



Administrative Conference Recommendation 2020-5

Publication of Policies Governing Agency Adjudicators

Adopted December 17, 2020

Federal agency officials throughout the country preside over hundreds of thousands of adjudications each year.¹ As the Administrative Conference has previously observed, litigants, their lawyers, and other members of the public benefit from having ready online access to procedural rules, decisions, and other key materials associated with adjudications.² They also benefit from having ready online access to the policies and practices by which agencies appoint and oversee administrative law judges and other adjudicators. The availability of these policies and practices helps inform the public about, among other things, any actions agencies have taken to ensure the impartiality of administrative adjudicators³ and promotes an understanding of adjudicators' constitutional status under the Appointments Clause and other constitutional provisions. The Administrative Conference acknowledges ongoing litigation regarding the constitutional status of many agency adjudicators and the continuing validity of the means and circumstances of their appointment and removal.⁴

Agencies may benefit from disclosures about agency adjudicators because it allows them to compare their own policies with those made publicly available by other agencies. Agencies'

¹ See Admin. Conf. of the U.S., Recommendation 2016-2, *Aggregate Agency Adjudication*, 81 Fed. Reg. 40,260, 40,260 (June 21, 2016).

² Admin. Conf. of the U.S., Recommendation 2018-5, *Public Availability of Adjudication Rules*, 84 Fed. Reg. 2142 (Feb. 6, 2019); Admin. Conf. of the U.S., Recommendation 2017-1, *Adjudication Materials on Agency Websites*, 82 Fed. Reg. 31,039 (July 5, 2017).

³ Cf. Admin. Conf. of the U.S., Recommendation 2018-4, *Recusal Rules for Administrative Adjudicators*, 84 Fed. Reg. 2139 (Feb. 6, 2019).

⁴ See, e.g., *Lucia v. SEC*, 138 S. Ct. 2044 (2018); *Arthrex v. Smith & Nephew*, 941 F.3d 1320 (Fed. Cir. 2019), *cert. granted*, ___ S. Ct. ___ (Oct. 13, 2020) (No. 19-1434).



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proactive disclosures, which may sometimes already be required under the Freedom of Information Act and the E-Government Act, may also be more cost-effective than agencies' responding to individual requests for information.⁵

Like other recent recommendations regarding adjudicators,⁶ this Recommendation pertains to officials who preside over (1) hearings governed by the formal hearing provisions of the Administrative Procedure Act (APA)⁷ and (2) hearings that are not governed by those provisions but are required by statute, regulation, or executive order. It also covers officials (agency heads excluded) who review hearing-level adjudicators' decisions on appeal. For ease of reference, this Recommendation refers to the covered adjudicators as either "administrative law judges" (ALJs) or "administrative judges" (AJs).⁸ Agencies may decide to include on their websites the disclosures identified in this Recommendation for other adjudicators, depending on the level of formality of the proceedings over which they preside and whether they serve as full-time adjudicators. Agencies may also decide to make similar disclosures with respect to agency heads if their websites do not already provide sufficient information.

This Recommendation focuses on policies and practices relating to adjudicators that agencies should disclose, including those addressing appointment and qualifications; compensation (including salaries, bonuses, and performance incentives); duties and responsibilities; supervision and assignment of work; position within agencies' organizational hierarchies; methods of evaluating performance; limitations on ex parte communications and other policies ensuring separation between adjudicative and enforcement functions; recusal and disqualification; the process for review of adjudications; and discipline and removal.

⁵ FOIA Improvement Act of 2016, Pub. L. No. 114-185, § 2, 130 Stat. 538, 538 (amending 5 U.S.C. § 552(a)(2)); E-Government Act of 2002, Pub. L. No. 140-347, § 206, 116 Stat. 2899, 2916 (amending 44 U.S.C. § 3501).

⁶ See, e.g., Admin. Conf. of the U.S., Recommendation 2018-4, *Recusal Rules for Administrative Adjudicators*, 84 Fed. Reg. 2139 (Feb. 6, 2019).

⁷ See 5 U.S.C. §§ 554, 556–57.

⁸ The vast majority of ALJs work at the Social Security Administration. AJs work at many different agencies under a variety of titles, including not only "Administrative Judge" but also, by way of example, "Hearing Officer," "Immigration Judge," "Veterans Law Judge," "Administrative Patent Judge," and "Administrative Appeals Judge."



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Many of the policies and practices applicable to ALJs governing these matters are already publicly available because they are in the APA, Office of Personnel Management rules, or other legal authorities.⁹ Nevertheless, agencies that employ ALJs can take steps to improve the public's access to this information.

ALJs, in any case, make up a small portion of federal adjudicators. There are many more AJs than ALJs.¹⁰ AJs are regulated by a complex mix of statutory provisions, including civil service laws, agency rules codified in the *Code of Federal Regulations*, and agency-specific policies that take a variety of forms. Many types of information about AJs reside in these sources, but they may be difficult to find.¹¹ Some relevant sources may not be publicly available, including internal administrative and personnel manuals, position descriptions, and labor agreements. This is particularly true with respect to certain kinds of policies, such as those relating to compensation and performance incentives.¹² Of course, the Administrative Conference recognizes that some of these agency policies and practices may qualify for an exemption under the Freedom of Information Act,¹³ Privacy Act,¹⁴ or other laws and executive-branch policies.

Agency websites are the most helpful location for agencies to make relevant policies and practices publicly available. Individuals most naturally seek information about administrative policies and practices on agencies' websites. Agencies can situate information about their

⁹ 5 U.S.C. §§ 554, 557, 3105, 4301, 5372, 7521; 5 C.F.R. pt. 930, subpt. B; Exec. Order No. 13,843, *Executive Order Excepting Administrative Law Judges from the Competitive Service*, 83 Fed. Reg. 32,755 (July 13, 2018) (issued July 10, 2018).

¹⁰ Kent Barnett et al., *Non-ALJ Adjudicators in Federal Agencies: Status, Selection, Oversight, and Removal 1* (Sept. 24, 2018) (report to the Admin. Conf. of the U.S.), <https://www.acus.gov/report/non-alj-adjudicators-federal-agencies-status-selection-oversight-and-removal-1>.

¹¹ Leigh Anne Schriever, *Public Availability of Information About Adjudicators 10* (Nov. 23, 2020) (report to the Admin. Conf. of the U.S.), <https://www.acus.gov/report/final-report-public-availability-information-about-agency-adjudicators>.

¹² *Id.* at 7.

¹³ 5 U.S.C. § 552.

¹⁴ *Id.* § 552a.



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adjudicators in a logical and easily identifiable place on their websites and structure their websites to synthesize policies in plain language and link to information from many different sources.¹⁵

This Recommendation encourages agencies to post on their websites clear and readily accessible descriptions of the policies governing the appointment and oversight of ALJs and AJs, and to include links to relevant legal documents. How, exactly, they should do so will of course depend on the specific features of their adjudicative programs and their institutional needs.

RECOMMENDATION

1. Each adjudicative agency should prominently display on its website a short, straightforward description of all generally applicable policies and practices, along with the legal authority, governing the appointment and oversight of Administrative Law Judges (ALJs) and Administrative Judges (AJs), including, as applicable, those that address:
 - a. Procedures for assessing, selecting, and appointing candidates for adjudicator positions and the legal authority under which such appointments are made;
 - b. Placement of adjudicators within agencies' organizational hierarchies;
 - c. Compensation structure and performance incentives, such as bonuses, nonmonetary awards, and promotions;
 - d. Procedures for assigning cases;
 - e. Assignment, if any, of nonadjudicative duties to adjudicators;
 - f. Limitations on ex parte communications, including between adjudicators and other agency officials, related to the disposition of individual cases, as well as other policies ensuring a separation of adjudication and enforcement functions;
 - g. Standards for recusal by and disqualification of adjudicators;
 - h. Administrative review of adjudicators' decisions;

¹⁵ Cf. Admin. Conf. of the U.S., Recommendation 2017-3, *Plain Language in Regulatory Drafting*, 82 Fed. Reg. 61,728 (Dec. 29, 2017).



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- i. Supervision of adjudicators by higher-level officials;
- j. Evaluation of adjudicators, including quantitative and qualitative methods for appraising adjudicators' performances, such as case-processing goals, if any; and
- k. Discipline and removal of adjudicators.

Agencies may choose not to provide access to policies covered by a Freedom of Information Act exemption.

2. On the same webpage as the information described in Paragraph 1 appears, each adjudicative agency should post links to key legal documents or, when links are not available, citations to such documents. These documents may include (a) federal statutes, including relevant provisions of the Administrative Procedure Act (APA) and other laws applicable to ALJs and AJs; (b) agency-promulgated rules regarding adjudicators, including Office of Personnel Management rules applicable to ALJs; (c) publicly available agency-promulgated guidance documents relating to adjudicators, including manuals, bench books, and other explanatory materials; (d) delegations of authority; and (e) position descriptions. To the extent that some policies concerning adjudicators may be a matter of custom, such as assignment of nonadjudicative duties, each adjudicative agency should consider documenting those policies to make them publicly accessible to the extent practicable.
3. The webpage containing the information described in Paragraphs 1 and 2 should present the materials in a clear, logical, and comprehensive fashion. One possible method of presenting this information appears in Appendix A. The appendix gives one example for ALJs and another for AJs.
4. If an agency's mission consists exclusively or almost exclusively of conducting adjudications, the agency should provide a link to the webpage containing the information described in Paragraphs 1 and 2 on the agency's homepage. If conducting adjudications is one of an agency's many functions, the agency should provide a link to these materials from a location on the website that is both dedicated to adjudicative materials and logical in terms of a user's likelihood of finding the documents in the selected location. One example would be an enforcement or adjudication page or the



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homepage for the component in which a particular category of adjudicators works. Citations to agency webpages that currently provide this information in a way that makes it easy for the public to locate, as well as descriptions of how to find those pages on agency websites, appear in Appendix B.



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APPENDIX A

Sample Website Text for Administrative Law Judges

About Our Administrative Law Judges

Administrative Law Judges (ALJs) at [agency] conduct hearings and decide cases under [insert name of authorizing act]. They are part of the [agency component in which ALJs are located], which is directed by [title of office head] and has offices in [cities]. Visit [link to agency organization chart] to see how [office] relates to other offices at [agency].

[Agency] is committed to ensuring that all hearings and appeals are conducted in a fair and equitable manner. Parties are entitled to a due process hearing presided over by an impartial, qualified ALJ. ALJs resolve cases involving [kinds of cases ALJs hear] in a fair, transparent, and accessible manner. Our ALJs are appointed by [agency official], and are [describe qualifications]. ALJs are paid according to the [pay scale for ALJs with [link to the scale](#)] scale set by statute under 5 U.S.C. § 5372, subject to annual pay adjustments.

Cases are assigned to ALJs [in each geographic office] in rotation so far as practicable. The ALJ assigned to your case is responsible for [job duties, like taking evidence, hearing objections, issuing decisions]. ALJs are required by statute to perform their functions impartially. 5 U.S.C. § 556(b). To ensure impartiality, they do not take part in investigative or enforcement activities, nor do they report to officials in the [agency]'s investigative or enforcement components. 5 U.S.C. §§ 554(d), 3105. The ALJ assigned to your case may not communicate privately about the facts of your case with other agency officials. [More details on [agency]'s rules about communicating with ALJs are available [location of agency-specific ex parte prohibitions]].

By law, [agency] does not reward or discipline ALJs for their decisions. A federal statute provides that [agency] may remove, or take certain other disciplinary actions, against an ALJ it employs only for good cause established and determined by the Merit Systems Protection Board on the record after opportunity for hearing before the Board. 5 U.S.C. § 7521.



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The agency has adopted rules of recusal [link] that allow a participant to request that the ALJ in charge of his or her case be disqualified if the participant believes the ALJ cannot fairly and impartially decide the case.

If you are dissatisfied with an ALJ's decision, you can request reconsideration from the ALJ or appeal that decision to [agency office/official]. Visit [link] for information on appealing an ALJ decision. [Agency office/official] may also review your case on [its/his or her] own initiative if there is an issue with the ALJ's decision.

For Further Information:

- Hiring process: [link]
- Pay rates: [link]
- How cases are assigned to ALJs: [link]
- Communicating with ALJs (ex parte communications): [link]
- Process for addressing allegations that an ALJ has a conflict of interest (recusal and disqualification procedures): [link]
- How to appeal an ALJ decision: [link]
- Case-processing goals: [link]
- Process for addressing allegations of ALJ misconduct: [link]

See also:

- Statutory provisions governing ALJs: 5 U.S.C. §§ 554, 557, 3105, 4301, 5372, 7521
- OPM's regulations governing ALJs: 5 C.F.R. §§ 930.205–930.207, 930.211
- MSPB's regulations governing ALJs: 5 C.F.R. §§ 1201.127–1201.142
- [Additional legal provisions governing ALJs]
- Executive Orders pertaining to ALJs: [E.O. 13,843](#) (giving agencies control over the hiring process of ALJs) [add other pertinent EOs]



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Sample Website Text for Administrative Judges

If agencies have different kinds of adjudicators, they should consider providing a separate webpage for each.

About Our [Insert Adjudicator Title]

[Adjudicator title] at [agency] [conduct hearings and decide cases/review appeals] under [name of authorizing act(s)]. They are part of the [agency component in which adjudicators are located], which is directed by [title of office head] and has offices in [cities]. Visit [link to agency organization chart] to see how [office] relates to other offices at [agency].

[Agency] is committed to ensuring that all hearings and appeals are conducted in a fair and equitable manner. Parties are entitled to a due process hearing presided over by an impartial, qualified [adjudicator title]. [Adjudicator title] resolve cases involving [kinds of cases] in a fair, transparent, and accessible manner. Our [adjudicator title] are appointed pursuant to [authorizing statute] by [agency official] [for terms of [number of years] years], and are [describe qualifications]. [Adjudicator title] are paid according to [[the pay scale for the adjudicator with link to the scale] or [the discretion of the agency head]].

Cases are [describe how cases are assigned]. The [adjudicator title] assigned to your case is responsible for [job duties, like taking evidence, hearing objections, issuing decisions].

[Description of policies (if any exist) that ensure the agency component or adjudicators remain independent from investigative or enforcement activities]. [Description of rules about ex parte communications, if any exist].

[Agency official or body] is responsible for evaluating the quality of [adjudicator title] decisions, and [agency official or body] conducts performance reviews of [adjudicator title]. [Agency official/entity from another agency] may remove the [adjudicator title] or [agency official or body/other entity] may discipline the [adjudicator title] by [kinds of discipline] when warranted.



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The agency has adopted rules of recusal [\[link\]](#) that allow a participant to request that the [\[adjudicator title\]](#) in charge of his or her case be disqualified if the participant believes the [\[adjudicator title\]](#) cannot fairly and impartially decide the case.

If you are dissatisfied with an [\[adjudicator title\]](#) decision, you can request reconsideration from the [\[adjudicator title\]](#) or appeal that decision to [\[agency office/official\]](#). Visit [\[link\]](#) for information on appealing an [\[adjudicator title\]](#) decision. [\[Agency office/official\]](#) may also review your case on [\[its/his or her\]](#) own initiative if there is an issue with the [\[adjudicator title\]](#)'s decision.

For Further Information:

- Hiring process: [\[link\]](#)
- Pay rates: [\[link\]](#)
- Bonuses and performance incentives: [\[link\]](#)
- How cases are assigned to [\[adjudicator title\]](#): [\[link\]](#)
- Communicating with [\[adjudicator title\]](#) (ex parte communications): [\[link\]](#)
- Process for addressing allegations that an [\[adjudicator title\]](#) has a conflict of interest (recusal and disqualification procedures): [\[link\]](#)
- How to appeal an [\[adjudicator title\]](#) decision: [\[link\]](#)
- Case-processing goals: [\[link\]](#)
- Process for addressing allegations of [\[adjudicator title\]](#) misconduct: [\[link\]](#)

See also:

- Statutory provisions regarding [\[adjudicator title\]](#), including the appointment authority: [\[statutory citations\]](#)
- Agency regulations governing [\[adjudicator title\]](#): [\[C.F.R. provisions\]](#)



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APPENDIX B

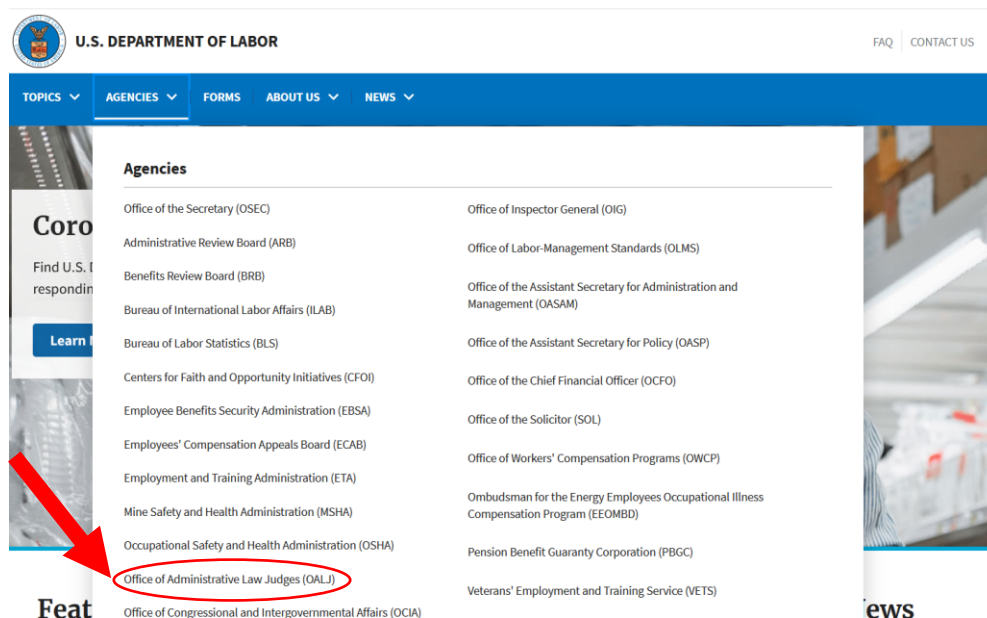
Example 1 – Department of Labor’s Office of Administrative Law Judges

The website of the Office of Administrative Law Judges provides an example of how agencies can intuitively place information about adjudicators on their websites in plain-language text with citations. It is easy to find because a link to it is placed on the homepage for the Office of Administrative Law Judges.

Citation: *About the Office of Administrative Law Judges*, U.S. DEP’T OF LABOR, <https://www.dol.gov/agencies/oalj/about/ALJMISSN> (last visited Dec. 21, 2020).

How to Find:

1. Go to the Department of Labor Website (www.dol.gov) and click on the “Agencies Tab,” which should bring up a drop-down menu. Click on “Office of Administrative Law Judges (OALJ).”





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2. Scroll down to the bottom of the OALJ page and click on “About OALJ.”

Search Tools **About OALJ** Contacts

Office of Administrative Law Judges

An agency within the U.S. Department of Labor

800 K St NW
Washington, DC 20001
202-693-7300
www.dol.gov

FEDERAL GOVERNMENT	LABOR DEPARTMENT	ABOUT THE SITE
White House	About DOL	Freedom of Information Act
Coronavirus Resources	Guidance Search	Disclaimers
Severe Storm and Flood Recovery Assistance	Español	Plug-Ins Used on DOL.gov
Disaster Recovery Assistance	Office of Inspector General	Accessibility Statement
DisasterAssistance.gov	Subscribe to the DOL Newsletter	
USA.gov	Read the DOL Newsletter	
No Fear Act Data	Emergency Accountability Status Link	
U.S. Office of Special Counsel	A to Z Index	

3. The “About the Office of Administrative Law Judges” page includes information about the locations of administrative law judges (ALJs), the authority under which they are appointed, and the kinds of cases heard by ALJs.

Office of Administrative Law Judges [FAQ](#) | [CONTACT US](#) | [ADDITIONAL SEARCH OPTIONS](#)

TOPICS ▾ SEARCH TOOLS ▾ ABOUT OALJ ▾ CONTACTS ▾

OALJ > About the Office of Administrative Law Judges

About the Office of Administrative Law Judges

The Office of Administrative Law Judges (OALJ) is the administrative trial court for the United States Department of Labor. OALJ conducts hearings nationwide. The Department of Labor has the third largest administrative law judge (ALJ) office in the Federal government. OALJ is headquartered in Washington, DC, and has judges and staff located in eight district offices. ALJs are appointed under the U.S. Const. art. II, § 2, cl. 2 and the Administrative Procedure Act, 5 U.S.C. § 3105.

Mission

OALJ's mission is to provide a neutral forum to resolve labor-related administrative disputes before the Department of Labor in a fair, transparent and accessible manner, and to promptly issue sound decisions correct in law and fact.

Department of Labor ALJs adjudicate complaints and claims in a wide variety of cases. Cases where individuals seek benefits under the Black Lung Benefits Act, the Longshore and Harbor Workers' Compensation Act and the Defense Base Act constitute the largest part of the office's workload. ALJs also hear and decide cases arising from over 80 other labor-related statutes, Executive Orders, and regulations, including such diverse subjects as: whistleblower complaints involving corporate fraud and violations of transportation, environmental and food safety statutes; alien labor certifications; actions involving the working conditions of migrant farm laborers; grants administration relating to preparation of workers and job seekers to attain needed skills and training; prohibition of workplace discrimination by government contractors; minimum wage disputes; child labor violations; mine safety variances; OSHA formal rulemaking proceedings; federal contract disputes; civil fraud in federal programs; certain recordkeeping required by ERISA; and standards of conduct in union elections.



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Example 2 – Department of Health and Human Service’s Office of Medicare Hearings and Appeals

The website of the Office of Medicare Hearings and Appeals shows a clear and intuitive way agencies can organize information about adjudicators. The link to the “About OMHA” page is easy to find from the main page for the Office of Medicare Hearings and Appeals, which contains a link to it.

Citation: *About OMHA*, U.S. DEP’T OF HEALTH & HUMAN SERVS.,
<https://www.hhs.gov/about/agencies/omha/about/index.html> (last visited Dec. 21, 2020).

How to Find:

1. Go to the main page for OMHA (<https://www.hhs.gov/about/agencies/omha/index.html>) and click on “About OMHA” on the left side.

The screenshot shows the website for the Office of Medicare Hearings and Appeals (OMHA). At the top, there are navigation tabs for 'About HHS', 'Programs & Services', 'Grants & Contracts', and 'Laws & Regulations'. Below these is a breadcrumb trail: 'Home > About > Agencies > Office of Medicare Hearings & Appeals (OMHA)'. On the left side, there is a vertical menu with several links: 'Office of Medicare Hearings and Appeals (OMHA)', 'The Appeals Process', 'Filing an Appeal', 'About OMHA', 'Contact OMHA', and 'Work for Us'. The 'About OMHA' link is circled in red, and a red arrow points to it from the left. To the right of the menu, there are options for 'Text Resize', 'Print', and 'Share'. Below the menu, the main heading is 'Office of Medicare Hearings and Appeals (OMHA)'. The main content area contains a paragraph describing OMHA's role in administering the nationwide Administrative Law Judge (ALJ) hearing program. Below this is a link: 'HHS issues procedures for selecting and appointing Administrative Law Judges (ALJs)'. At the bottom, there is a section titled 'OMHA OPERATIONS DURING THE COVID-19 PANDEMIC' with a detailed paragraph of text.



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- The “About OMHA” page includes information about what cases ALJs at OMHA hear and the organization of the agency.

Office of Medicare Hearings and Appeals (OMHA)

The Appeals Process +

Filing an Appeal +

About OMHA -

Organizational Chart
Leadership

Workload Information and Statistics

Health Data Sets

Special Initiatives
Settlement Conference Facilitation
Statistical Sampling
Appellant Forums

Contact OMHA

Work for Us

Text Resize A A A Print Share

About OMHA

The Office of Medicare Hearings and Appeals (OMHA) is responsible for [Level 3 of the Medicare claims appeal process](#); certain [Medicare entitlement appeals](#); [Part B](#) and Part D premium appeals.

OMHA was created by the Medicare Modernization Act of 2003 to simplify the appeals process and make it more efficient. During an appeal, an OMHA Administrative Law Judge or attorney adjudicator conducts a new (“de novo”) review of an appellant’s case and issues a decision based on the facts and the law.

The Chief Administrative Law Judge leads the entire agency, which consists of six field offices and a headquarters office. Each field office includes many Administrative Law Judges and attorney adjudicators who are overseen by an Associate Chief Administrative Law Judge. Appeals are assigned to these adjudicators by a Centralized Docketing Division in accordance with standardized procedures.

[Contact information for each OMHA field office is available.](#)

Operating Plan

Office of Medicare Hearings and Appeals (OMHA)

Operating Plan for FY 2015 - 2016 (Dollars in Millions)

Activities	FY 2015	FY 2016
OMHA	87.381	107.381
OMHA Total	87.381	107.381

Organizational Chart

See how our office is structured and find information on key personnel.

Workload Information and Statistics

Find data about OMHA's current workload, including decision statistics and average processing time.

Health Data Sets

Find data sets on receipts by fiscal year, appeal category, procedure, and state.

Special Initiatives

Learn how OMHA is working to improve the Medicare appeals process through pilot programs and other special initiatives.



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Example 3 – Internal Revenue Service’s Independent Office of Appeals

The website of the Independent Office of Appeals presents an example of how agencies can use website text to reassure the public about their adjudicators’ independence and impartiality in plain language. The IRS website has a link to the Independent Office of Appeals webpage on its main page. The first sentence of the Office’s homepage includes a hyperlink to a page containing more information about its adjudications, including details about ex parte communications and the separation of adjudicative functions from other agency functions.

Citation: *Appeals – An Independent Organization*, I.R.S., <https://www.irs.gov/appeals/appeals-an-independent-organization> (last visited Dec. 21, 2020).

How to Find:

1. Go to the IRS’s home page (www.irs.gov) and scroll down to the bottom. Click on “Independent Office of Appeals.”

The screenshot shows the IRS website footer with a navigation menu and a promotional banner. The navigation menu includes: OUR AGENCY, KNOW YOUR RIGHTS, RESOLVE AN ISSUE, OTHER LANGUAGES, and RELATED SITES. The 'RESOLVE AN ISSUE' section contains a link to 'Independent Office of Appeals' which is circled in red. A red arrow points to this link. The 'RELATED SITES' section includes links to U.S. Treasury, Treasury Inspector General for Tax Administration, and USA.gov. The promotional banner is for National EIP Registration Day on November 10, 2020.

OUR AGENCY	KNOW YOUR RIGHTS	RESOLVE AN ISSUE	OTHER LANGUAGES	RELATED SITES
About IRS	Taxpayer Bill of Rights	Respond to a Notice	Español	U.S. Treasury
Work at IRS	Taxpayer Advocate Service	Independent Office of Appeals	中文(简体)	Treasury Inspector General for Tax Administration
Help	Civil Rights	Identity Theft Protection	中文(繁體)	USA.gov
Contact Your Local Office	Freedom of Information Act	Report Phishing	한국어	
Tax Stats, Facts & Figures	No Fear Act	Tax Fraud & Abuse	Русский	



2. Click on “Independent Office of Appeals” in the first sentence on the webpage.

Appeals

English | Español | 中文(简体) | 中文(繁體) | 한국어 | Русский | Tiếng Việt | Kreyòl aisyen

Interactive Tax Assistant

Tools

Report Phishing

Fraud/Scams

Notices and Letters

Appeals

- Considering an Appeal
- Requesting an Appeal
- What to Expect

Frequently Asked Questions

Accessibility

Contact an International IRS Office

Tax Topics

Other Languages

Coronavirus (COVID-19) Impact on Appeals Cases

We appreciate your patience and understanding during this time. If you have questions about your case, contact your assigned Appeals Office by phone. Please see our latest update on [In-person conferences](#).

The IRS **Independent Office of Appeals** is here to resolve disputes, without litigation, in a way that is **fair and impartial to the government and to you**.

About Your Appeal

- [Considering an Appeal](#)
- [Requesting an Appeal](#)
- [What to Expect](#)
- [Appeals Functions & Contacts](#) [PDF](#)

Special Case Procedures

- [Innocent Spouse](#)
- [Mediation Programs](#)
- [Rejected Offers in Compromise](#)
- [Penalty Appeals](#)
- [Art Appraisal Services](#)

Forms, Videos and Podcasts

- [Online videos and podcasts of the Appeals process](#)
- [Forms and publications about your appeal rights](#)

Other Items of Interest

- [ATCL Conferencing Initiative completed May 1, 2020](#) [PDF](#)
- [Virtual Face-to-Face Conferences \(Webex\)](#)
- [Independent Office of](#)

3. The “Appeals – An Independent Organization” page includes information about the agency’s relationship with other agency components and provides an explanation about the rules around ex parte communications.

Appeals – An Independent Organization

English | Español | 中文(繁體) | 한국어 | Русский | Tiếng Việt

Interactive Tax Assistant

Tools

Report Phishing

Fraud/Scams

Notices and Letters

Appeals

- Considering an Appeal
- Requesting an Appeal
- What to Expect

Frequently Asked Questions

Accessibility

Contact an International IRS Office

Tax Topics

Other Languages

Appeals is separate and independent from the IRS Examination and Collection functions that make tax assessments and initiate collection actions. Our mission is to resolve tax controversies:

- Without litigation
- On a basis which is fair and impartial to both the Government and you, and
- In a manner that will enhance voluntary compliance and your confidence in the integrity and efficiency of the Service

Independence and impartiality are our most important core values, because our **independence protects our ability to make objective and impartial decisions**.

We safeguard the fairness of our tax system. You aren't required to request an appeal before going to court, but the appeals process is less formal, less costly and isn't subject to complex rules of evidence or procedure. In addition, you don't give up the right to go court by coming to Appeals.

We also offer services through our mediation programs. These programs are designed to help you resolve your dispute at the earliest possible stage in the audit or collection process.

What Ex Parte Means to You

In judicial proceedings, the term “ex parte” refers to a one-sided or partisan point of view received on behalf of or from one side or party only. Within the IRS, an ex parte communication is a communication between an Appeals employee and employees of other IRS functions—without you or your representative being given an opportunity to participate in the communication. Reinforcing our independence, certain ex parte communications are prohibited. For additional guidance related to the prohibition on ex parte communications, see [Revenue Procedure 2012-18](#).

Additional Information about Appeals

- If you have a dispute with the IRS and are thinking about appealing their decision, go to [Considering an Appeal](#) for information on whether Appeals may be the place for you.
- If you've decided to request an appeal, go to [Requesting an Appeal](#) to learn more about the process.
- For information on our policies, please refer to the [Fact Sheet – IRS Independent Office of Appeals](#) [PDF](#) and the related [Frequently Asked Questions](#) [PDF](#).
- For information on the structure of Appeals, refer to [Appeals Functions & Contacts](#) [PDF](#).



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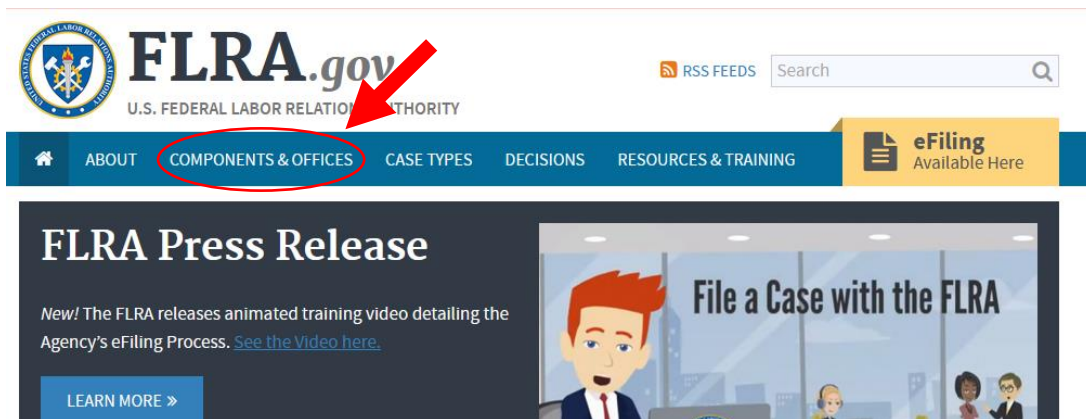
Example 4 – Federal Labor Relations Authority

The website of the Federal Labor Relations Authority provides a good example of how agencies can create an easily located page that is accessible from the main page and that provides information about the appointment and job duties of the adjudicators.

Citation: *Office of Administrative Law Judges*, FED. LABOR RELATIONS AUTH., <https://www.flra.gov/components-offices/offices/office-administrative-law-judges> (last visited Dec. 21, 2020).

How to Find:

1. Go to the FLRA website (www.flra.gov) and click on “Components & Offices.”





- 2. Click on "Office of Administrative Law Judges."

Components & Offices

The FLRA is organized into three statutory components – the Authority, the Office of the General Counsel (OGC), and the Federal Service Impasses Panel (FSIP) – each with unique adjudicative or prosecutorial roles. The agency also provides full program and staff support to two other organizations – the Foreign Service Impasse Disputes Panel and the Foreign Service Labor Relations Board.

In This Section

COMPONENTS

- The Authority
- Office of the General Counsel
- The Federal Service Impasses Panel

OFFICES

- Office of Administrative Law Judges
- Office of Case Intake and Publication
- Office of the Executive Director
- Office of Inspector General
- Office of Legislative Affairs and Program Planning
- Office of the Solicitor



FEATURED TOPICS

Is the FLRA hiring?
Find a listing of all of the FLRA's current job openings.

Contact Us
Find a listing of FLRA contacts that you can call for more information.

- 3. The "Office of Administrative Law Judges" page includes information about office location, the authority for the appointment of ALJs, and descriptions of the kinds of cases ALJs hear.

Office of Administrative Law Judges

What we do

FLRA Administrative Law Judges conduct hearings and issue recommended decisions on cases involving alleged unfair labor practices. Administrative Law Judges also render recommended decisions involving applications for attorney fees filed under the Back Pay Act and the Equal Access to Justice Act.

The Authority appoints Administrative Law Judges under [§ 7105\(d\)](#) of the Federal Service Labor-Management Relations Statute.

To learn more, please see our page on [procedures](#) relevant to cases before Administrative Law Judges, and our page on the [Settlement Judge Program](#).

Contact information

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Federal Labor Relations Authority
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Phone: (202) 218-7950
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IN THIS SECTION

[Office of Administrative Law Judges](#)

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Resources

[Authority Decisions](#)

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