



Office of Administrative Law Judges

Quarterly Report on Case Inventory for 1st Quarter FY 2021

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Dispositive Motions Pending More than 6 Months

Figure 1. Total Dispositive Motions Pending More than 6 Months

Case Area	Total Dispositive Motions As of 31 December 2020
TRADITIONAL	8
WHISTLEBLOWER	1
OALJ TOTAL	9

*** 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 12 Months Without a Decision

Figure 2. Total Record Closed More Than 12 Months Without a Decision by Case Area

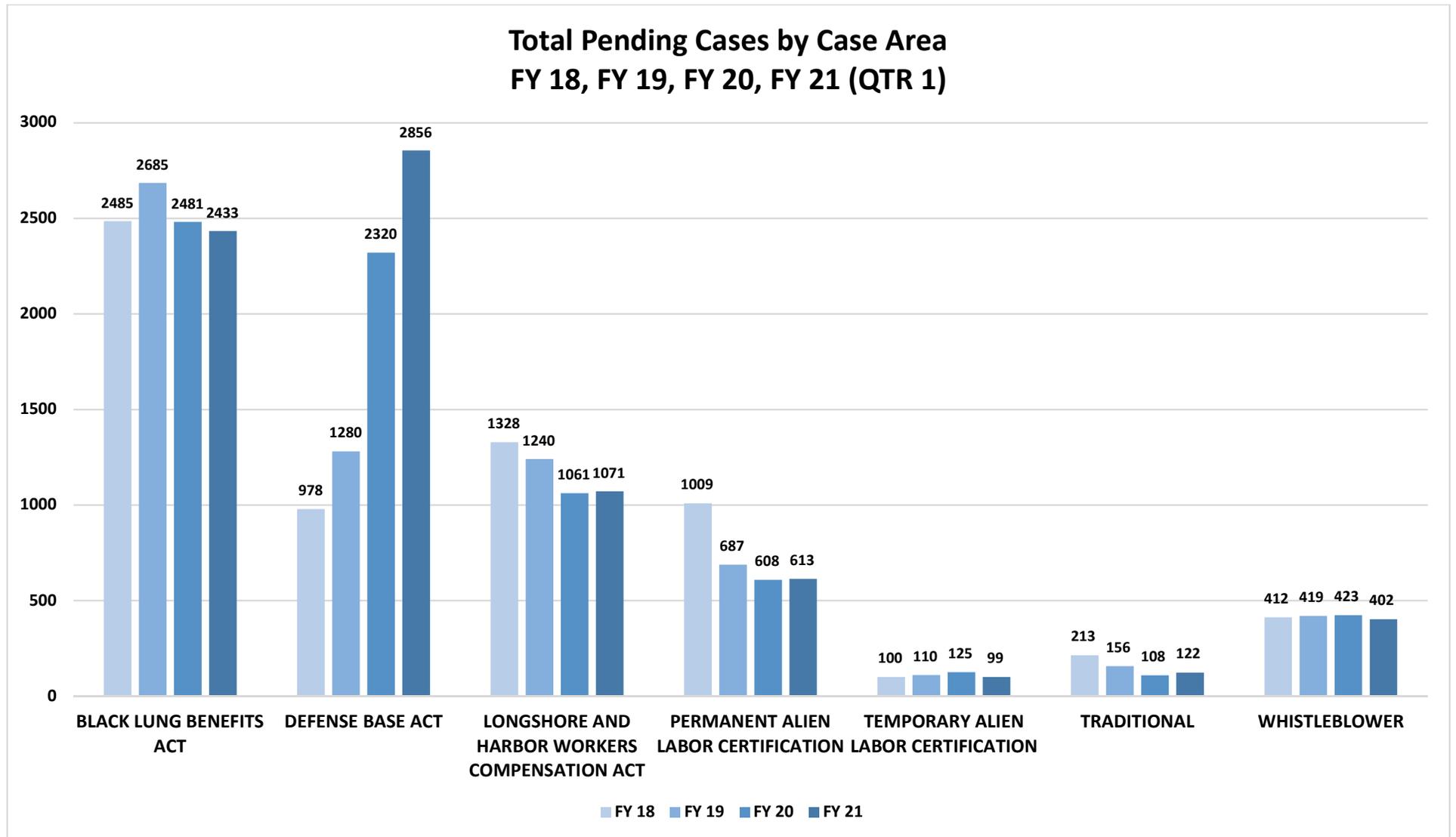
Case Area	Total Record Closed As of 30 June 2020	Total Record Closed As of 30 September 2020	Total Record Closed As of 31 December 2020
BLACK LUNG BENEFITS ACT	112	84	81
DEFENSE BASE ACT	7	4	2
LONGSHORE and HARBOR WORKERS COMPENSATION ACT	36	19	13
PERMANENT ALIEN LABOR CERTIFICATION	418	421	432
TEMPORARY ALIEN LABOR CERTIFICATION	2	2	2
TRADITIONAL	1	1	1
WHISTLEBLOWER	8	6	8
OALJ TOTAL	584	537	539

** 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.”

Total Pending Cases

Figure 3. Total Pending Cases by Case Area as of 31 December 2020



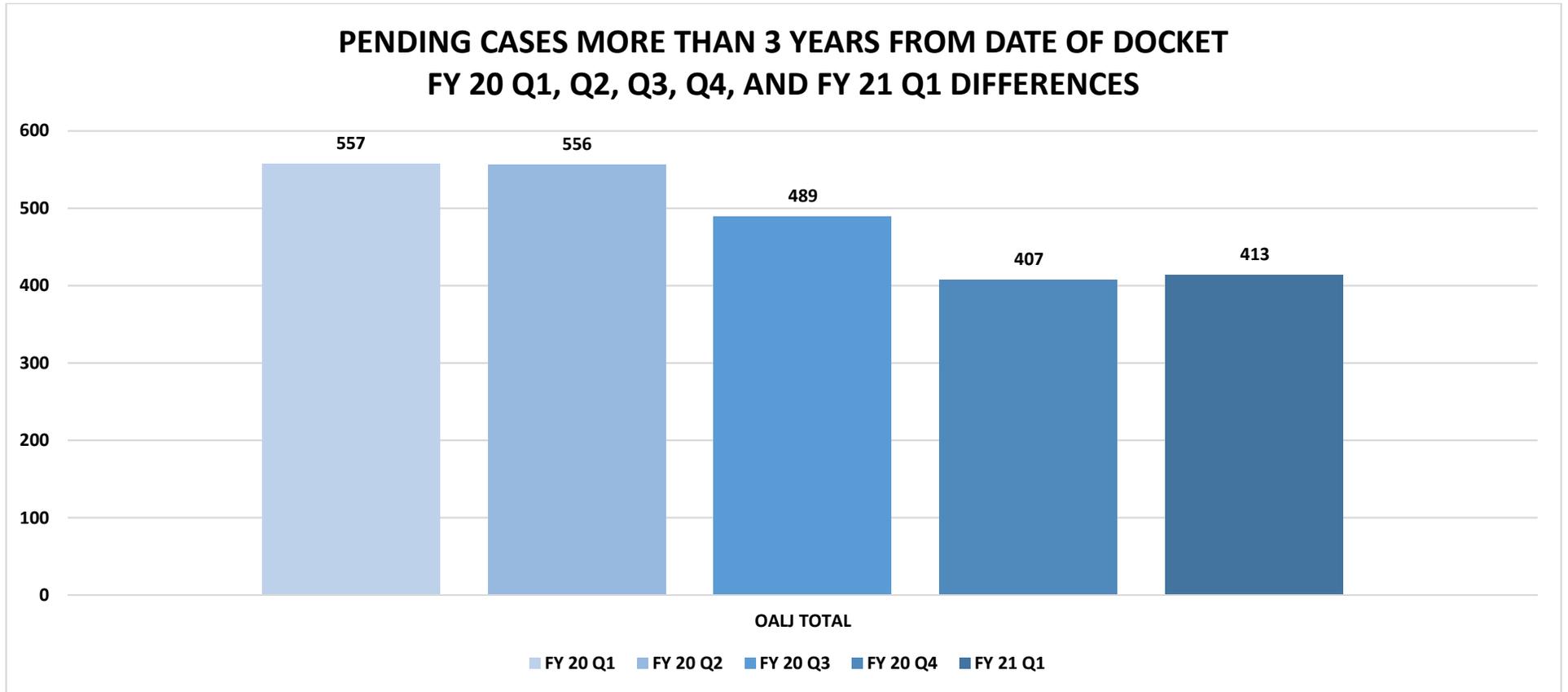
Pending Cases More Than 3 Years

Figure 4. Total Pending Cases More Than 3 Years from Date of Docket

Case Area	Total Pending Cases More Than 3 Years From the Date of Docket
BLACK LUNG BENEFITS ACT	134
DEFENSE BASE ACT	6
LONGSHORE AND HARBOR WORKERS COMPENSATION ACT	40
PERMANENT ALIEN LABOR CERTIFICATION	202
TEMPORARY ALIEN LABOR CERTIFICATION	4
TRADITIONAL	10
WHISTLEBLOWER	17
OALJ TOTAL	413

Pending Cases Trends

Figure 5. Pending Cases More Than 3 Years from Date of Docket Quarter over Quarter Differences as of 31 December 2020



Disposed Cases

Figure 6. Total Disposed Cases by Case Area by FY as of 31 December 2020

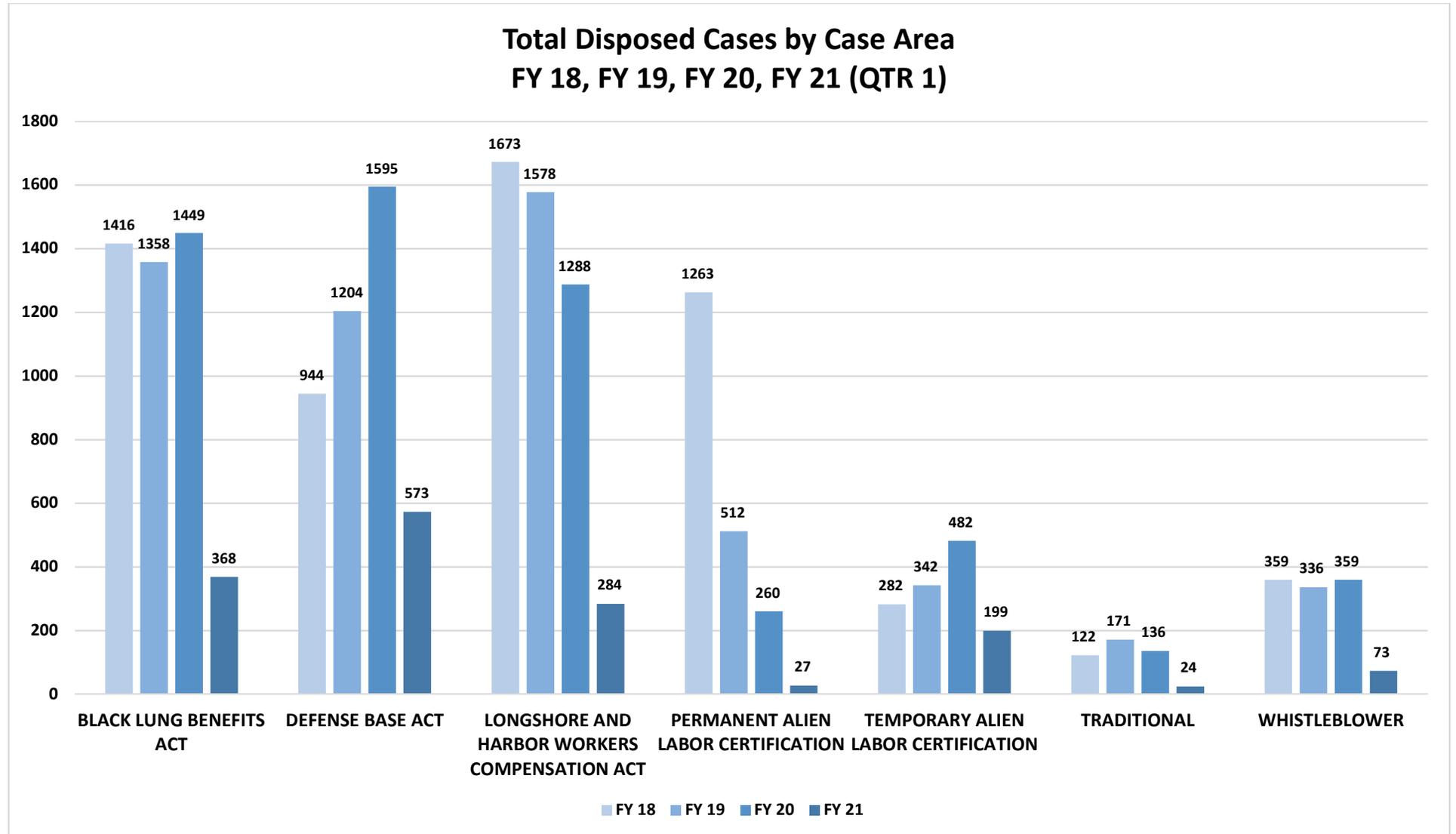


Figure 7. Total Disposed Cases FY 21 (1 October 2020 - 31 December 2020)

Total Disposed Cases FY 21 (1 October 2020 - 31 December 2020)		
By Case Area		Totals
	BLACK LUNG BENEFITS ACT	368
	DEFENSE BASE ACT	573
	LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT	284
	PERMANENT ALIEN LABOR CERTIFICATION	27
	TEMPORARY ALIEN LABOR CERTIFICATION	199
	TRADITIONAL	24
	WHISTLEBLOWER	73
OALJ Totals		1548
By Decision Type	ADMINISTRATIVE CLOSURE	21
	AWARD OF BENEFITS	174
	CONSENT ORDER	14
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	160
	DENIAL OF BENEFITS	112
	DISMISSAL	58
	KICK-OUT TO FEDERAL COURT	2
	RECOMMENDED DECISION & ORDER	7
	REMAND	762
	SETTLEMENT	183
	SUMMARY/DEFAULT JUDGMENT	10
	WITHDRAWAL	45
	OALJ Totals	

* 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 8. Total Disposed Cases FY 20 (1 October 2019 - 30 September 2020)

Total Disposed Cases FY 20 (1 October 2019 - 30 September 2020)			
By Case Area		Totals	
	BLACK LUNG BENEFITS ACT	1449	
	DEFENSE BASE ACT	1595	
	LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT	1288	
	PERMANENT ALIEN LABOR CERTIFICATION	260	
	TEMPORARY ALIEN LABOR CERTIFICATION	482	
	TRADITIONAL	136	
	WHISTLEBLOWER	359	
OALJ Totals		5569	
By Decision Type	ADMINISTRATIVE CLOSURE	42	
	AWARD OF BENEFITS	748	
	CONSENT ORDER	79	
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	647	
	DENIAL OF BENEFITS	424	
	DISMISSAL	358	
	KICK-OUT TO FEDERAL COURT	2	
	RECOMMENDED DECISION & ORDER	19	
	REMAND	2260	
	SETTLEMENT	838	
	SUMMARY/DEFAULT JUDGMENT	45	
	WITHDRAWAL	107	
	OALJ Totals		5569

* 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 9. Total Disposed Cases FY 19 (1 October 2018 - 30 September 2019)

Total Disposed Cases FY 19 (1 October 2018 - 30 September 2019)		
By Case Area		Totals
	BLACK LUNG BENEFITS ACT	1358
	DEFENSE BASE ACT	1204
	LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT	1578
	PERMANENT ALIEN LABOR CERTIFICATION	512
	TEMPORARY ALIEN LABOR CERTIFICATION	342
	TRADITIONAL	171
	WHISTLEBLOWER	336
OALJ Totals		5501
By Decision Type	ADMINISTRATIVE CLOSURE	49
	AFFIRMING	7
	AWARD OF BENEFITS	674
	CONSENT DECREE	2
	CONSENT ORDER	93
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	1268
	DENIAL OF BENEFITS	324
	DISMISSAL	198
	FINAL ORDER	130
	KICK-OUT TO FEDERAL COURT	1
	ORDER OF DISMISSAL	92
	ORDER OF REMAND	575
	RECOMMENDED DECISION & ORDER	12
	REMAND	1269
	REVERSING	3
	SETTLEMENT	604
	SUMMARY/DEFAULT JUDGMENT	32
WITHDRAWAL	168	
OALJ Totals		5501

* 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 10. Case Completion Time (Median) in Months from Docket to Disposition FY 21 (01 October 2020 - 31 December 2020)

Average Time (Median) in Months from Docket to Disposition FY 21 (1 October 2020 - 31 December 2020)		
		All OALJ Avg in Months
By Case Area	BLACK LUNG BENEFITS ACT	21
	DEFENSE BASE ACT	11
	LONGSHORE AND HARBOR WORKERS COMPENSATION ACT	11
	PERMANENT ALIEN LABOR CERTIFICATION	8
	TEMPORARY ALIEN LABOR CERTIFICATION	1
	TRADITIONAL	8
	WHISTLEBLOWER	9
By Decision Type	ADMINISTRATIVE CLOSURE	9
	AWARD OF BENEFITS	23
	CONSENT ORDER	8
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	1
	DENIAL OF BENEFITS	22
	DISMISSAL	9
	KICK-OUT TO FEDERAL COURT	5
	RECOMMENDED DECISION & ORDER	19
	REMAND	10
	SETTLEMENT	12
	SUMMARY/DEFAULT JUDGMENT	12
	WITHDRAWAL	7

*** 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 11 . Case Completion Time (Mean) in Months from Docket to Disposition FY 21 (01 October 2020 - 31 December 2020)

Average Time (Mean) in Months from Docket to Disposition FY 21 (1 October 2020 - 31 December 2020)		
By Case Area		All OALJ Avg in Months
		BLACK LUNG BENEFITS ACT
DEFENSE BASE ACT	10	
LONGSHORE AND HARBOR WORKERS COMPENSATION ACT	12	
PERMANENT ALIEN LABOR CERTIFICATION	11	
TEMPORARY ALIEN LABOR CERTIFICATION	1	
TRADITIONAL	12	
WHISTLEBLOWER	12	
By Decision Type	ADMINISTRATIVE CLOSURE	8
	AWARD OF BENEFITS	27
	CONSENT ORDER	8
	DECISION AND ORDER ON THE MERITS (OTHER THAN BENEFITS CASES)	7
	DENIAL OF BENEFITS	22
	DISMISSAL	11
	KICK-OUT TO FEDERAL COURT	5
	RECOMMENDED DECISION & ORDER	24
	REMAND	9
	SETTLEMENT	12
	SUMMARY/DEFAULT JUDGMENT	13
	WITHDRAWAL	8

*** 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 12. Median Time to Disposition by Case Area FY 17 - FY 21

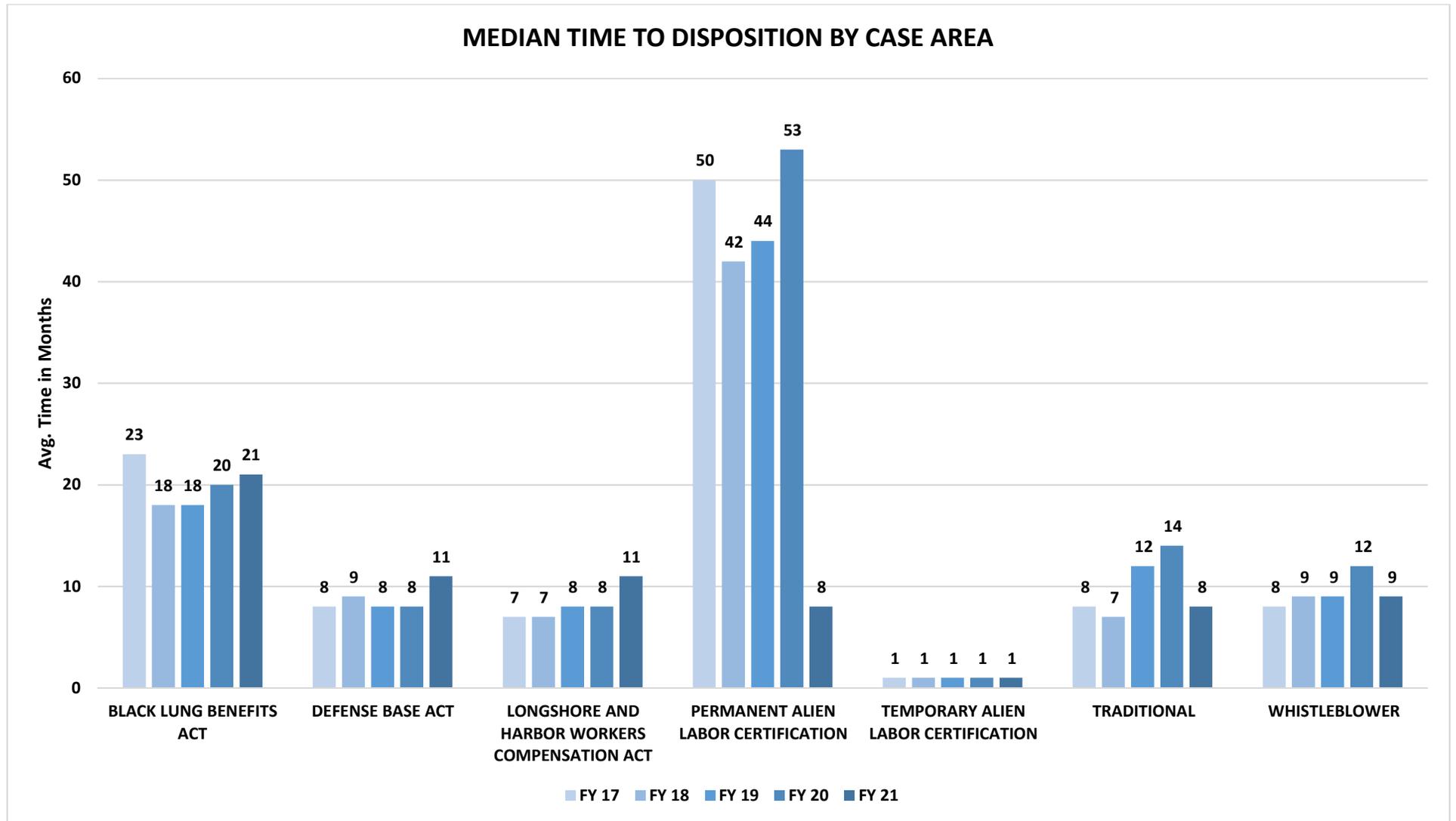
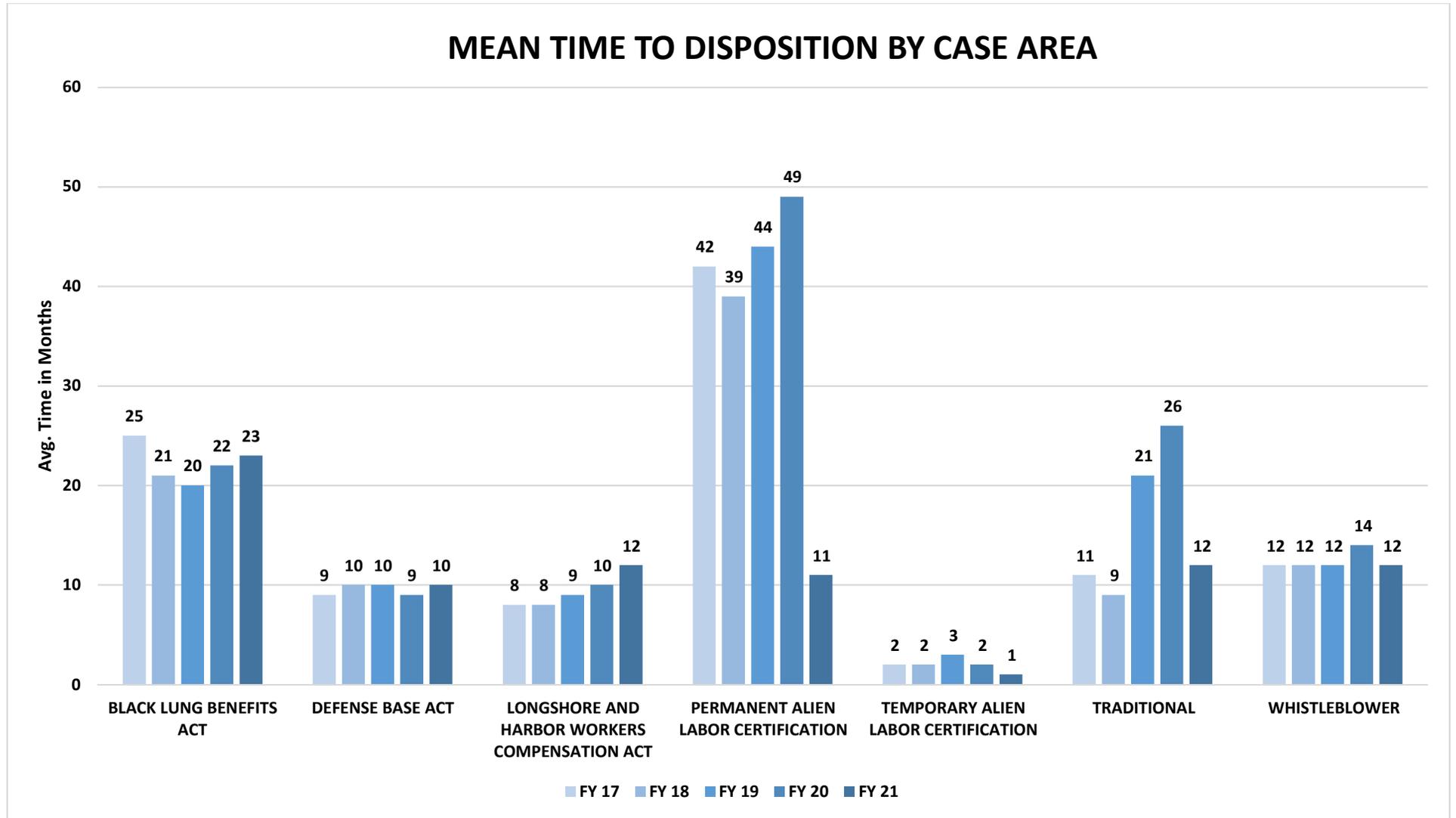


Figure 13. Mean Time to Disposition by Case Area FY 17 – FY 21





United States Department of Labor

Office of Administrative Law Judges

800 K St NW

Washington, DC 20001

202-693-7300

www.dol.gov/agencies/oalj