



USDA OFFICE OF HEARINGS AND
APPEALS STRATEGIC PLAN
2018-2022



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Office of Hearings and Appeals

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Message from the Director

With this strategic plan, OHA strives to meet today's challenges, strengthen our core values, and prepare for even greater success in the future. This plan recognizes that the future provides opportunities for improving the delivery of a fair yet efficient appeals process that helps rural America prosper. This plan outlines priorities and actions needed to maintain OHA's strengths while seizing opportunities to improve.

Steven C. Silverman

Director



About the Office of Hearings and Appeals

The Office of Hearings and Appeals (OHA) was established on May 28, 2017, to consolidate the three previously separate entities of the USDA: the National Appeals Division (NAD), the Office of the Administrative Law Judges (OALJ), 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.



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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 parties. Administrative Law Judges also approve of 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. The Judicial Officer also 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 appeals hearings and reviews arising from operations of assigned USDA agencies.

Vision Statement

OHA strives to be the premier customer-driven administrative appeals office in the Federal Government.



Core Values

Our success depends on:

- **Transparency:** Making OHA's administrative appeal and review processes open and transparent in order to promote accountability and assist interested parties in understanding how USDA maximizes agricultural prosperity and facilitates rural economic development.
- **Results Orientation:** Measuring performance and making management decisions to effectively direct resources.
- **Fairness:** Performing our responsibilities in a fair, unbiased, and objective manner as we interact with participants in the appeals process, other government entities, and OHA employees.
- **Customer Focus:** Providing an efficient and effective appeals process to all participants with integrity and a strong focus on customer service.
- **Collaboration:** Fostering a productive and supportive environment that encourages teamwork among employees to accomplish OHA's goals and objectives.
- **Judicial Independence:** Focusing on logic in decision-making and appropriate application of law and facts, without fear that the decision 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 2018-2022 provides a guide for setting clear, measurable goals and objectives, and areas of emphasis at OHA to support USDA and its programs. This Plan emphasizes efficiency while delivering excellent customer service.

To support USDA's commitment to "do right and feed everyone," OHA will deliver a fair, timely, and efficient appeal process that engenders public trust and operational excellence at USDA.



Strategic Goal 1: Fair and Timely Adjudication

The core of OHA's mission is to ensure the integrity of USDA programs and public trust by providing a fair, timely, and efficient adjudicative process. This goal supports USDA's first strategic goal to ensure that USDA programs are delivered efficiently, effectively, and with integrity while focusing on customer service. Although OHA's three adjudicatory units – NAD, OALJ, and OJO – each retain separate authority and jurisdiction, they operate with a united commitment to promote fairness, transparency, and consistency.

To meet this goal, OHA's objectives are to:

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

NAD, OALJ, and the OJO, each have specific case processing targets. Through the quarterly analysis of each legal unit's workload, OHA will monitor cases to identify timeliness issues and take appropriate action (e.g., additional coordination of support, resource realignment, case consolidation, technology enhancements, etc.) to assist in meeting case completion goals. Additionally, OHA's 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 Open every door for customers to appeal to OHA and increase public trust in USDA by providing a fair adjudication process characterized by exceptional customer service and transparent decision making.

OHA increases public trust in USDA by delivering a fair and transparent appeals process that is customer focused. 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 the review process and may be unrepresented by legal counsel. To deal with these challenges, OHA will continue to foster a culture where both external and internal customer service is a high priority. Additionally, OHA will improve the accessibility of resources, including providing detailed information about legal processes, procedures, and answers to frequently asked questions to "open every door" for customers to appeal to OHA.

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.

OHA will continue to issue written decisions that are clear, yet thorough, based on the applicable facts and governing law, and easily understandable to all parties. OHA will continue to make its legal decisions publicly available on its website, while also revamping its website to make it more user-friendly.



Objective 1.4 Ensure OHA's adjudication process is consistent yet efficient by improving the coordination of services.

OHA's managers will analyze budget and cost indicators to determine where OHA can achieve additional efficiencies through planning, coordination, or otherwise.

Objective 1.5 Respect the diverse concerns and civil rights of all OHA customers, potential customers and employees.

OHA commits to fostering a culture where its customers and employees alike can expect to be treated fairly and equitably and where its services are accessible to every person entitled to such services.

Measures for Success:

Measure 1.1 - Meet or exceed established completion rates for OHA proceedings. OHA will assess this measure by achieving or exceeding the completion target rates for each legal unit.

Measure 1.2. - Increase farmers, ranchers, and rural participants public trust by developing an integrated case management system that permits public accessibility to electronic filing and searchable online decisions for all of OHA. OHA will expand the capability for prospective appellants to file an appeal electronically through the E-file tool for all OHA entities. We will develop and foster other simple, user-friendly electronic tools to engage customers throughout the appeal process. OHA will leverage these tools to explore new technologies, including electronic case management, and move toward a more streamlined and efficient method of information management. OHA will monitor and assess this measure by: 1) implementing the new E-file module for all OHA entities; 2) establishing a baseline for the number of customers using E-file and other electronic services; and 3) setting and achieving future goals against the baseline. To further ensure that OHA's doors are, OHA will increase and track the number of documents available and provided in foreign languages, particularly Spanish.

Measure 1.2.1 - Enhance the customer experience and engage USDA participants by upgrading the OHA website and social media presence. OHA will provide online instructional videos and answers to frequently asked questions to make the appeals process more accessible and understandable to the public. Such online instructions will ultimately result in cost savings by reducing staff hours spent answering some questions and reducing confusion. OHA will monitor and assess this measure by: 1) utilizing analytics to determine visits to the OHA website and the URL path users take to learn essential information; 2) establishing baseline number of website interactions and whether customers take a user path that provides them essential information quickly; and 3) setting and achieving future goals against the baseline.

Measure 1.3 - Consistent delivery of : 1) courtesy; 2) listening; 3) readability of the written determinations; and 4) correct decisions for the right reasons. OHA will assess this measure by analyzing data from customer service surveys to improve future customer interactions. Additionally, OHA will



assure customer satisfaction in the overall appeal process by encouraging discourse through outreach, cross training and other opportunities. More specifically, OHA will provide opportunities designed to increase the public's comprehension of OHA decisions, as well as opportunities for adjudicators to enhance their knowledge through additional training, career-development projects, and temporary assignments. OHA will assess this measure by monitoring the annual growth rate in Federal Employee Viewpoint (FEV) scores regarding training and development.

Measure 1.4 - Achieve cost savings by allocating resources and coordinating services as appropriate. OHA will assess this measure by monitoring the average cost per case across the different legal units.

Measure 1.5 - Recognize the diversity of USDA program participants and help them overcome barriers to accessing services by providing participants civil rights information and accessibility accommodations or other assistance, including language translations. OHA will assess this measure by monitoring the provision of such information and services.

Strategic Goal 2: Operational Excellence

OHA faces the difficult challenge of balancing attrition with recruiting, and maintaining exceptional employees who can address its customers' needs in a fiscally responsible manner. OHA will meet this challenge by developing an inclusive, high performing, customer centric workforce, and by efficiently using technology in assessing and addressing its employees' and customer's needs. This goal mirrors USDA's strategic goal of ensuring the delivery of programs efficiently, effectively, and with integrity, while focusing on customer service.

To meet this goal, OHA's objectives are to:

Objective 2.1 Ensure the highest quality public service sustainable on a long-term basis by effectively managing OHA's workforce and providing opportunities for achievement, upward mobility, and training.

OHA will strive to maximize performance and improve retention of its current employees by offering opportunities for achievement, upward mobility, and stretch or temporary assignments within OHA and other USDA agencies in order to keep its workforce engaged and to further develop employees' skills and competencies.

Objective 2.2 Create a more inclusive and equitable work environment that promotes and supports diversity in its broadest sense.

OHA will institute an inclusive and high-performing workforce 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.

Objective 2.3 Integrate the core values of transparency and fairness into OHA's everyday management practices.

OHA will ensure that all employees, including supervisors and managers, have the appropriate tools and training to perform their duties at the highest level and receive opportunities to enhance their skills while receiving fair treatment and being held accountable for their work.

Objective 2.4 Enable successful practices and initiatives that strengthen IT leadership, governance, and accountability through support of IT services and systems throughout OHA.

OHA will streamline its IT processes and initiatives, making them more transparent to the entire organization. To accomplish this, 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.

Objective 2.5 Develop new methods to enhance the distribution of information within OHA to its employees and customers.

OHA will utilize current technologies and explore new technologies to disseminate information to both its employees and customers, moving toward a more streamlined and efficient method of information management.

Measures for Success:

Measure 2.1 - Enhance performance and increase career development opportunities to retain talent, encourage diversity, and promote OHA-wide collaboration. OHA will assess this measure by developing new performance plans establishing standards for exceeding requirements, providing employees with specific ways to excel in their positions, and identifying and rewarding high performers. Additionally, OHA will assess employee satisfaction and retention rates by analyzing annual growth rates in FEV scores or other evaluation tools relating to performance management, employee development, and training.

Measure 2.2 - Increase recruitment, development, and retention of a highly qualified OHA staff that is diverse, inclusive, and equal in its composition. Expand supervisory and leadership training to increase education and experiences in diversity, equality, and inclusion. Encourage and expand employee career development through training, mentoring, and other opportunities. OHA will assess this measure by analyzing annual growth rates in FEV scores or other evaluation tools relating to employee recruitment,



development, retention, and diversity. Additionally, OHA will continue its commitment to continuous civil rights progress in the workplace and program delivery by ensuring that all employee performance plans include appropriate civil rights and accessibility of service standards.

Measure 2.3 - Provide employees with the training and support needed to perform their work at the highest level possible. OHA managers and supervisors will engage with direct reports regularly regarding performance expectations, required support, and employee accomplishments. OHA will assess this measure by developing new performance plans and monitoring annual growth rates in FEV scores or other evaluation tools relating to performance, training, and development.

Measure 2.4 - Deliver responsive IT support and innovative technical solutions to meet the needs of all OHA employees and customers. OHA will assess this measure by monitoring employee retention rates and annual growth rates in FEV scores or other evaluation tools relating to technology, services, and support.

Measure 2.5 – Expand the use of electronic information dissemination and record keeping. Provide IT literacy or other IT training to ensure equivalent competency in IT skills for all employees. OHA will assess this measure by monitoring FEV scores or other evaluation tools relating to technology, services, and support.

Challenges

Both internal and external factors are likely to affect OHA's ability to accomplish its strategic goals and objectives through 2022. Like other agencies, OHA faces the challenge of containing costs while meeting workload demands in a reduced budget and staffing environment.

Budgetary decreases will influence how quickly and to what extent OHA can achieve its strategic objectives, which will largely depend on maintaining a well-trained workforce. Workforce attrition due to retirement or otherwise, will potentially impede OHA's ability to issue quality on-time decisions while providing excellent customer service. Insufficient funding to replace staff will result in fewer or less-experienced employees available to efficiently process appeals, provide necessary administrative support, conduct hearings, and issue decisions. Budgetary reductions will also interfere with OHA's ability to provide training to ensure that its staff continues to update their skills and knowledge.

A reduced workforce of judges may ultimately lead to increased travel expenditures to conduct proceedings, which, coupled with increased transportation costs, may negatively affect efforts to be cost-efficient. In such a scenario, OHA may need to examine its current operations and assess procedures or geographical alignments to continue to provide timely and customer-friendly hearings.

Additionally, external factors drive OHA's caseloads, making it difficult to project workloads from year to year. The severity and frequency of national disasters and economic factors affect many of the programs administered by USDA agencies, which could result in an unanticipated increase in appeals. Insufficient resources to process increased appeals will affect OHA's ability to meet timeliness and quality



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performance targets. Additionally, changes in law, jurisdiction, and policies can increase the number and complexity of cases.

Although advances in technology can improve how efficient and effective OHA interacts with its customers, limited budgetary and personnel resources may challenge OHA's efforts to implement emerging technologies that modernize or otherwise improve the appeals process. External threats to the security of OHA's information technology systems could undermine the integrity of newly implemented technology and erode customers' trust in the appeals process.

Despite these challenges, OHA remains confident that it will continue to deliver a fair, timely, and efficient appeals process that engenders public trust and operational excellence, and by so doing, will help USDA "do right and feed everyone."