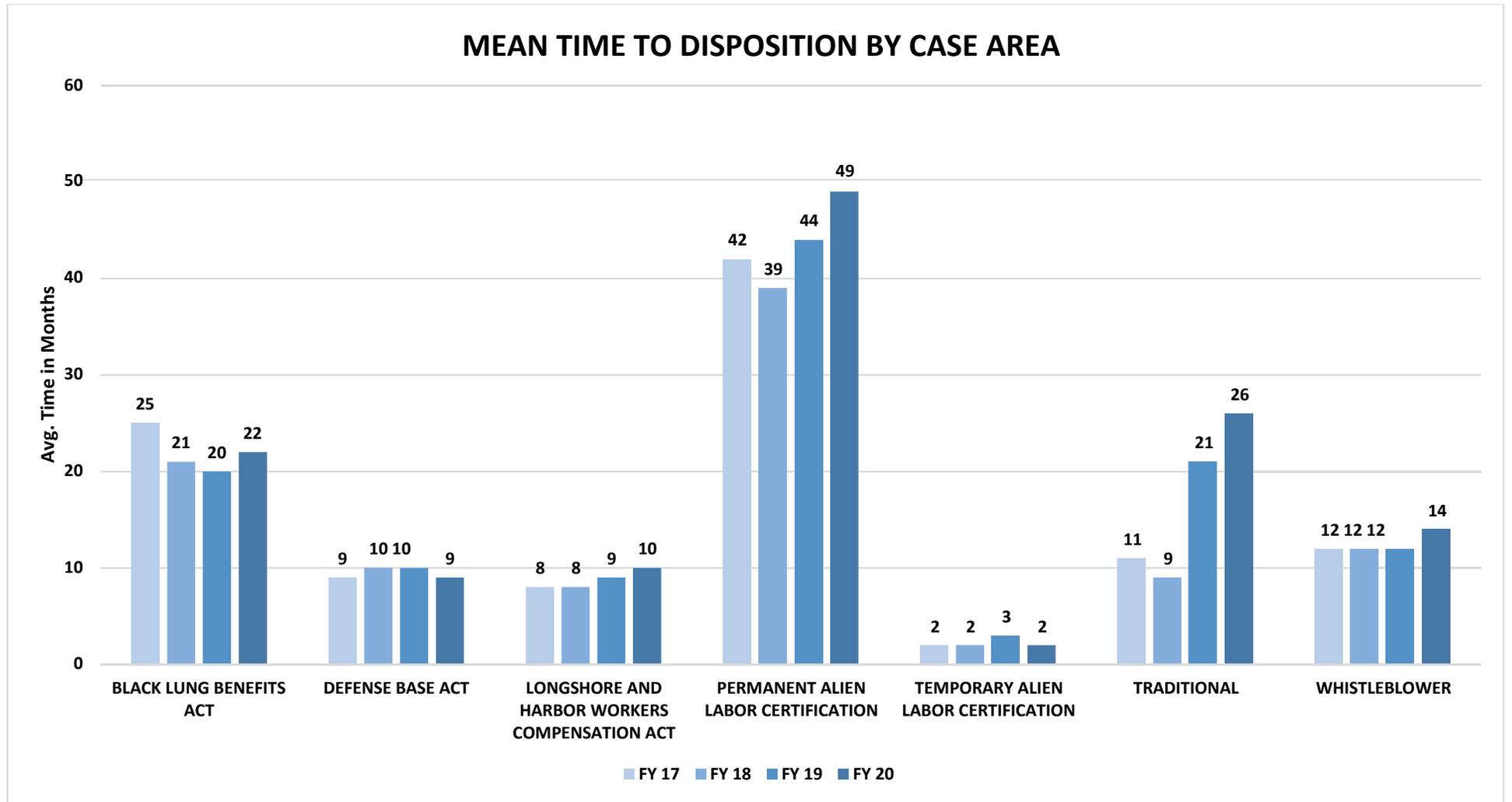


Figure 12. Mean Time to Disposition by Case Area FY 17 – FY 20





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