

# Alaska Division of Retirement and Benefits

Defined Benefit Retirement Systems, PERS Tier I/II/III and TRS Tier I/II

## Office of Administrative Hearings



The Office of Administrative Hearings (OAH) was created in 2004 to function as a central panel to hear challenges to executive branch decisions of several state agencies, including many boards and commissions. OAH's main function is to provide fair, efficient, cost-effective hearings, resulting in consistent decisions. OAH also has a number of other duties related to monitoring and improving administrative hearing processes across all state agencies.

### OAH Jurisdiction and Procedures

The jurisdiction of the OAH expanded as of July 1, 2005, to include several new categories of hearings including appeals of a decision by the Administrator of the Public Employees' and Teachers' Retirement Systems. Your appeal will be heard by the OAH and will be subject to hearing procedures set out in Alaska Statute 44.64.060 – 44.64.070. These procedures require, among other things, that:

- The Administrator either grant or deny a request for hearing within 10 days after receipt of the request;
- The Administrator refer a granted hearing request to the OAH within 10 days, and transmit the record and other specified information to the OAH within 15 days after receipt of the request;
- A denial of a hearing request must be in writing, "for reasons provided by law." A notice of denial will be sent to the requestors and the OAH within 10 days after receipt of the request;
- Parties have the right to request an administrative law judge (ALJ) change, even if no cause for disqualification exists;
- The OAH must complete the hearing process and issue a proposed decision within 120 days of the time the Administrator received the request, unless a law provides for another time period or the parties agree (and the chief ALJ approves) a different deadline;
- Parties will receive the proposed decision and have an opportunity to request in writing that the OAH take one of five specific actions:
- Adopt the proposed decision as the final agency decision;

- Return the case to the ALJ to take additional evidence or make additional findings or for other specific proceedings, in which case the ALJ shall complete the additional work and return the revised proposed decision to the agency within 45 days after the original decision was returned;
- Exercise its discretion by revising the proposed enforcement action, determination of best interests, order, award, remedy, sanction, penalty, or other disposition of the case, and adopt the proposed decision as revised;
- Reject, modify, or amend a factual finding in the proposed decision by specifying the affected finding and identifying the testimony and other evidence relied on by the agency for the rejection, modification, or amendment of the finding, and issue a final agency decision;
- Reject, modify, or amend an interpretation or application in the proposed decision of a statute or regulation directly governing the agency's actions by specifying the reasons for the rejection, modification, or amendment, and issue a final decision.
- The OAH will have only a relatively short period in which to issue a final decision before the proposed decision becomes final by operation of law.

### Statutory Powers

The OAH administrative law judges have some new powers under Alaska Statute 44.64.040 that agency hearing officers typically do not have. In particular, they are able to engage in alternative dispute resolution efforts beyond those provided for in the laws governing the case for hearing, and they are able to sanction certain kinds of bad faith conduct by requiring payment of costs and fees.

### Publication of Decisions

The OAH and the Division of Retirement and Benefits will e-publish decisions from administrative hearings.

For more information, contact the Alaska Division of Retirement and Benefits.

#### Alaska Division of Retirement and Benefits

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#### Member Education Center

Hours: Monday-Thursday 8:30 a.m. to 4 p.m. | Friday 8:30 a.m. to 3 p.m.

Toll-Free: (800) 821-2251 | In Juneau: (907) 465-4460 | Fax: (907) 465-4668 | TDD: (907) 465-2805

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*The information in this brochure is not intended to replace the Alaska Statutes, the Alaska Administrative Code, or the plan documents. Language contained in Alaska Statutes, the Alaska Administrative Code, and the plan documents governs the plans.*