



Office of Administrative Law Judges

Quarterly Report on Case Inventory for 4th Quarter FY 2020

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Dispositive Motions Pending More than 6 Months

Figure 1. Total Dispositive Motions Pending More than 6 Months by Office

	Total Dispositive Motions As of 30 June 2020	Total Dispositive Motions As of 30 September 2020
NATIONAL OFFICE	1	1
WASHINGTON, DC OFFICE	4	0
BOSTON OFFICE	0	0
CHERRY HILL OFFICE	0	0
CINCINNATI OFFICE	3	0
COVINGTON OFFICE	0	0
NEWPORT NEWS OFFICE	0	0
PITTSBURGH OFFICE	0	0
SAN FRANCISCO OFFICE	0	0
OALJ TOTAL	8	1

*** 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 by Office

	Total Record Closed As of 30 June 2020	Total Record Closed As of 30 September 2020
NATIONAL OFFICE	522	462
WASHINGTON, DC OFFICE	85	49
BOSTON OFFICE	40	37
CHERRY HILL OFFICE	20	38
CINCINNATI OFFICE	62	70
COVINGTON OFFICE	3	0
NEWPORT NEWS OFFICE	53	43
PITTSBURGH OFFICE	54	64
SAN FRANCISCO OFFICE	36	35
OALJ TOTAL	875	798

*** Note:**

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."

Figure 3. Total Record Closed More Than 6 Months without a Decision by Case Area

	Total Record Closed As of 30 June 2020	Total Record Closed As of 30 September 2020
BLACK LUNG BENEFITS ACT	294	269
DEFENSE BASE ACT	15	8
LONGSHORE and HARBOR WORKERS COMPENSATION ACT	47	51
PERMANENT ALIEN LABOR CERTIFICATION	501	450
TEMPORARY ALIEN LABOR CERTIFICATION	3	3
TRADITIONAL	3	1
WHISTLEBLOWER	12	16
OALJ TOTAL	875	798

*** Note:**

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 4. 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 As of 30 September 2020	Total Pending Cases More Than 3 Years From the Date of Docket As of 30 September 2020
NATIONAL OFFICE	371	204
WASHINGTON, DC OFFICE	152	70
BOSTON OFFICE	48	15
CHERRY HILL OFFICE	32	4
CINCINNATI OFFICE	129	49
COVINGTON OFFICE	33	9
NEWPORT NEWS OFFICE	59	12
PITTSBURGH OFFICE	71	8
SAN FRANCISCO OFFICE	84	36
OALJ TOTAL	979	407

Pending Cases Trends

Figure 5. Pending Cases More Than 2 Years from Date of Docket by Agency Quarter over Quarter Differences as of 30 September 2020

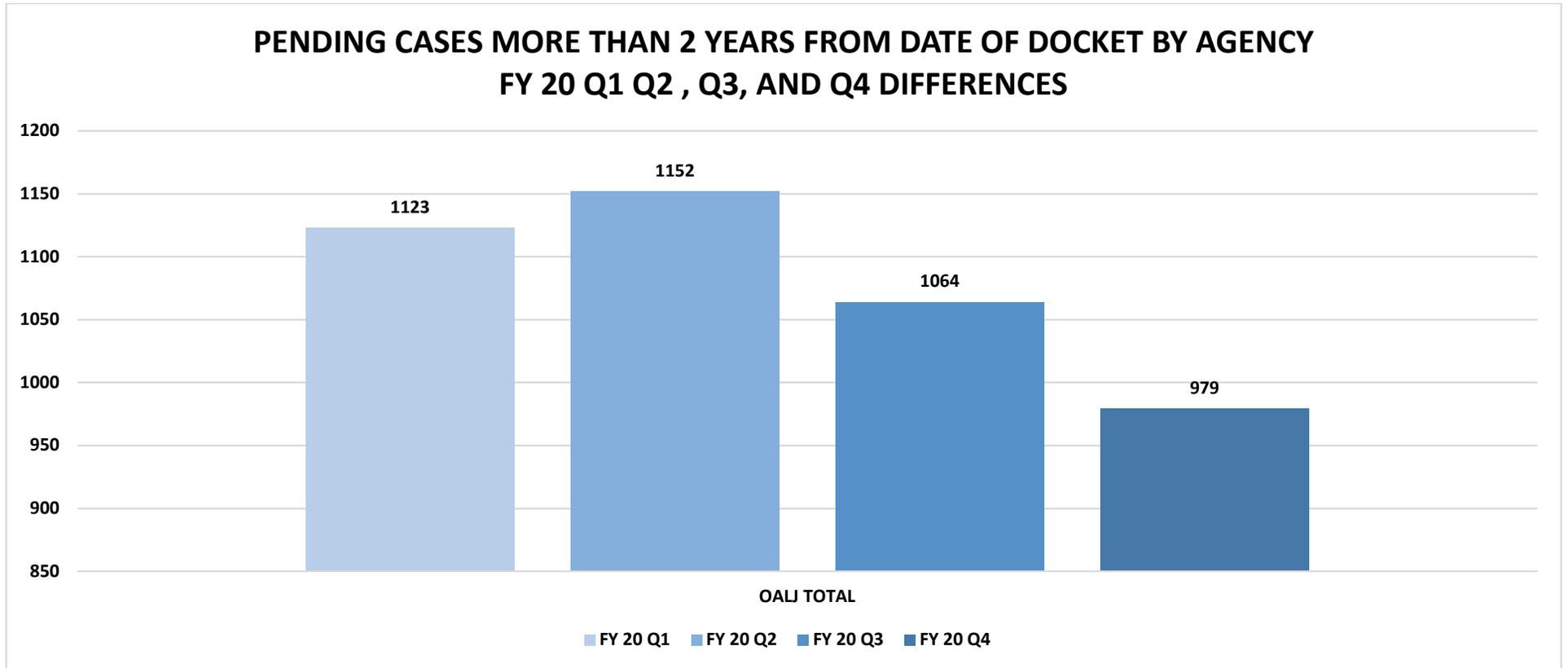


Figure 6. Pending Cases More Than 2 Years from Date of Docket by Office Quarter over Quarter Differences as of 30 September 2020

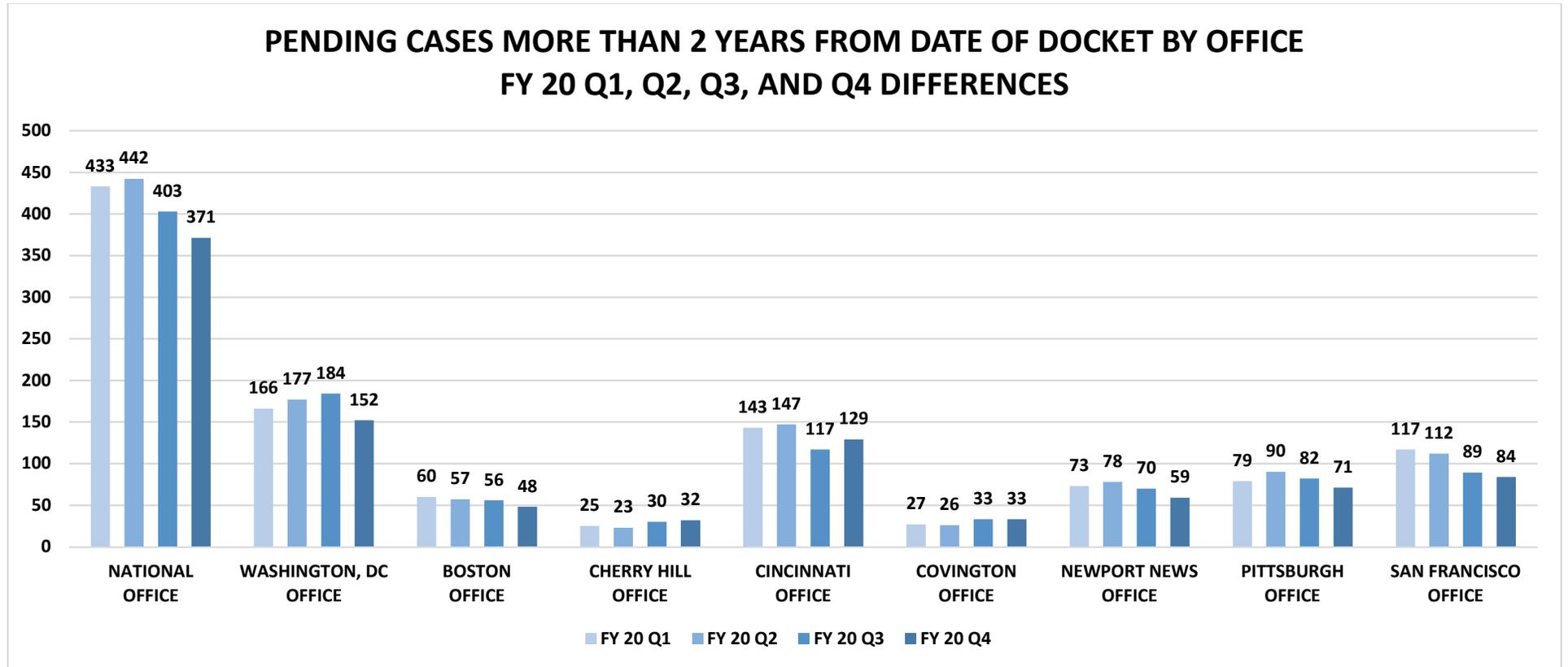


Figure 7. Pending Cases More Than 3 Years from Date of Docket by Agency Quarter over Quarter Differences as of 30 September 2020

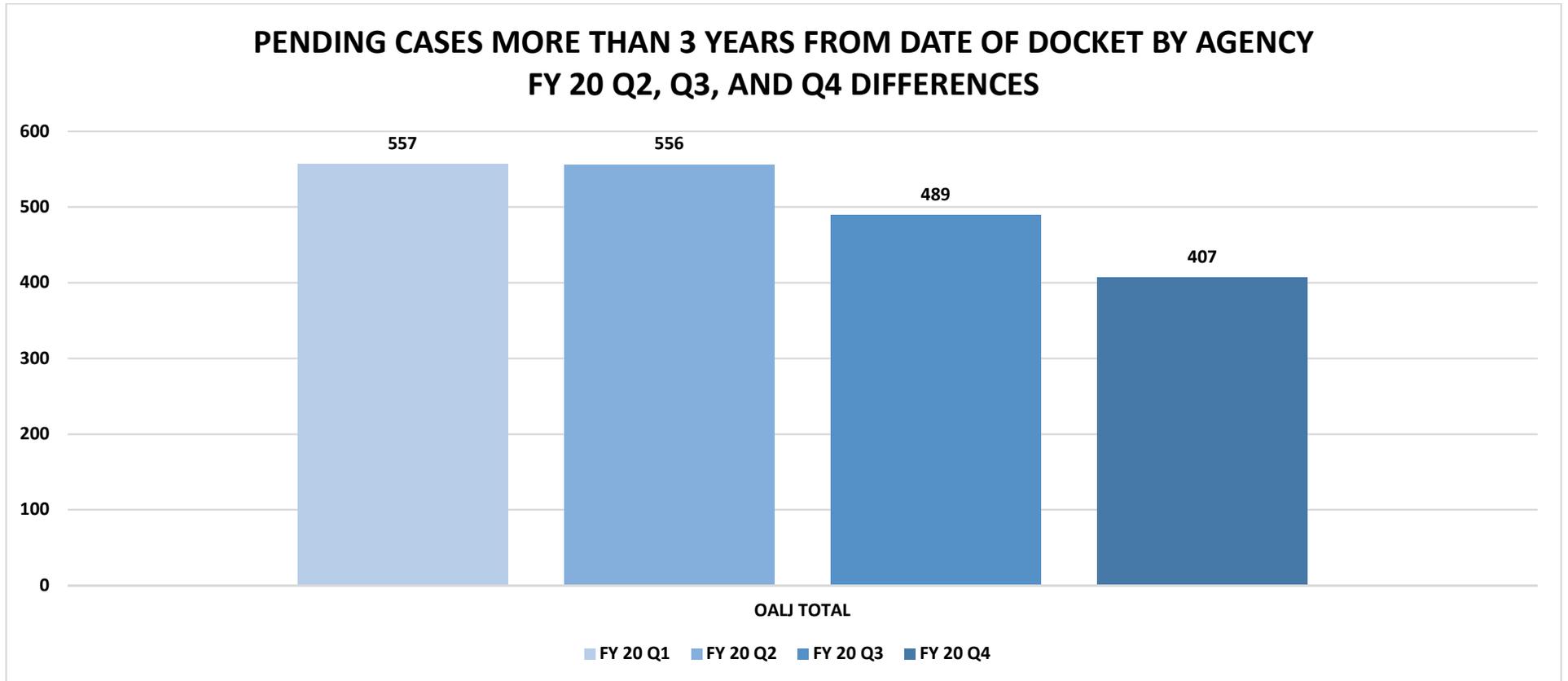


Figure 8. Pending Cases More Than 3 Years from Date of Docket by Office Quarter over Quarter Differences as of 30 September 2020

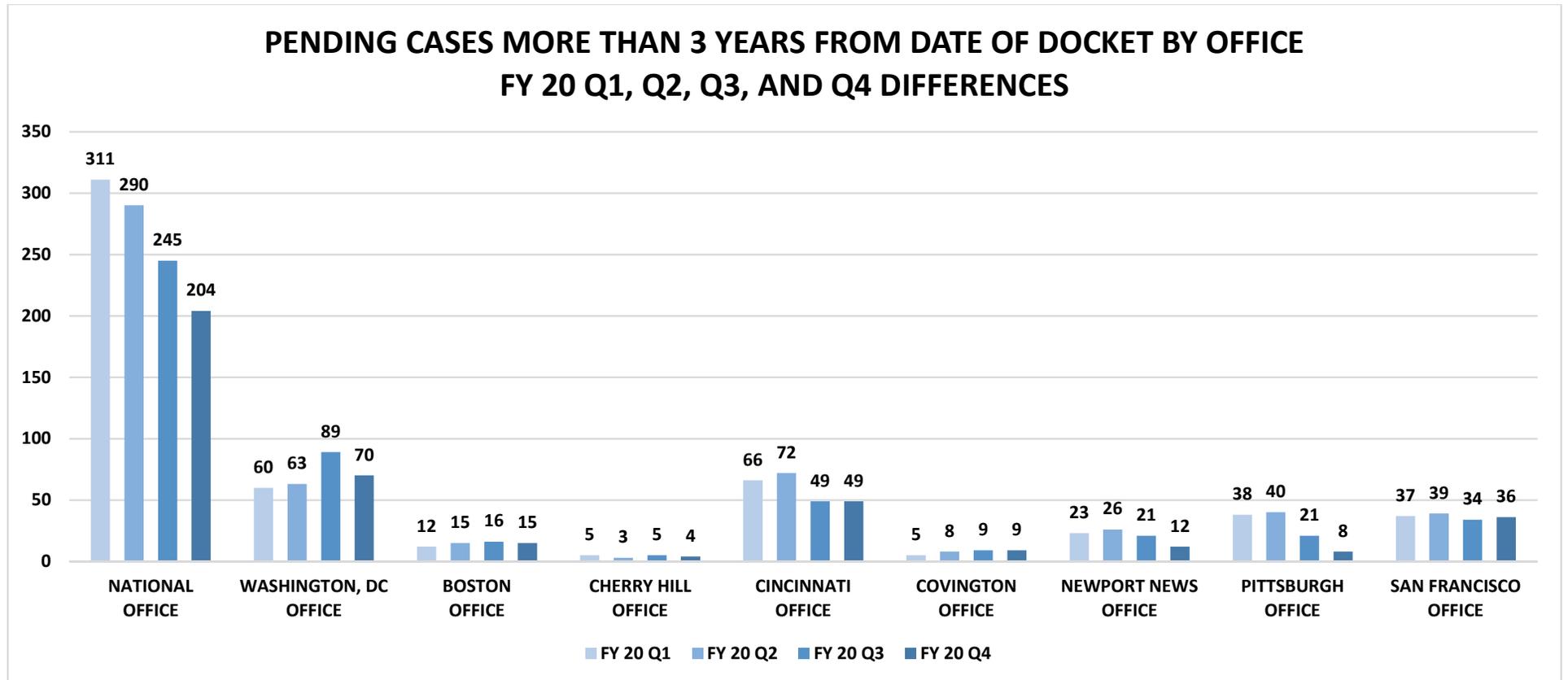
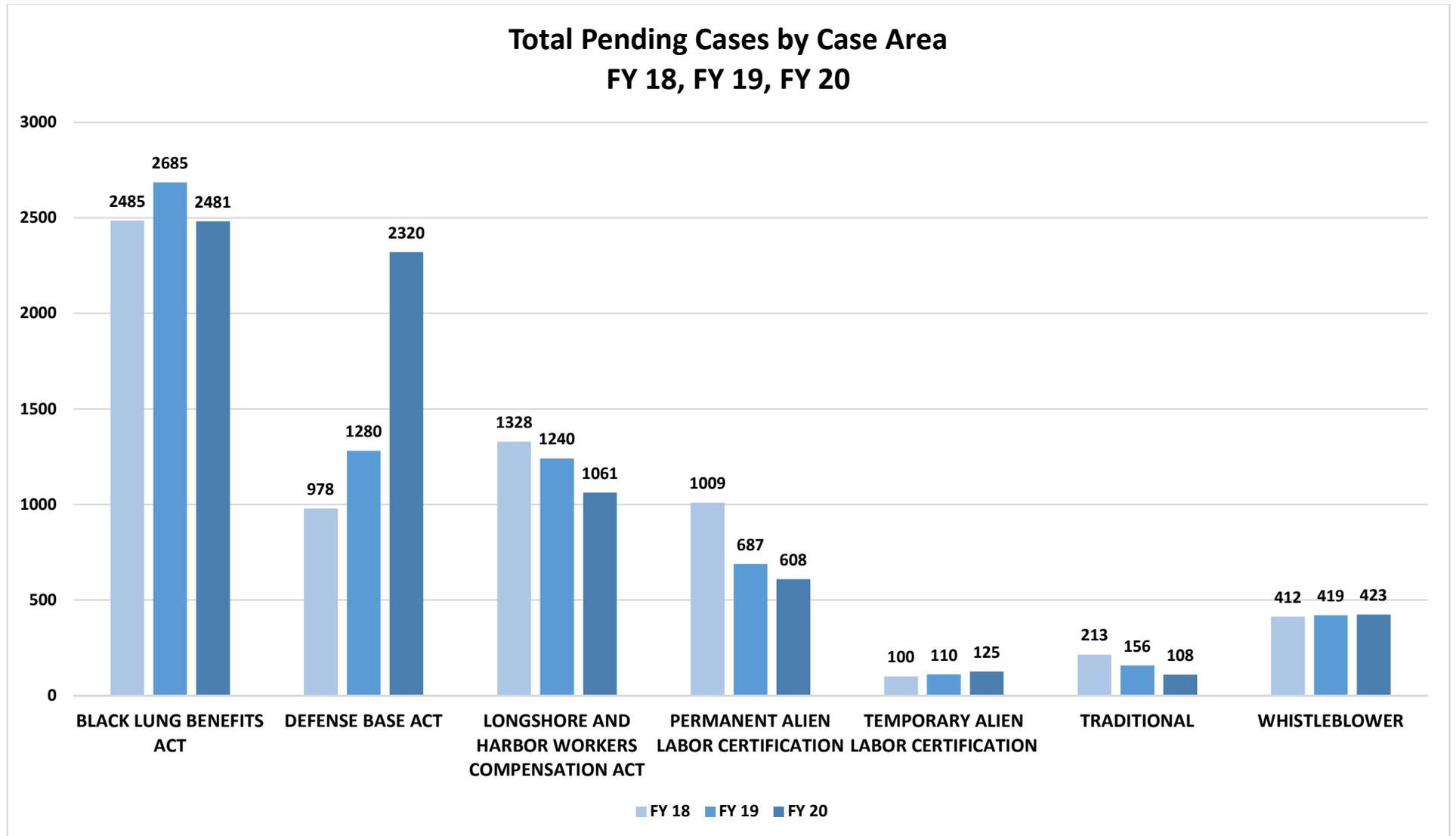


Figure 9. Total Pending Cases by Case Area as of 30 September 2020



Disposed Cases

Figure 10. Total Disposed Cases by Case Area by FY as of 30 September 2020

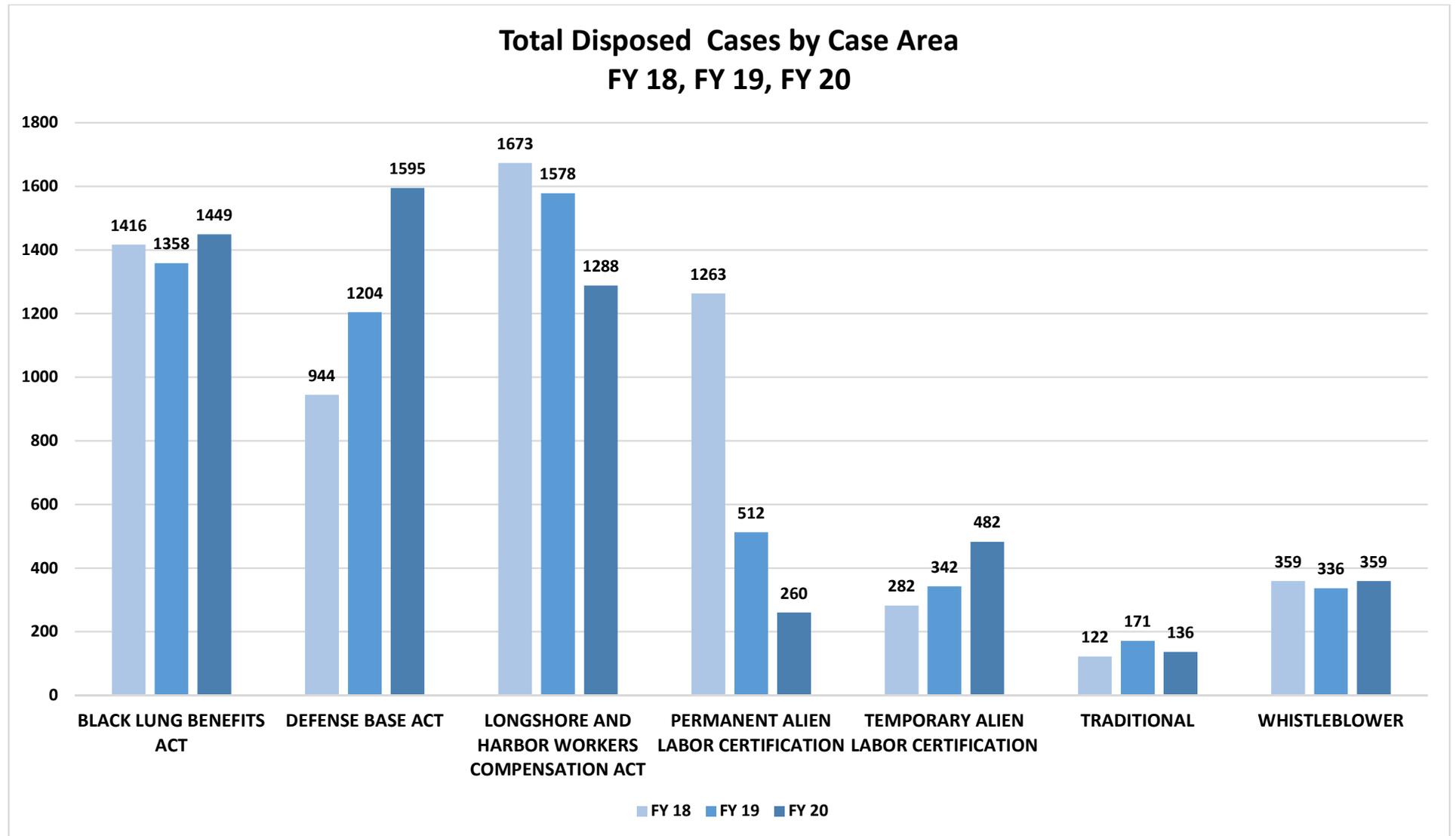


Figure 11. Total Disposed Cases FY 20 (1 October 2019 - 30 September 2020)

		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 September 2020)	By Case Area	BLACK LUNG BENEFITS ACT	1449	86	165	91	173	406	50	113	282	83	
		DEFENSE BASE ACT	1595	250	269	204	21	82	199	293	3	274	
		LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT	1288	24	58	181	108	29	213	260	5	410	
		PERMANENT ALIEN LABOR CERTIFICATION	260	249	7	2	0	0	2	0	0	0	
		TEMPORARY ALIEN LABOR CERTIFICATION	482	41	44	52	55	83	46	51	48	62	
		TRADITIONAL	136	61	3	4	8	7	8	8	30	7	
		WHISTLEBLOWER	359	38	20	26	32	51	60	24	70	38	
		OALJ Totals	5569	749	566	560	397	658	578	749	438	874	
		By Decision Type	ADMINISTRATIVE CLOSURE	42	7	5	2	1	4	4	6	1	12
			AWARD OF BENEFITS	748	35	69	98	75	165	20	78	137	71
			CONSENT ORDER	79	16	2	11	14	7	6	10	12	1
			DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	647	260	70	29	31	72	65	31	35	54
			DENIAL OF BENEFITS	424	30	32	29	66	88	17	44	89	29
			DISMISSAL	358	71	18	29	33	23	52	24	82	26
			KICK-OUT TO FEDERAL COURT	2	1	0	0	0	0	0	0	0	1
		RECOMMENDED DECISION & ORDER	19	1	0	7	0	3	0	7	0	1	
		REMAND	2260	230	226	255	136	224	217	477	56	439	
		SETTLEMENT	838	37	143	93	34	47	192	55	8	229	
		SUMMARY/DEFAULT JUDGMENT	45	6	1	7	0	4	2	16	1	8	
		WITHDRAWAL	107	55	0	0	7	21	3	1	17	3	
	OALJ Totals	5569	749	566	560	397	658	578	749	438	874		

* Note:

Traditional: includes cases involving Wage and Hour Division enforcement actions, grants administration, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, recordkeeping required by ERISA, and a variety of other labor related laws.

Whistleblower: includes complaints filed under 21 different statutes involving diverse subjects such as corporate fraud, health care, transportation, environmental protection, consumer protection, food safety, pipeline safety, maritime safety, underpayment of taxes, etc.

Figure 12. 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
	OALJ Totals	5501	1652	419	435	525	753	569	323	825
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	
OALJ Totals	5501	1652	419	435	525	753	569	323	825	

* Note:

Traditional: includes cases involving Wage and Hour Division enforcement actions, grants administration, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, recordkeeping required by ERISA, and a variety of other labor related laws.

Whistleblower: includes complaints filed under 21 different statutes involving diverse subjects such as corporate fraud, health care, transportation, environmental protection, consumer protection, food safety, pipeline safety, maritime safety, underpayment of taxes, etc.

Figure 13. 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 Wage and Hour Division enforcement actions, grants administration, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, recordkeeping required by ERISA, and a variety of other labor related laws.

Whistleblower: includes complaints filed under 21 different statutes involving diverse subjects such as corporate fraud, health care, transportation, environmental protection, consumer protection, food safety, pipeline safety, maritime safety, underpayment of taxes, etc.

Case Completion Time

Figure 14. Case Completion Time (Median) in Months from Docket to Disposition FY 20 (01 October 2019 - 30 September 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	
By Case Area FY 20 (1 October 2019 - 30 September 2020)	BLACK LUNG BENEFITS ACT	20	35	31	27	19	18	16	21	17	27
	DEFENSE BASE ACT	8	8	10	8	11	10	8	8	9	9
	LONGSHORE AND HARBOR WORKERS COMPENSATION ACT	8	9	8	6	6	11	8	9	10	9
	PERMANENT ALIEN LABOR CERTIFICATION	55	56	54	6	<1	<1	5	<1	<1	<1
	TEMPORARY ALIEN LABOR CERTIFICATION	1	2	1	2	1	1	1	1	1	1
	TRADITIONAL	16	7	16	8	12	22	12	17	83	18
	WHISTLEBLOWER	12	13	13	12	8	12	9	7	16	12
By Decision Type FY 20 (1 October 2019 - 30 September 2020)	ADMINISTRATIVE CLOSURE	3	2	23	2	5	4	2	4	4	3
	AWARD OF BENEFITS	23	37	35	23	21	21	14	23	17	29
	CONSENT ORDER	8	7	8	5	6	11	7	9	81	6
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	23	54	21	2	1	10	16	23	1	1
	DENIAL OF BENEFITS	24	28	34	28	19	21	16	32	21	36
	DISMISSAL	11	10	12	7	6	16	8	10	18	7
	KICK-OUT TO FEDERAL COURT	10	5	<1	<1	<1	<1	<1	<1	<1	15
	RECOMMENDED DECISION & ORDER	8	<1	<1	7	<1	17	<1	2	<1	44
	REMAND	8	7	9	7	6	9	7	7	9	7
	SETTLEMENT	9	12	10	5	9	12	8	8	8	11
	SUMMARY/DEFAULT JUDGMENT	9	13	10	12	<1	15	13	6	35	7
WITHDRAWAL	9	12	<1	<1	6	9	6	8	7	15	

*** Note:**

Traditional: includes cases involving Wage and Hour Division enforcement actions, grants administration, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, recordkeeping required by ERISA, and a variety of other labor related laws.

Whistleblower: includes complaints filed under 21 different statutes involving diverse subjects such as corporate fraud, health care, transportation, environmental protection, consumer protection, food safety, pipeline safety, maritime safety, underpayment of taxes, etc.

Figure 15. Case Completion Time (Mean) in Months from Docket to Disposition FY 20 (01 October 2019 - 30 September 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 FY 20 (1 October 2019 - 30 September 2020)	BLACK LUNG BENEFITS ACT	23	37	31	28	18	21	17	24	18	27
	DEFENSE BASE ACT	9	8	10	8	13	11	9	9	7	9
	LONGSHORE AND HARBOR WORKERS COMPENSATION ACT	10	10	10	8	6	12	9	12	9	11
	PERMANENT ALIEN LABOR CERTIFICATION	53	54	44	5	<1	<1	4	<1	<1	<1
	TEMPORARY ALIEN LABOR CERTIFICATION	2	4	1	1	2	1	3	2	1	1
	TRADITIONAL	28	11	21	8	17	25	12	17	80	20
	WHISTLEBLOWER	13	13	20	12	9	14	12	10	15	15
By Decision Type FY 20 (1 October 2019 - 30 September 2020)	ADMINISTRATIVE CLOSURE	5	1	20	2	5	3	1	5	4	5
	AWARD OF BENEFITS	25	34	36	22	22	25	15	27	18	29
	CONSENT ORDER	20	14	7	5	10	13	7	9	76	6
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	27	51	20	6	4	9	14	15	2	5
	DENIAL OF BENEFITS	26	36	35	35	19	23	20	28	22	37
	DISMISSAL	16	18	15	6	7	17	10	10	31	9
	KICK-OUT TO FEDERAL COURT	10	5	<1	<1	<1	<1	<1	<1	<1	15
	RECOMMENDED DECISION & ORDER	10	0	<1	8	<1	29	<1	0	<1	44
	REMAND	9	9	11	7	6	12	7	8	8	8
	SETTLEMENT	10	12	10	6	9	10	9	9	13	12
	SUMMARY/DEFAULT JUDGMENT	12	19	10	13	<1	15	13	11	35	7
WITHDRAWAL	12	14	<1	<1	7	12	5	8	8	12	

* Note:

Traditional: includes cases involving Wage and Hour Division enforcement actions, grants administration, workplace discrimination by government contractors, mine safety variances, minimum wage disputes, recordkeeping required by ERISA, and a variety of other labor related laws.

Whistleblower: includes complaints filed under 21 different statutes involving diverse subjects such as corporate fraud, health care, transportation, environmental protection, consumer protection, food safety, pipeline safety, maritime safety, underpayment of taxes, etc.

Case Completion Time Trend

Figure 16. Median Time to Disposition by Case Area FY 17 – FY 20

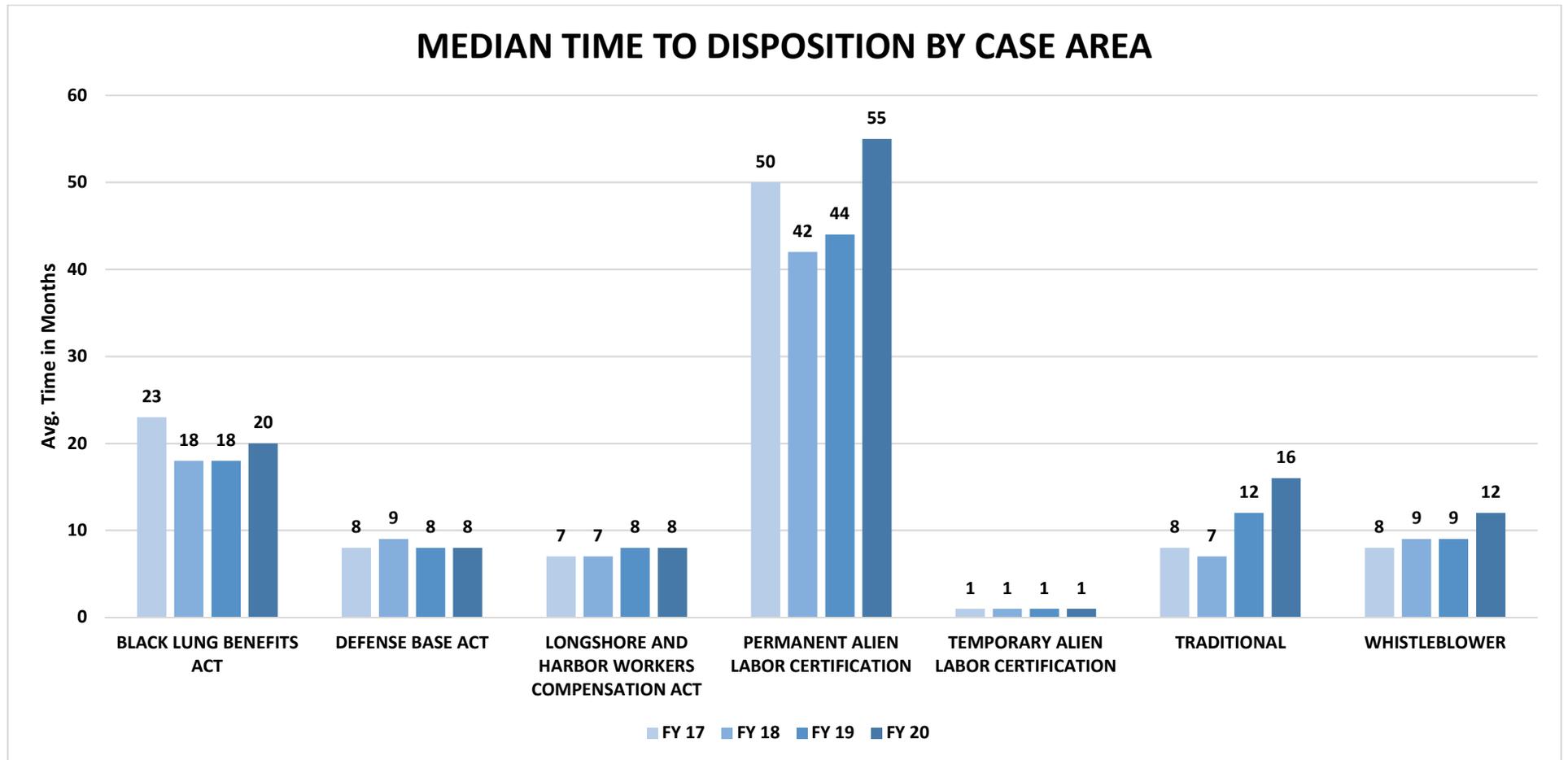
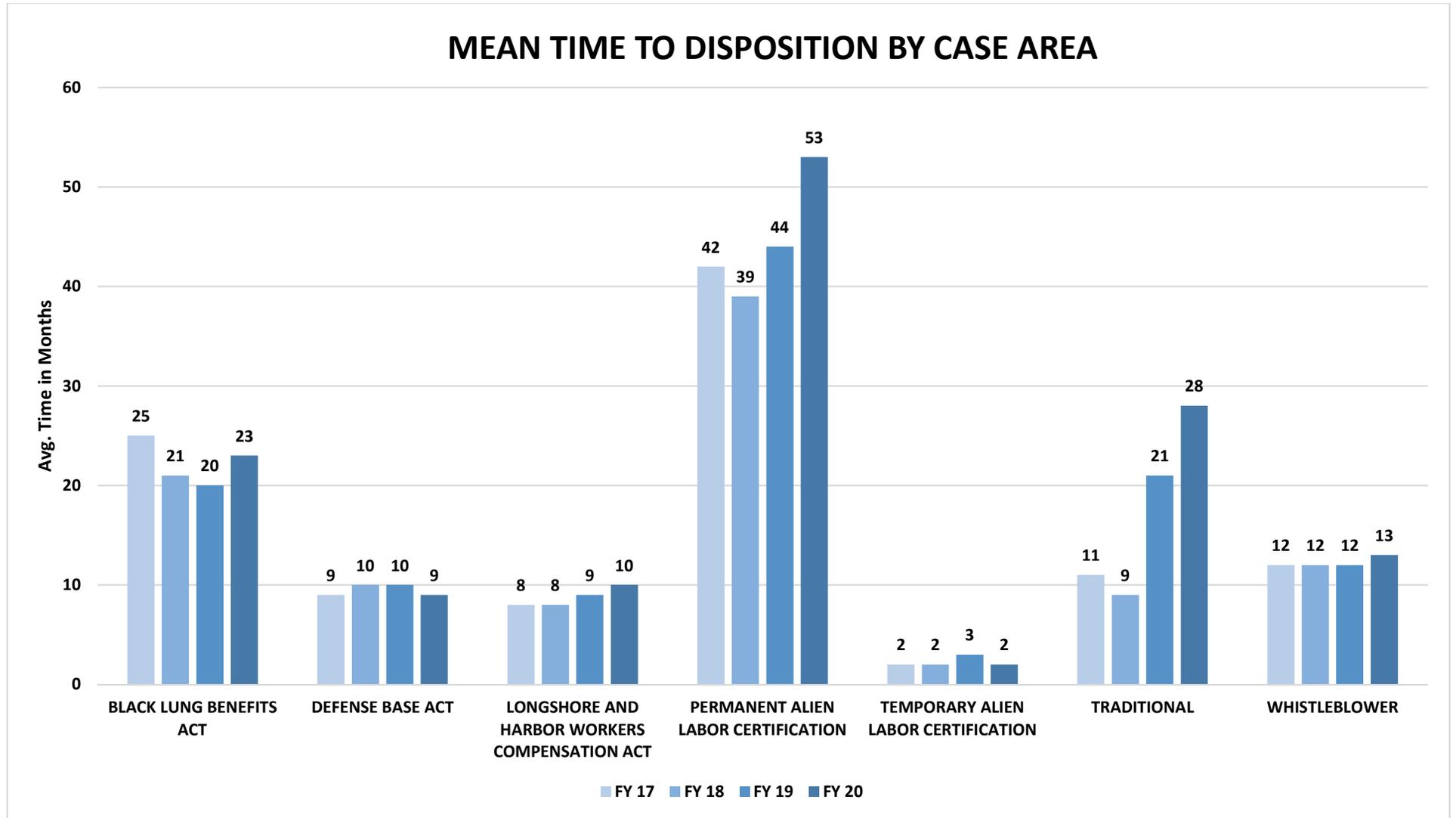


Figure 17. Mean Time to Disposition by Case Area FY 17 – FY 20





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