

AGENCY NAME:	South Carolina Administrative Law Court		
AGENCY CODE:	C05	SECTION:	58



Fiscal Year 2013-14 Accountability Report

SUBMISSION FORM

AGENCY MISSION

The Court's mission is to provide a neutral forum for fair, prompt and objective hearings for any person(s) affected by an action or proposed action of certain State agencies or departments. The purpose of an administrative court such as the ALC, is to separate the adjudicatory proceedings from the investigative and policy-making functions of the agency. Prior to the creation of the Court, citizens who had a dispute with a state agency and wanted to challenge any action related to the dispute had to appear before hearing officers employed or contracted by that particular agency. The creation of this Court provided a forum separate from the agency whose decision was in dispute. The Court places a very high value on its ability to be fair and neutral to all of the litigants that appear before the Court and on continuing efforts to improve its results.

Please identify your agency's preferred contacts for this year's accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Jana Shealy	734-6411	jshealy@scalc.net
SECONDARY CONTACT:	Margaret Sanders	734-6414	msanders@scalc.net

I have reviewed and approved the enclosed FY 2013-14 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN/DATE):	
(TYPE/PRINT NAME):	Ralph King Anderson, III, Chief Judge
BOARD/CMSN CHAIR (SIGN/DATE):	NA
(TYPE/PRINT NAME):	

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AGENCY'S DISCUSSION AND ANALYSIS

The South Carolina Administrative Law Court (Court or ALC) celebrates its 20th anniversary in 2014. Over the years, the Court has developed from an agency with 6 Administrative Law Judges (ALJ) and staff in the Executive Branch to an agency and court of record with an additional division, the Office of Motor Vehicle Hearings (OMVH), housing five (5) hearings officers and staff. The Court's jurisdiction has increased at a steady pace and the caseload has increased almost twelve fold since 1994. (In 1994, 720 cases were filed and in FY 13-14, 8,561 cases were filed). We now hear cases involving all state agencies except those arising under the Consolidated Procurement Code, the Public Service Commission and the Workers' Compensation Commission. (See Age of Disposed Cases below for specific case types filed with the Court). Also, during this time, appeals of the Court's decisions have moved from either the board or commission of the agency or the circuit court, directly to the appellate courts of the State. The Court has successfully managed this additional workload even during difficult budget cycles and staff vacancies due to reductions in appropriations. During the past several budget cycles, however, the Court has received new funding and revenue to offset many of those previous cuts.

The Court was created to provide a neutral forum for fair, prompt and objective hearings related to our jurisdiction. Though the ALC provides an excellent forum for the review of administrative law matters, there is always room for improvement, especially related to the time frames for disposing its cases (See Graph Charts regarding percentage of disposed cases). All of these developments and years of growth put the ALC in a good position to evaluate our strategic goals and where we go from here.

The Chief Judge is statutorily responsible for the assigning of an ALJ to each case filed with the Court and oversees the OMVH where the cases are automatically assigned to a hearing officer based on specific geographic regions. The Chief Judge is also responsible for the administration of the Court and OMVH, including budgetary matters and supervision of the support staff. The other ALJs are individually responsible for efficiently disposing of cases assigned to them and for the supervision of his or her administrative assistant/law clerk. Although the Chief Judge is the administrator of the Court, each ALJ has complete autonomy over the cases he or she is assigned to preside over. Therefore, each ALJ and his or her law clerk are responsible for ensuring the fair and prompt disposition of the cases assigned to their office.

During the past fiscal year, the Court has been working with the vendor of the case management system (CMS) it obtained in 2008 to implement the upgrade provided by the original contract. The completion of this upgrade should be finalized by the end of this fiscal year and will pave the way for the Court to develop an electronic filing system for its litigants and to provide public access electronically. All of these technology improvements are intended to increase the Court's efficiency. The upgrade to the current CMS will assist the Judge's offices by having specific workflows for each filing type (contested case, appeal, regulation hearing or injunction) that track and provide timeframes for each step during the life of a case from filing to final disposition. As mentioned previously though, because each judge is autonomous, there is no required uniformity among the judges' offices or requirements that mandate compliance with the timeframes or workflows. Adherence to the workflows and processes for the cases through use of the upgraded CMS will improve the Court's performance measures concerning the timely disposition of cases. However, the Court's current structure, with six autonomous judges' offices, does not lend itself to centralized oversight of case disposition processes. In order for the General Assembly and the public to continue to hold the ALC accountable, legislative changes are necessary to provide such oversight.

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ALC (No OMVH Cases) AGE OF DISPOSED CASES CHART	Total Cases Disposed	Avg. Age at Disposition	% Meeting Objective
Category I Case Types: Objective = 90 Days	274	127	52
Insurance rate cases [DOI]	0	--	--
Insurance agent application/disciplinary cases [DOI]	13	285	77
Wage disputes [LLR]	0	--	--
Alcoholic beverage license applications/renewals [DOR]	81	82	67
Alcoholic beverage license violations [DOR]	97	160	36
CWP, PI and Security licensing [SLED]	1	20	100
Setoff Debt Collection [SETOFF]	19	123	58
Consumer Affairs [CA]	2	82	50
Injunctive relief hearings	20	96	65
Public hearings for proposed regulations	19	66	100
Employee Grievance Appeals	3	384	33
Charter School Appeals	1	295	0
Criminal Justice Academy Appeals	2	402	0
Secretary of State	1	24	100
Subpoenas	2	13	100
Miscellaneous cases	13	156	14
Category II Case Types: Objective = 120 Days	106	240	25
Hunting/Fishing and Coastal Fisheries violations [DNR]	3	126	33
Boating under the influence	7	118	57
Health licensing cases [DHEC]	6	176	17
Outdoor advertising permits [DOT]	2	383	0
Disadvantaged Business Enterprises/Displacement[DOT]	4	201	25
PEBA Retirement Systems	11	212	18
OMVH Appeals [OMVH]	45	282	27
Professional Licensing Board Appeals [LLR]	9	230	22
OSHA [LLR]	19	237	16
Category III Case Types: Objective = 180 Days	290	221	53
Certificate of Need cases [DHEC]	7	441	43
Environmental permitting cases [DHEC]	6	261	50
OCRM cases [DHEC]	10	329	0
Medicaid Appeals [HHS]	10	270	50
Bingo violations [DOR]	12	238	33
State tax cases [DOR]	18	231	28
County property tax (real and personal) cases [DOR]	73	217	53
Daycare/Fostercare Appeals, SNAP (FI) [DSS]	13	171	62
Employment & Workforce Appeals [DEW]	122	197	65
PEBA Employee Insurance Program Appeals	19	228	37
Category IV Case Types: Objective = 120 days	1106	121	64
Inmate grievances [DOC & PPS]	1106	121	64
ALL CASE TYPES	1776	146	58
ALL CASE TYPES excluding inmate grievances	670	188	48

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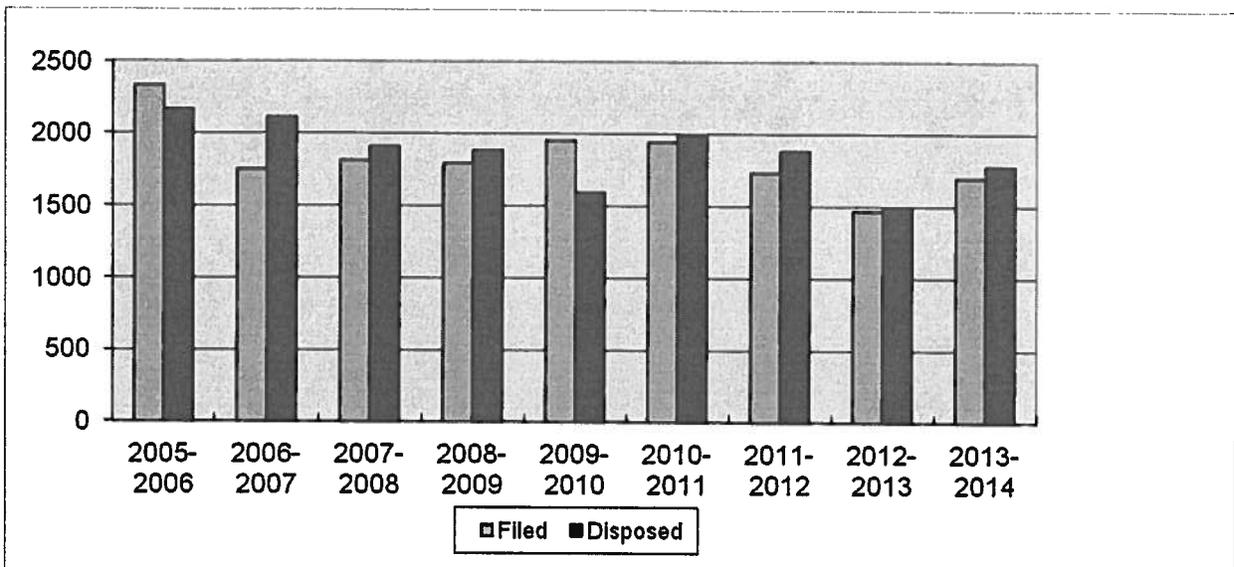
COMBINED COURT AND OMVH WORKLOAD SINCE 2008

FISCAL YEAR	COURT	OMVH	TOTAL CASES FILED	COURT	OMVH	TOTAL FINAL DECISIONS
FY 08-09	1800	5340	7,140	1761	4655	6,416
FY 09-10	1955	6577	8,532	1591	5222	6,813
FY 10-11	1945	6786	8,731	1986	6760	8746
FY 11-12	1733	6939	8,671	1886	7501	9387
FY 12-13	1472	6776	8,248	1497	6678	8,175
FY 13-14	1698	6863	8,561	1776	6777	8,553

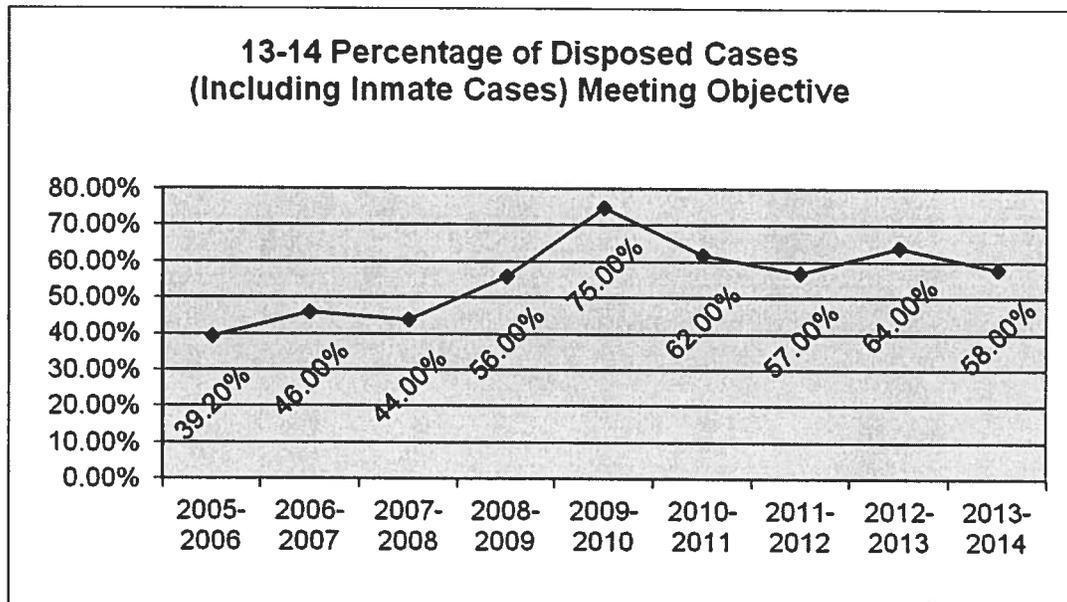
COURT'S WORKLOAD REPORT SINCE 2008

FISCAL YEAR	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/ Furtick Appeals</u>	TOTAL CASES FILED	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/ Furtick Appeals</u>	TOTAL FINAL DECISIONS
FY 08-09	534	1,266	1,800	544	1,342	1,886
FY 09-10	838	1,117	1,955	492	1,099	1,591
FY 10-11	750	1,195	1,945	924	1,062	1,986
FY 11-12	643	1,090	1,733	627	1,259	1,886
FY 12-13	567	905	1472	559	938	1497
FY 13-14	636	1,062	1,698	670	1106	1776

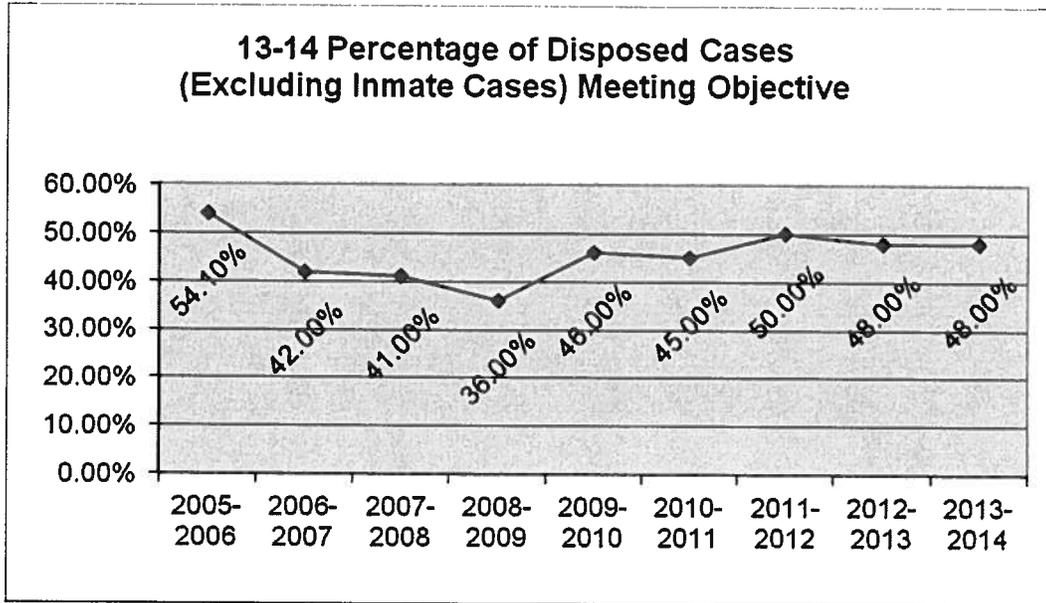
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OMVH WORKLOAD REPORT FOR CURRENT YEAR

Case Type #	Description	CASES FILED	FINAL DECISIONS
01	Implied Consent or BAC	6673	6569
02	Habitual Offender 1 st Declared	50	53
03	Habitual Offender Reduction/HOR 2	45	54
04	Financial Responsibility	53	67
05	Dealer Licensing	5	5
06	Physical Disqualification	7	8
07	IFTA	12	10
08	Self-Insured	0	0
09	Driver Training School	1	0
10	IRP	4	3
11	Miscellaneous	5	4
12	Points Suspension	8	4
TOTAL		6863	6777

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Strategic Planning Template

Type	Goal	Strat	Object	Description
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G	1			Provide fair and impartial hearings for all litigants
S	1.1			Achieve greater accountability among the judges' offices in the performance of their judicial functions and responsibilities
O	1.2			Review current statutes and rules for possible amendments to assist in achieving this goal

G	2			Conduct hearings in a timely manner
S	2.1			Develop and track case types to determine age of a case from filing to disposition
O	2.2			By the end of 2014, revise categories and objectives to allow for growth in caseload and jurisdiction in past 5 years

G	3			Enhance information technology to increase court's efficiency
S	3.1			Upgrade current case management system and implement electronic filing
O	3.2			Complete upgrade and e-filing by the end of FY 2014-2015



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Performance Measurement Template
Item Performance Measure Last Value Current Value Target Value Time Applicable Data Source and Availability Reporting Freq. Calculation Method Associated Objective(s)

1	Average Age of Disposed Cases (All Case types - ALC)	202	188	180	July 1 - June 30	Case Management System data, updated daily	Annual	Formula based on the # of cases in a category and the age of each case	All Goals 1, 2 and 3
2	Average Age Category I	113	127	90	July 1 - June 30	Case Management System data, updated daily	Annual	Formula based on the # of cases in a category and the age of each case	All Goals 1, 2 and 3
3	Average Age Category II	193	240	120	July 1 - June 30	Case Management System data, updated daily	Annual	Formula based on the # of cases in a category and the age of each case	All Goals 1, 2 and 3
4	Average Age Category III	272	221	180	July 1 - June 30	Case Management System data, updated daily	Annual	Formula based on the # of cases in a category and the age of each case	All Goals 1, 2 and 3
5	Average Age Category IV	142	121	120	July 1 - June 30	Case Management System data, updated daily	Annual	Formula based on the # of cases in a category and the age of each case	All Goals 1, 2 and 3
6	Total Cases Filed	8,248	8,561	NA	July 1 - June 30	Case Management System data, updated daily	Annual	NA	All Goals 1, 2 and 3
7	Total Cases Filed - ALC	905	1,062	NA	July 1 - June 30	Case Management System data, updated daily	Annual	NA	All Goals 1, 2 and 3
8	Total Cases Filed - OMVH	6776	6863	NA	July 1 - June 30	Case Management System data, updated daily	Annual	NA	All Goals 1, 2 and 3