

## **Request for Proposals—January 14, 2025**

### **Frontline Decision Making in the Adjudication of Applications**

The Administrative Conference of the United States (ACUS) is accepting proposals from individuals interested in serving as a consultant(s) to produce a report on frontline decision making in adjudicating applications for benefits, loans, grants, licenses, and the like in which there is a later opportunity for an evidentiary hearing. The report will support the development of a recommendation for action by federal agencies.

#### **About ACUS**

ACUS is an independent federal agency in the executive branch charged with identifying and promoting improvements in the efficiency, adequacy, and fairness of the procedures by which federal agencies conduct administrative processes.

Many of the hundreds of recommendations ACUS has issued since 1968 have resulted in reforms by federal agencies, the President, Congress, and the Judicial Conference of the United States. All are available at [acus.gov/recommendations](https://acus.gov/recommendations).

Recommendations are issued by the Conference, which consists of a Chair appointed by the President and confirmed by the Senate; ten presidential appointees; 50 senior federal officials designated by the heads of participating agencies; and 40 leading academics, practitioners, and other private-sector experts. Except for the Chair, all members are unpaid.

Recommendations are typically informed by a report prepared by one or more consultants. Consultants also work closely with committees of Conference members and the full Conference membership to develop the recommendations. Previous consultant reports are available at [acus.gov/reports](https://acus.gov/reports).

#### **Project Description**

Many federal programs involve the adjudication of applications for benefits, loans, grants, licenses, and the like. In many of these programs, parties are legally entitled to an opportunity for an evidentiary hearing before a federal agency adjudicator such as an administrative law judge (ALJ) or administrative judge (AJ).

Before proceeding to an evidentiary hearing, many agencies first attempt to adjudicate applications and resolve cases through processes—sometimes referred to as “frontline”—that are more characteristically bureaucratic than quasi-judicial in form. For example, upon receiving an application, agency personnel may work with the applicant to develop an adequate record for

decision making. A “frontline” decision maker—not an ALJ or AJ and often not a lawyer<sup>1</sup>—may render an initial determination based on a review of the application and supporting documentation.

ACUS is undertaking a project to examine frontline decision making in the adjudication of applications for benefits, loans, grants, licenses, and the like in which there is a later opportunity for an evidentiary hearing before a federal agency adjudicator. Among other relevant topics, the project will address:

- Personnel involved in frontline processes;
- Processes used to develop records and decide cases prior to the hearing stage, including assuring adequate input from the applicant;
- Relationships between frontline and hearing-level proceedings, including how evidence obtained and findings made in frontline proceedings may be used at the hearing level;
- Development and communication of relevant policies;
- Quality assurance and strategies for promoting timeliness; and
- Interactions between frontline components and other agency components, including those responsible for more formal adjudication and policy development.

The project will complement recommendations previously adopted by ACUS that identify best practices for adjudications not involving an evidentiary hearing;<sup>2</sup> evidentiary hearings;<sup>3</sup> and appellate review of decisions resulting from hearings.<sup>4</sup>

The project will consist of a report prepared by a consultant(s) and, it is expected, a recommendation adopted by the Conference. Both the report and recommendation will identify agency best practices for frontline decision making in the adjudication of applications in which there is a later opportunity for an evidentiary hearing.

### **Consultant Responsibilities**

The consultant(s) will complete a draft report by January 2026. The consultant(s) will work with Conference staff to finalize the draft report, which will be provided to a committee of Conference members and made publicly available on the ACUS website.

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<sup>1</sup> Depending on the program, frontline personnel may be federal agency employees; state, local, tribal, or territorial agency employees; or contractors.

<sup>2</sup> Admin. Conf. of the U.S., Recommendation 2023-5, *Best Practices for Adjudication Not Involving an Evidentiary Hearing*, 89 Fed. Reg. 1509 (Jan. 10, 2024). The recommendation was limited to programs in which there was no legally required opportunity for an evidentiary hearing at any stage of adjudication.

<sup>3</sup> Admin. Conf. of the U.S., Recommendation 2016-4, *Evidentiary Hearings Not Required by the Administrative Procedure Act*, 81 Fed. Reg. 94,314 (Dec. 23, 2016).

<sup>4</sup> Admin. Conf. of the U.S., Recommendation 2020-3, *Agency Appellate Systems*, 86 Fed. Reg. 6618 (Jan. 22, 2021).

During spring 2026, the consultant(s) will work with Conference staff and the committee to develop a proposed recommendation. Committees typically meet two to three times per project; meetings are conducted virtually and typically last about three hours.

The consultant(s) will work with Conference staff to complete a final report by May 2026, which will be provided to the full Conference and made publicly available on the ACUS website. The consultant(s) will also work with Conference staff and the full Conference membership to consider the committee-proposed recommendation at a plenary session of the Conference, likely in June 2026.

The Conference may select a single consultant or assemble a team of consultants depending on the proposals it receives. Consultants will receive between \$8,000 and \$25,000, plus a budget for related expenses, depending on the number of consultants and allocation of responsibilities. The total value of consulting fees for this project will not exceed \$25,000, to be apportioned in accordance with the number of consultants and division of responsibilities.

### **Submitting a Proposal and Evaluation Criteria**

If you are interested in serving as a consultant for the report, send an email to Lea Robbins ([lrobbins@acus.gov](mailto:lrobbins@acus.gov)) with the phrase “ACUS Project Proposal” in the subject line. Attach your curriculum vitae to the email, along with a short statement (ideally no more than two pages) that:

- Addresses your interest in this study;
- Describes specific topics you would be interested in researching;
- Describes the methodologies you might employ to researching these topics; and
- Identifies any relevant scholarship you have published.

**All responsible sources must submit a proposal by 5:00 p.m. Eastern Time on February 16, 2025, in order to be guaranteed consideration by the agency.**

Proposals will be evaluated based on quality, clarity, and the proposer’s qualifications. The Conference has a strong preference for consultants who have previously authored scholarly work on administrative processes for adjudicating applications.