

# OHA STRATEGIC PLAN

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2022 – 2026

*United States Department of Agriculture  
Office of Hearings and Appeals*





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## Message from the Director

This Strategic Plan outlines priorities and actions needed to maintain OHA's strengths while seizing opportunities to improve. With this strategic plan, OHA strives to meet today's challenges, strengthen our core values, and prepare for even greater success in the future. A product of a rigorous process of self-examination, and a review of our previous strategic plan, performed by a small group of leaders from all segments of our office, this plan recognizes that the future provides opportunities for improving the delivery of a fair, yet efficient appeals process that helps rural America. One key component of our future progress involves the continued practice of leveraging technology to improve efficiency. We



are also committed to increasing awareness of and accessibility to our office's services throughout the American agriculture community. Thomas Jefferson described agriculture as "our wisest pursuit..." OHA looks forward to continuing to perform its unique role to the best of our abilities as the American agricultural producer engages in this "our wisest pursuit."

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## About the Office of Hearings and Appeals

The Office of Hearings and Appeals (OHA) was established on May 28, 2017, to administratively consolidate three previously separate entities of the USDA: the National Appeals Division (NAD), the Office of the Administrative Law Judges (OALJ), including the Hearing Clerk's Office (HCO), and the Office of the Judicial Officer (OJO). Previously, OALJ and OJO were offices under USDA's Departmental Administration, and NAD was an independent agency that reported to the USDA Secretary. NAD, OALJ, and OJO conduct proceedings under their respective legal authorities.

NAD was established by the Secretary of Agriculture on October 20, 1994, by Secretary's Memorandum 1010-1, pursuant to the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (P. L. 103-354, section 271 *et seq.* (October 13, 1994)). The Act consolidated the appellate functions of five USDA agencies and provided for the independent hearing and review of adverse decisions by the Farm Service Agency, Risk Management Agency, Natural Resources Conservation Service, Rural Business-Cooperative Service, Rural Housing Service, and Rural Utilities Service. Administrative Judges, who are located throughout the country, conduct evidentiary hearings or record reviews of agency adverse decisions. NAD's Director reviews Administrative Judge determinations when either an appellant or an agency head makes a request for further review. Appeals Officers assist the Director in conducting reviews.

OALJ conducts rulemaking and adjudicatory hearings throughout the country in proceedings that are subject to the Administrative Procedure Act (APA), 5 U.S.C. § 551 *et seq.* OALJ has the authority to address issues arising from approximately 50 statutes administered by USDA agencies that require APA hearings, including the Agricultural Marketing Agreements Act; the Animal Welfare Act; the Commodity Promotion, Research, and Information Act; the Equal Access to Justice Act; the Federal Meat Inspection Act; the Horse Protection Act; the Organic Foods Production Act; and the Perishable Agricultural Commodities Act. Administrative Law Judges issue initial decisions and orders in adjudicatory proceedings after a hearing,



upon the written record, or on motion by the parties. Administrative Law Judges also approve consent decisions that the parties enter into, which resolve disputes by settlement, and decide appeals of debarments and suspensions as required by regulations implementing a government-wide system for non-procurement debarments and suspensions (7 C.F.R. § 3017.100-.515 (1993)).

OJO was established pursuant to the Act of April 4, 1940 (7 U.S.C. §§ 450c-450g), which is also known as the Schwellenbach Act. The Judicial Officer is delegated authority by the Secretary of Agriculture to act as the final deciding officer for the United States Department of Agriculture in adjudicatory proceedings listed in 7 C.F.R. § 2.35. The Judicial Officer issues final decisions for the Secretary of Agriculture in all cases appealed from initial decisions of USDA's Administrative Law Judges. The Judicial Officer also issues reparation orders for money damages under the Packers and Stockyards Act and the Perishable Agricultural Commodities Act, and issues final decisions in cases appealed from initial decisions of the Commissioner of the Plant Variety Protection Office under the Plant Variety Protection Act. Further, the Judicial Officer rules on motions filed by parties to proceedings and questions submitted by Administrative Law Judges.

OHA maintains its headquarters in the Washington, D.C. area where NAD, OALJ, and OJO are located.

## *Mission Statement*

The mission of OHA is to conduct impartial administrative hearings and reviews arising from operations of assigned USDA agencies.

## *Vision Statement*

OHA strives to be the premier administrative adjudication office in the Federal Government.

## *Core Values*

Our success depends on:

- **Transparency, Trust, and Integrity:** Making OHA's administrative hearing, appeal, and review processes open and transparent in order to promote accountability and assist parties in pursuing their access to USDA programs and services. Acting in a manner that is deserving of the public's trust and with the utmost integrity in everything we do as public servants.
- **Fairness, Respect, and Dignity:** Performing our responsibilities in a fair, unbiased, and objective manner as we interact with participants in the adjudication process. Treating all people with courtesy and respect, and valuing the inherent dignity of every individual.
- **Service and Results:** Listening to our internal and external parties to incorporate ideas and deliver high quality services. Measuring performance and making management decisions to effectively direct resources.



- **Customer Focus:** Providing efficient and effective hearings, appeals, and review processes to all participants with integrity and a strong focus on customer service.
- **Collaboration, Equity, and Inclusion:** Fostering a productive and supportive environment that encourages teamwork among employees to accomplish OHA's goals and objectives. Seeking to end discrimination and expand services and opportunities to underserved people and communities across America, starting with our workforce.
- **Judicial Independence:** Focusing on logic in decision-making and appropriate application of law and facts, without fear that decisions may threaten job security.
- **Excellence:** Adherence to the highest jurisprudential and administrative standards that ensure OHA issues fair, timely, and correct decisions.

## *Strategic Plan Framework*

OHA's Strategic Plan for Fiscal Years 2022-2026 serves as our guide to align with USDA's strategic goals and cross-cutting priorities. This plan reflects our ongoing commitment to serving the public and delivering excellent service.

In support of USDA's role as the People's Department, OHA will deliver a fair, timely, efficient, and transparent process that engenders public trust and operational excellence at USDA. OHA's work will further support USDA's vision of an agricultural economy that improves the lives of all Americans, yields healthy land and clean water, helps rural America thrive, and feeds the world.

### **Strategic Goal 1: Fair and Timely Adjudication: Provide fair and timely adjudication of matters subject to OHA's jurisdiction.**

#### ***Objective 1.1: Adjudicate all OHA cases within applicable targets for completion.***

**Implementation Strategies:** NAD, OALJ, and OJO each have specific case-processing targets. OHA will track and record hearing and appeal statistics. By analyzing each unit's workload, OHA managers will monitor case processing, identify timeliness issues, and take appropriate action (e.g., additional coordination of support, resource realignment, case consolidation, technology enhancements, etc.) to help meet case-completion goals. Additionally, OHA managers will analyze timeliness goals on a periodic basis to ensure that they are appropriate and will update key performance measures as needed.

#### ***Objective 1.2: Ensure accessibility to OHA's adjudication services and resources and increase public trust in USDA by providing a fair adjudication process characterized by exceptional service and transparent decision making.***



**Implementation Strategies:** OHA increases public trust in USDA by delivering fair and transparent adjudication processes. A central component of that process is providing participants with consistent, professional, and courteous service and a meaningful opportunity to have their concerns heard. OHA participants are often unfamiliar with review and adjudication processes and may be unrepresented by legal counsel. OHA will improve the accessibility of resources through improved technology and resources (e.g., consolidated and Section 508 compliant website, electronic filing and document submission, and providing current information about legal processes, procedures, and answers to frequently asked questions). NAD will continue public outreach and education programs.

***Objective 1.3: Ensure that USDA customers are heard and understood while receiving well-written determinations that render the right decision for the right reason.***

**Implementation Strategies:** OHA will continue to issue clear and thorough written decisions based on the applicable facts and governing law. OHA will continue to make its legal decisions available on its public website, improve the ability to search published decisions, and offer adjudicators and determination drafters opportunities for appropriate continuing education. NAD will continue to solicit and review input from customer surveys to identify potential areas for improvement.

***Objective 1.4: Ensure that OHA employs technology and procedures to simplify adjudication processes for all parties and efficiently adjudicate cases.***

**Implementation Strategies:** OHA will continue to utilize and expand its use of online/virtual resources (for example, Box, Zoom, Teams, and e-filing) to streamline and conserve resources, while also making it easier for appeal parties to submit and share documents and information. OHA will also implement procedures to ensure the effective use of such technologies.

**Strategic Goal 2: Workforce Excellence: Develop, support, and motivate a diverse, skilled workforce who is engaged and proud to serve.**

***Objective 2.1: Attract, hire, and retain a diverse workforce who is proud to represent USDA and reflects the communities we serve.***

**Implementation Strategies:** OHA will assess and hire for key positions, seek effective ways to recognize excellence and retain high performers, and plan for seamless transitions when employee vacancies occur. OHA will also establish training programs and mentoring relationships to support new employees. Additionally, OHA will broaden opportunities for under-represented populations to learn about administrative law and the customers we serve through internship programs, such as the Pathways Program, and outreach to associations like the Hispanic Association of Colleges and Universities.



***Objective 2.2: Effectively and sustainably manage OHA's workforce to create a more inclusive and equitable work environment that promotes and supports diversity in its broadest sense.***

**Implementation Strategies:** OHA will institute an inclusive and high-performing culture that not only values and respects the differences offered by a diverse workforce, including differences with respect to race, ethnicity, gender, gender identity, sexual orientation, socioeconomic status, language, culture, national origins, religious commitments, age, disability status, and political perspective, but also leverages those differences to provide improved services to its customers. To that end, OHA will develop and support managers with the skills to listen effectively to employee concerns. Specifically, OHA managers will continue to: seek feedback through one-on-one, team, and office-wide meetings; track trends in Federal Employment Viewpoint Survey (FEVS) scores; identify areas for improvement; and take action. Additionally, OHA managers will demonstrate day-to-day decision making that exemplifies the core values of transparency, fairness, and respect for civil rights. OHA will provide manager specific training regarding subjects like diversity, equity, and inclusion (DEI), while fostering open communication and pre-decisional involvement between Management and Union to maximize employee engagement, minimize disputes, and reach better solutions.

***Objective 2.3: Train, motivate, and inspire the OHA workforce to ensure high quality public service.***

**Implementation Strategies:** OHA will ensure that all employees have the appropriate tools and training to perform their duties at the highest level by developing additional in-house training and providing access to on-line and in-person continuing education. OHA will seek to motivate and support employees by listening and providing flexibility through telework, alternative work schedules, and other work/life balance programs. Management will inspire professional development by encouraging internal and external details, offering cross-training, and exploring opportunities for employees to serve in other USDA offices. OHA will further inspire the workforce by fostering meaningful communication, advancing a supportive culture, and recognizing achievements with cash awards, time off, and other acknowledgments in accordance with Departmental guidance.

***Objective 2.4: Develop a comprehensive and collaborative approach to safety and security that focuses on employees and the various locations where they perform their duties.***

**Implementation Strategies:** OHA will maintain an easily accessible safety and security training and information program that provides lessons learned, subject matter expert insight, and readily available references. More specifically, OHA will create an OHA SharePoint Site with security & safety topics and hold OHA-wide webinars led by safety and security specialists (e.g. USDA, Federal Protective Services, Federal Marshals, etc.). OHA will continue to include instructive security and safety briefings at OHA National Conferences and a safety and security section in OHA Connection Newsletter. For regional or other OHA office events, OHA will provide specific training guides and information.



### **Strategic Goal 3: Operational Excellence: Enhance OHA's operational capabilities and provide more efficient service to the public.**

#### ***Objective 3.1: Develop new methods and enhance current methods of exchanging information with OHA's employees and customers.***

**Implementation Strategies:** OHA will continue to increase transparency and streamline information management by leveraging current IT systems and exploring new technologies to disseminate information more efficiently to its employees and customers. OHA will develop initiatives to encourage the use of and compliance with IT services and systems and institute practices that strengthen those services and systems through improved leadership. OHA will evaluate and improve its electronic filing and records management and retention systems. NAD will continue to test and implement an electronic file sharing program for NAD appeals.

#### ***Objective 3.2: Review and propose appropriate revisions to NAD's regulations.***

**Implementation Strategies:** OHA will assist NAD in establishing committees to review current NAD regulations and suggest areas of potential revision. NAD will also establish a parallel committee to review and suggest appropriate revisions to NAD's handbooks and guides.

### **Strategic Goal 4: Advance Equity and Opportunity: Evolve outreach efforts and other initiatives to reduce barriers to access and build trust.**

#### ***Objective 4.1: Enhance accessibility to fair, respectful, and unbiased hearings.***

**Implementation Strategies:** OHA will ensure accessibility of hearing venues by providing options, within statutory and regulatory requirements, for in-person, telephonic, virtual/online platform, or hybrid hearing opportunities. This will ensure continued and expanded access to due process for those unable to travel or without access to certain technologies such as telephone or internet. OHA will continue transitioning to e-records to provide an easier way to file and access documents and to reduce costs of mailing and paper use. Additionally, OHA will develop a toolkit of accessibility resources and develop partnerships with agricultural law organization(s) to help create technical assistance resources to more readily assist participants.

#### ***Objective 4.2: OHA will identify opportunities to improve trust by enhancing service to underserved participants.***

**Implementation Strategies:** OHA will strengthen accessibility to services that benefit underserved populations, such as information about and access to translation services. In line with the USDA Equity Action Plan, OHA will review and identify opportunities to strengthen our Limited English Proficiency (LEP) plan and emphasize the use of plain language so that all communications are easier to understand. Staff will be trained on various tools and policies related to language translation, reasonable





accommodations, cultural sensitivity, and civil rights. Further, OHA will continue to strategically place multi-lingual staff to enhance service in underserved communities. OHA, via NAD, will consciously expand outreach to ensure that participants in underprivileged or underserved communities are aware of, and understand, their appeal rights. NAD will continue to expand outreach to minority farming groups and associations, and gatherings of interest at Historically Black Colleges and Universities, Hispanic Serving Institutions, and Native American and Asian/Pacific groups.

***Objective 4.3: Respect the diverse concerns and civil rights of all OHA participants, potential participants, and employees.***

**Implementation Strategies:** OHA commits to fostering a culture where participants and employees are treated fairly and equitably. Likewise, OHA will ensure the integrity and accessibility of services, including those addressing inequity and discrimination. OHA will review and identify opportunities for enhancing policies to ensure that discrimination/misconduct claims are timely identified, and parties are directed to appropriate agencies to address such claims. OHA will timely identify equitable relief claims, advise parties about procedures to address such claims, and adjudicate such claims as appropriate. OHA will also ensure the fair and timely adjudication of Equal Access to Justice Act (EAJA) claims and require adjudicators and determination drafters to attend elimination of bias training.