



OFFICE OF HEARINGS AND APPEALS ANNUAL REPORT 2020





Office of Hearings and Appeals

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DIRECTOR'S MESSAGE

I am pleased to report on the FY 2020 operations of the Office of Hearings and Appeals (OHA). OHA's mission is to provide adjudicatory and dispute resolution services to the Department of Energy. OHA's work directly supports DOE's strategic goals and mission essential functions. In FY 2020, as in past years, OHA provided independent, timely, and thorough analysis and review on a wide variety of issues, helping maintain the quality of DOE's decision-making, despite the challenges of the COVID-19 pandemic.

In FY 2020, OHA continued to process cases promptly. For example, we issued Personnel Security decisions, on average, in fewer than 5 days after receiving the hearing transcript. This is a decrease of over 70% from the time to decision in 2016. In FY 2019, the Department of Justice reported that OHA's average FOIA Appeal processing time of 14 days was the fastest of all cabinet agencies; in FY 2020, OHA further decreased that number to 10 days.

Also in FY 2020, OHA published a final rule updating its general procedural regulations. The new rule streamlined the filing and adjudication processes, simplified the rule's language, and enabled the use of modern technology in adjudicating cases.

The Alternative Dispute Resolution Office (ADRO), a part of OHA, developed several new training modules in FY 2020, and began offering fully virtual mediations, facilitations, and trainings.

This year was especially challenging, in light of COVID-19. As a result of the pandemic, OHA transitioned to a fully remote workforce in March 2020. Within weeks, OHA had developed procedures to conduct hearings remotely while maintaining information security and ensuring due process for all parties. In addition, OHA began using cloud-based programs for file sharing and collaboration, and expanded its use of mobile products such as iPads. These actions, taken together, allowed us to continue to process our work in an efficient and timely manner.

As we begin FY 2021, we are committed to continued improvement, and to meeting all Departmental needs for our services. Going forward, we will continue to review our operations to identify opportunities for increased efficiency and productivity while maintaining our commitment to excellence.

We hope that this report is informative. If you have any comments or suggestions for future improvements, please contact our office by email at OHA.Filings@hq.doe.gov, or by phone at (202) 287-1566.

Sincerely,

Poli A. Marmolejos

INTRODUCTION

The Office of Hearings and Appeals is the central administrative adjudicative forum for the Department of Energy. The Secretary of Energy has delegated to the OHA Director authority to act in many different areas. The OHA Director's decision typically serves as the final agency decision.

During its nearly 40-year history, OHA has had broad-ranging subject matter jurisdiction. Originally, OHA's primary function was to consider exceptions and other petitions related to petroleum pricing and allocation regulations, as well as Freedom of Information Act (FOIA) and Privacy Act appeals. From that point onward, OHA's jurisdiction has evolved to meet the needs of various DOE programs, including those in the personnel security and whistleblower areas. In addition to its adjudicative work, OHA, through its Alternative Dispute Resolution Office, has been promoting the understanding and use of Alternative Dispute Resolution (ADR) throughout the Department. Activities include a mediation program; a semiannual newsletter; training; and support for inter-agency ADR activities, including a series of regularly-held lunchtime training events.

Over the years, OHA has adjudicated appeals from a variety of DOE determinations, including those related to the Department's Alternative Fuel Transportation Program; physician panel reviews of DOE worker occupational illness claims; payment-equal-to-taxes claims under the Nuclear Waste Policy Act of 1982; and equity interests in various energy production sites.

In FY 2020, OHA continued to conduct personnel security and whistleblower proceedings, consider FOIA and Privacy Act appeals, and adjudicate requests for exceptions from energy efficiency regulations. OHA also updated its internal desk references and provided training on its various areas of jurisdiction to other DOE organizations.

The procedures that OHA uses vary, depending on the type of case involved. OHA procedures are flexible and easily adaptable to new situations, allowing OHA to minimize "start-up" times and to produce high-quality work in new areas. OHA's general procedures and those used for specific proceedings can be found on its website at <http://energy.gov/oha>, under "Services." In FY 2020, OHA published a final rule revising its procedural regulations. The regulatory revisions streamlined filing and adjudication processes while reducing costs for those appearing before OHA.

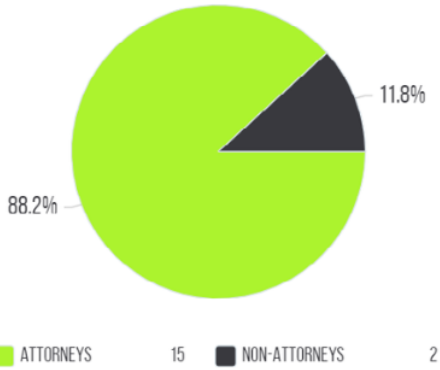
Ultimately, OHA's adjudicative work involves more than resolving disputes. The decisions issued by OHA reflect the balancing of important and varied interests, including those of the public, the Department, industry groups, and individual litigants.

WHO WE ARE

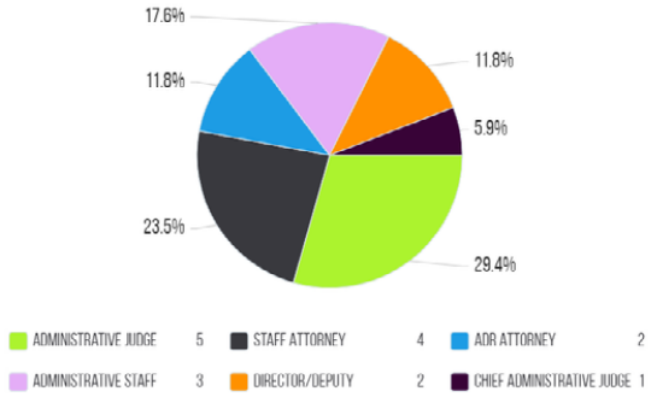
OHA is a small office that utilizes teamwork and communication to maximize efficiency and provide excellent service to the Department and the public.

ORGANIZATIONAL MAKEUP

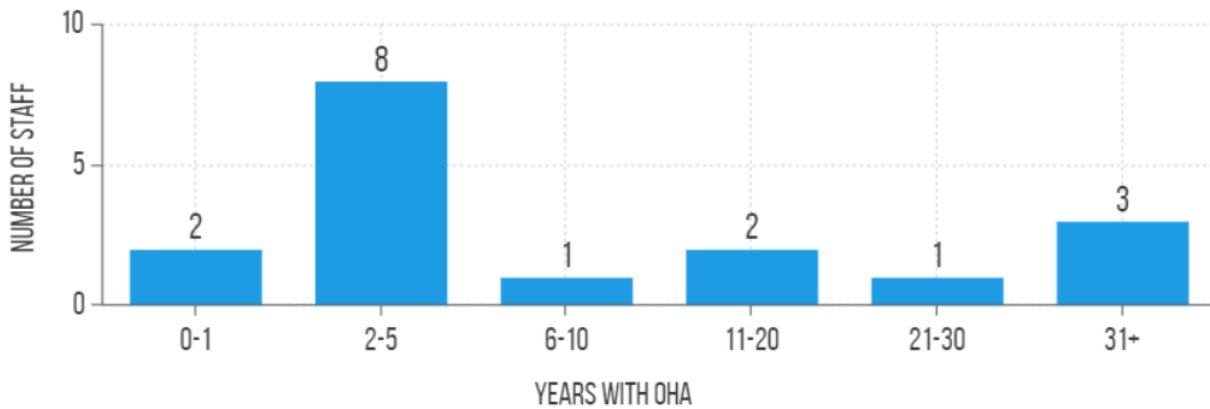
LEGAL AND NON-LEGAL STAFFING



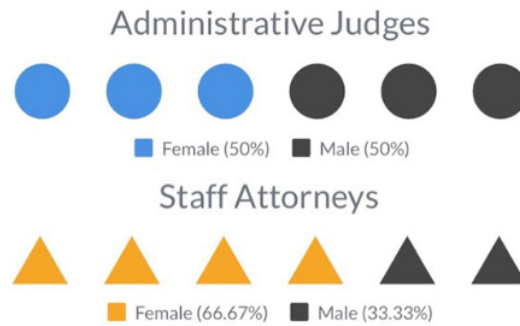
STAFF IN DETAIL



STAFF TENURE

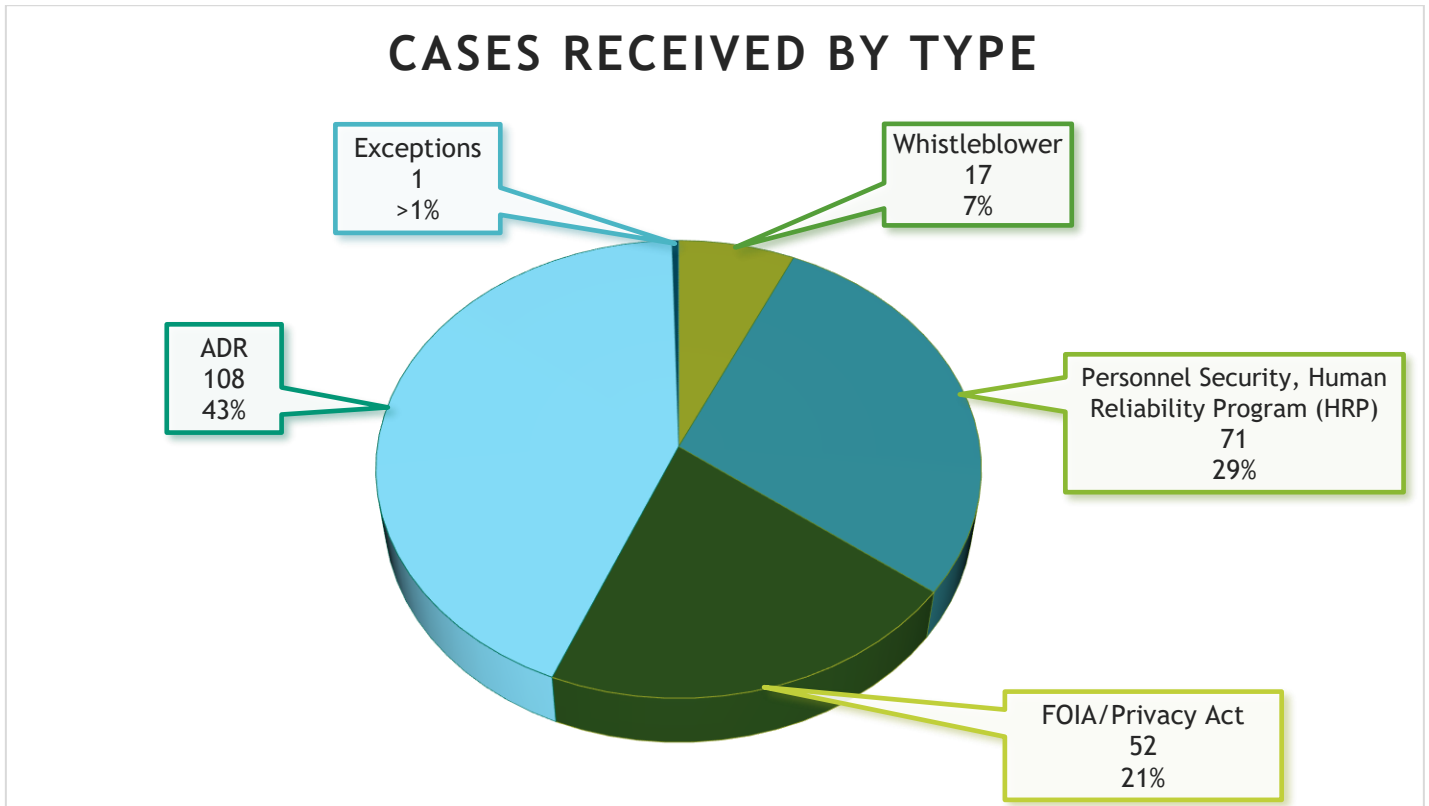


GENDER DIVERSITY

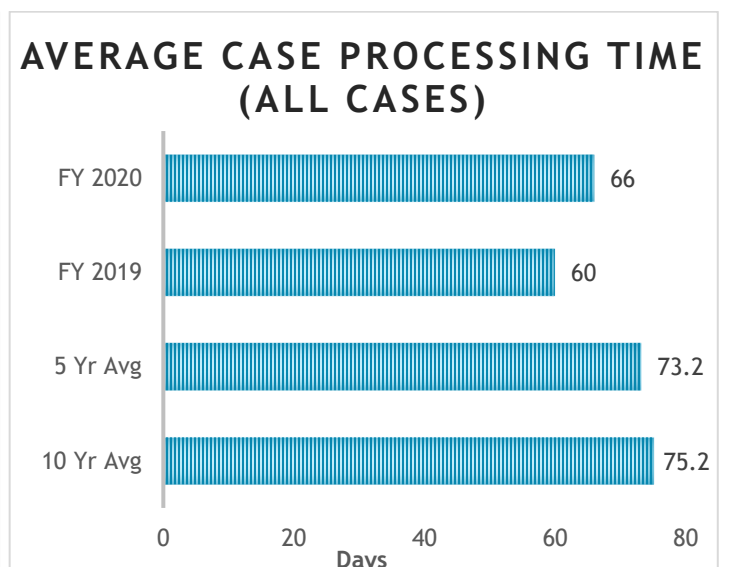
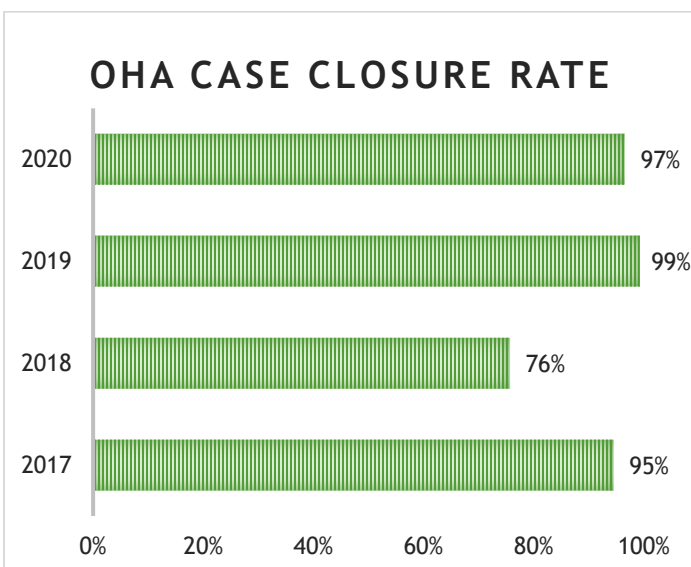


ADJUDICATORY AND DISPUTE RESOLUTION SERVICES

In FY 2020, OHA received a total of 252 cases, of which 144 were non-ADR cases. The following chart shows the volume of cases received, by type.



OHA maintained its high closure rate and low processing times in FY 2020.

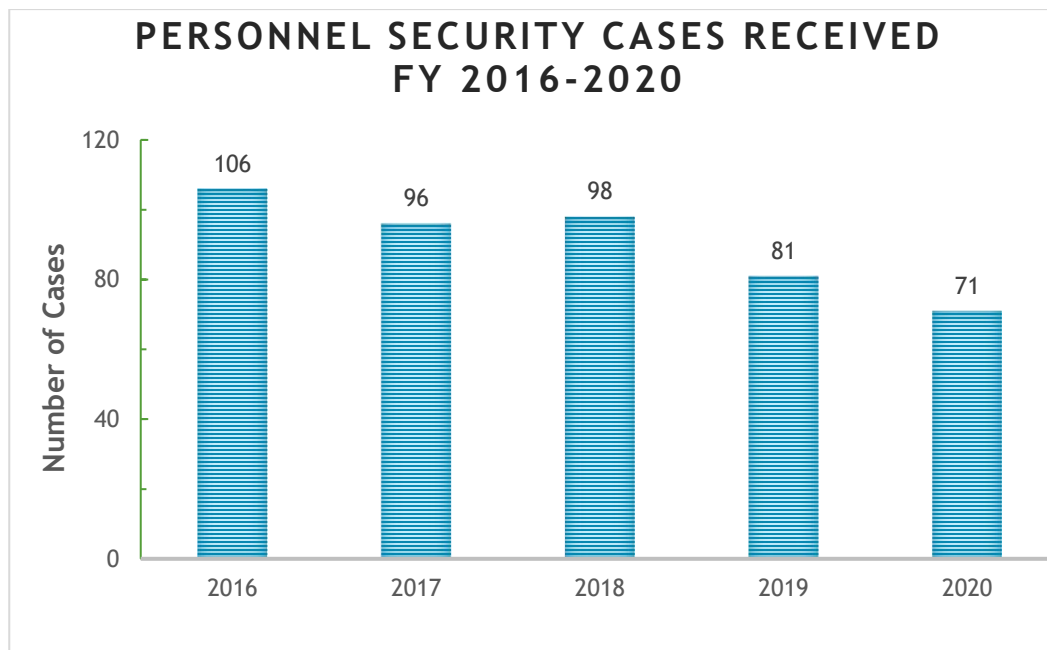


Personnel Security and Human Reliability

In FY 2020, 71 cases (half of the non-ADR cases received by OHA) concerned a federal or contractor employee's eligibility for a DOE security clearance or eligibility for the Human Reliability Program, a security and safety reliability program for individuals who may have access to certain material, nuclear devices, or facilities. The governing regulations for the various programs are set forth at 10 C.F.R. Parts 710 (DOE security clearances) and 712 (DOE HRP), and 10 C.F.R. Part 10 (Nuclear Regulatory Commission (NRC) security clearances). Personnel Security cases are decided using the National Security Adjudicative Guidelines.

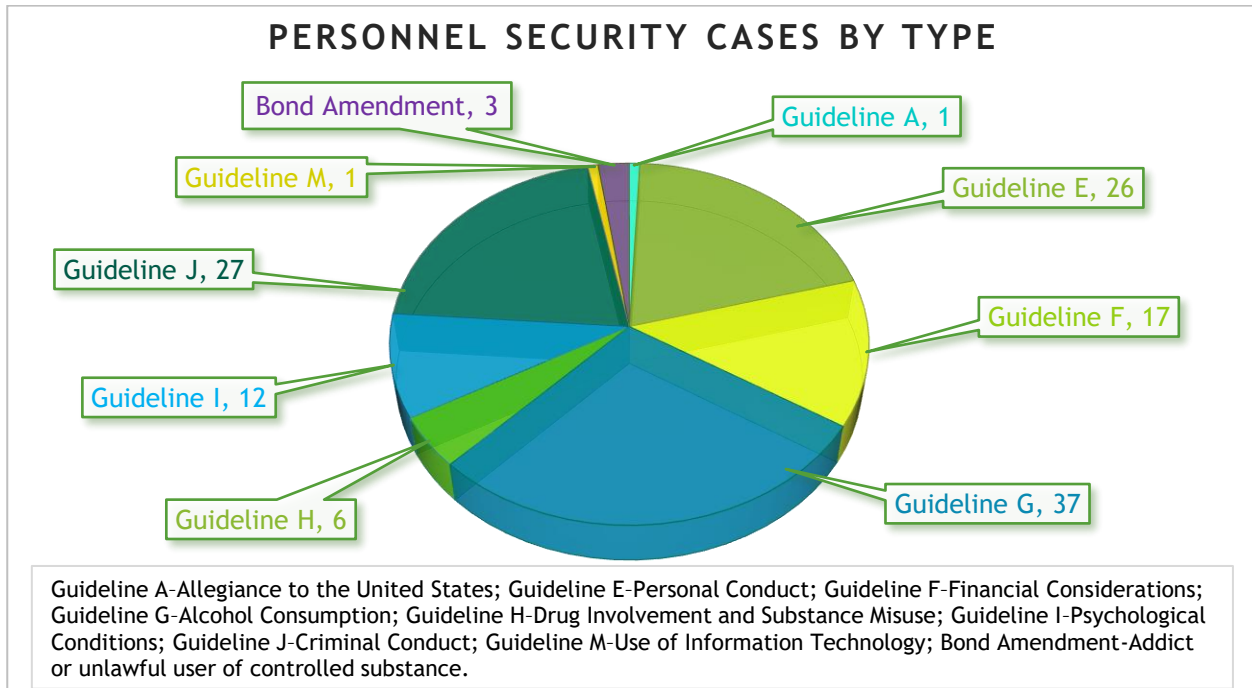
Personnel security hearings typically involve concerns about excessive alcohol use, substance abuse, psychological conditions, financial irresponsibility, or conduct raising doubt about an individual's honesty and reliability, among other issues. Evidence and testimony may include expert medical opinions, medical test results, tax filings, budgets and financial records, and signed agreements to abstain from concerning conduct. The OHA Administrative Judge assigned to the case conducts a hearing, analyzes the evidence, and renders a decision, which may be appealed to an Appeals Panel within DOE.

The following chart shows the number of personnel security cases, including NRC and HRP cases, received during each of the past five years. Note that the number of cases received in FY 2020 was artificially low, as no cases were referred to OHA for a period of several months while NNSA and other organizations adjusted to new logistical considerations associated with DOE's COVID-19 response.

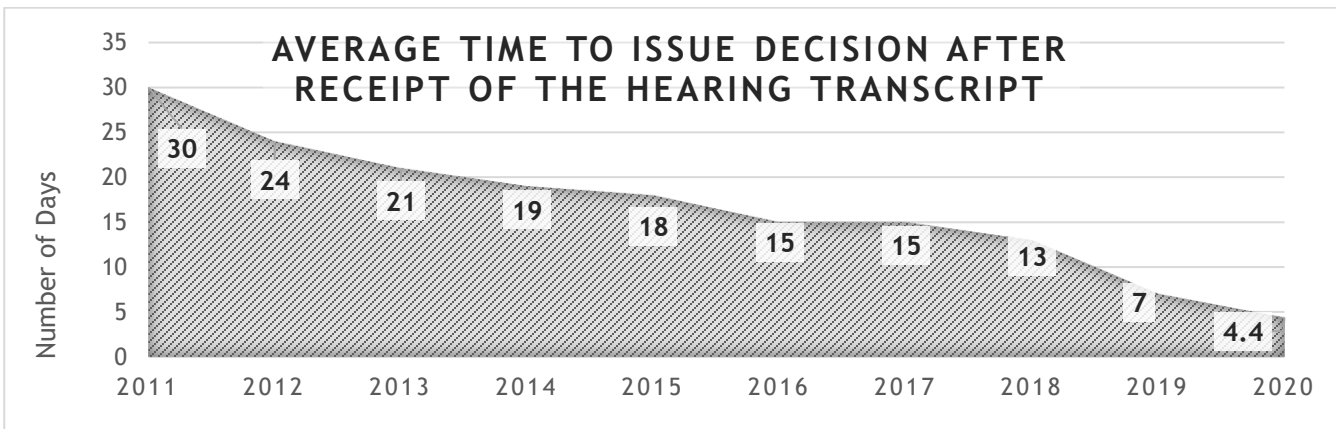
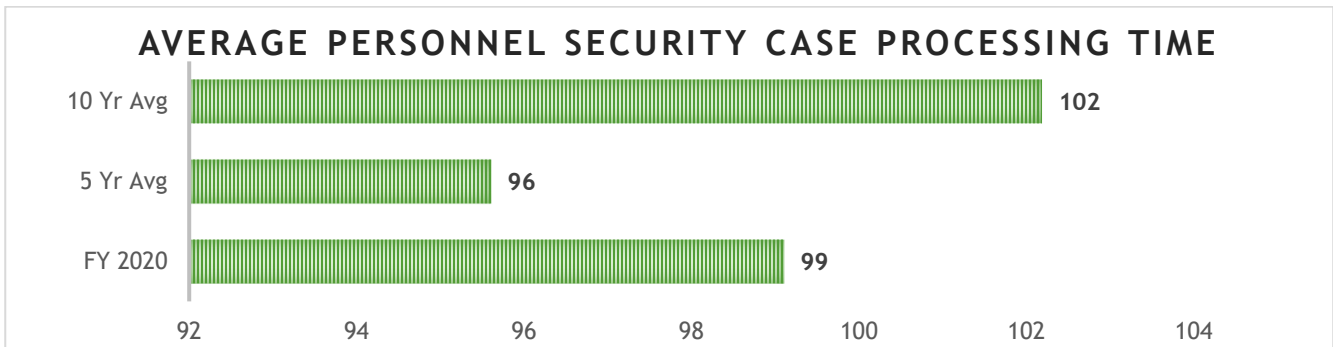


The following chart shows the number of cases in which various types of security concerns were raised. Some cases involve multiple concerns. For example, a case may involve a concern about

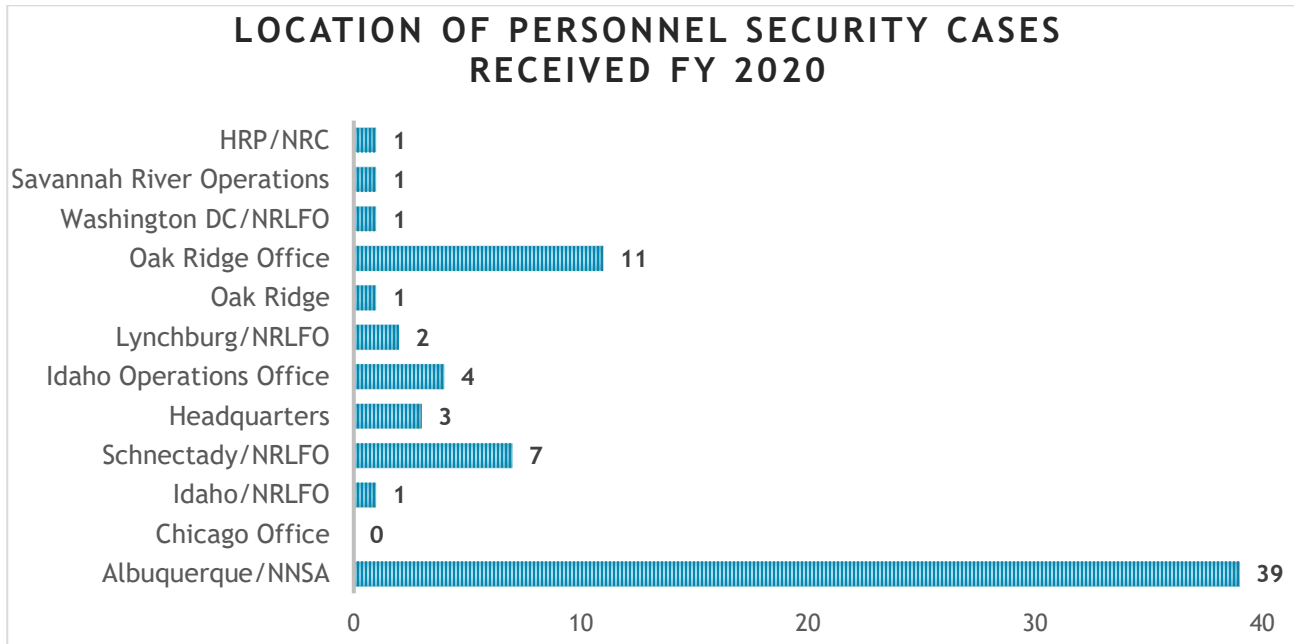
excessive alcohol use and a psychological condition. As in FY 2018 and FY 2019, Alcohol Consumption (Guideline G) was the largest category of adjudicated security concerns in FY 2020.



The following charts show historical data regarding the average time to issuance of a decision after receipt of the hearing transcript, and the average time to issuance of a decision after referral to OHA.



The chart below shows a breakdown of where Personnel Security cases originated in FY 2020.



SAMPLE Personnel Security Case Decision Summary

Case No. PSH-20-0068

Full decision at: <https://www.energy.gov/oha/downloads/psh-20-0068-matter-personnel-security-hearing>

On September 25, 2020, an Administrative Judge determined that an Individual's access authorization should not be restored under 10 C.F.R. Part 710. The Individual had been arrested and charged with Driving while Under the Influence of Alcohol (DUI) in 2019. The Individual had previously committed five alcohol-related offenses, including DUI, as a minor. During a clinical interview with a DOE-contracted Psychologist, the Individual reported that he consumed alcohol to intoxication twice weekly. The Psychologist issued a report in which he concluded that the Individual habitually consumed alcohol to the point of impaired judgment. The Psychologist recommended that the Individual abstain from alcohol for nine months, document his abstinence from alcohol with appropriate laboratory testing, and participate in an intensive outpatient treatment program (IOP) followed by aftercare. DOE started the Administrative Review process, citing Adjudicative Guidelines G (Alcohol Consumption) and J (Criminal Conduct).

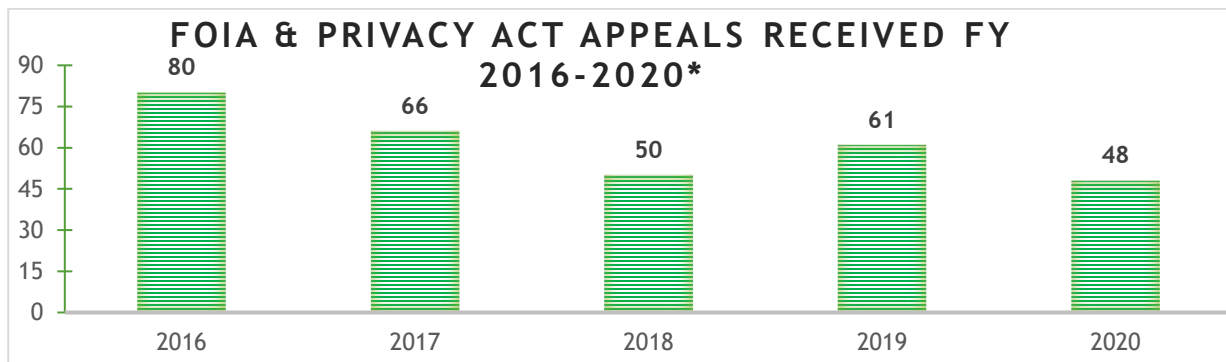
At the hearing, the Individual testified that he had abstained from alcohol for two months but had not obtained testing to verify his modified consumption, nor had he participated in the IOP as recommended by the Psychologist. The Psychologist testified that his opinion was unchanged, and that the Individual's prognosis for avoiding returning to problematic alcohol consumption was less than moderately positive.

The Administrative Judge determined that, because the Individual had not demonstrated a sufficient period of abstinence from alcohol, nor complied with the Psychologist's treatment recommendations, the Individual had not resolved the security concerns under Guideline G. Additionally, because the Individual remained at risk to return to problematic drinking, the Administrative Judge determined that the Individual's alcohol-related criminal behavior was not unlikely to recur, and that the Individual had not resolved the security concerns under Guideline J. Therefore, the Administrative Judge concluded that the Individual's access authorization should not be restored under 10 C.F.R. Part 710.

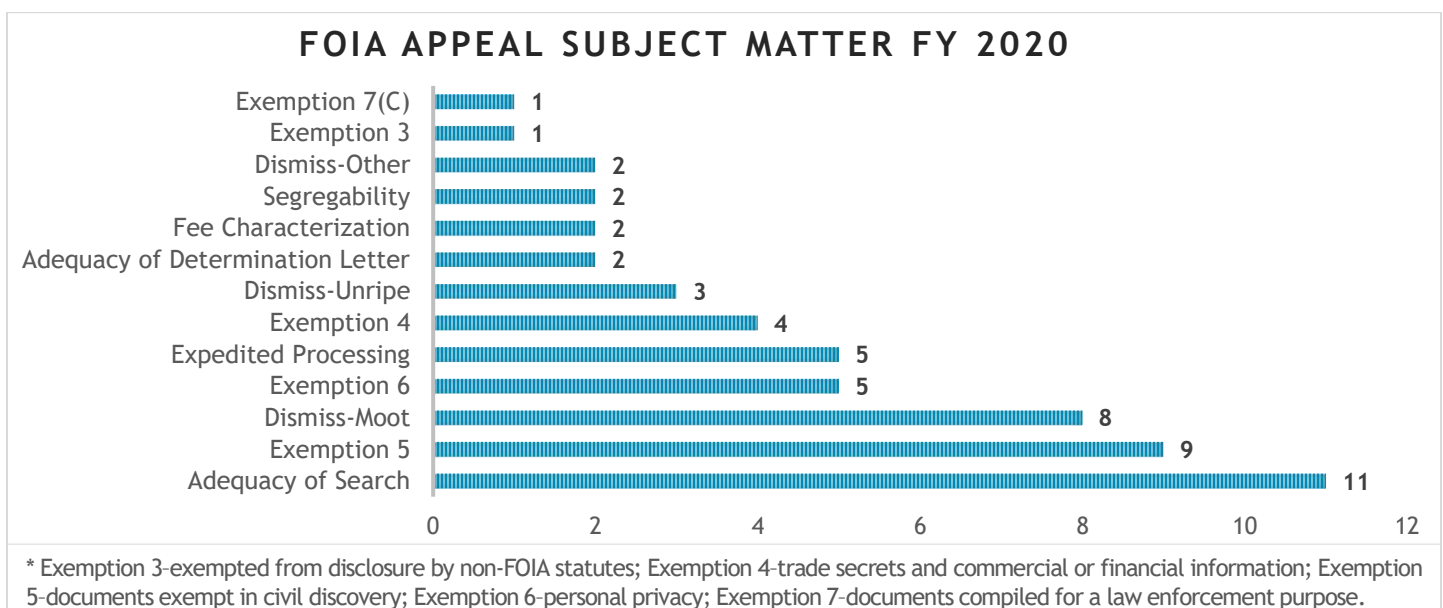
Freedom of Information and Privacy Acts

OHA considers appeals of agency determinations under the Freedom of Information Act (FOIA) and the Privacy Act. The governing regulations are set forth at 10 C.F.R. Parts 1004 and 1008, respectively. These appeals arise from determinations across the DOE complex, and involve diverse subject matter areas. OHA facilitates communication between the requester and the agency, which in some cases permits the resolution of the issues without adjudication.

In FY 2020, OHA received 48 FOIA and Privacy Act Appeals, constituting just over 35% of the total non-ADR cases received. The following chart shows the number of cases received for each of the past five fiscal years.

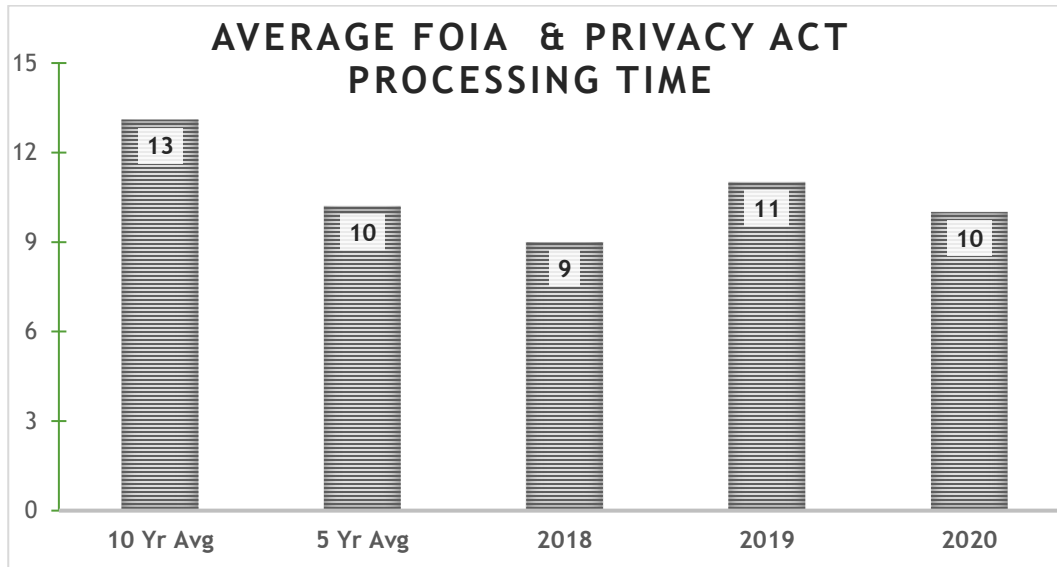


Appeals involved a broad range of issues, including fee waivers for representatives of the news media and analysis of “confidential” information under Exemption 4 (exemption from public disclosure for commercial information) after a landmark Supreme Court ruling. The following chart shows the issues¹ involved in FY 2020 FOIA Appeals.



¹ As with Personnel Security cases, some FOIA Appeals involve more than one issue.

The following chart shows the average time to process FOIA and Privacy Act Appeals, excluding cases referred outside OHA after initial receipt.



SAMPLE Freedom of Information Act Case Decision Summary

Case No. FIA-20-0035—In the Matter of Argus Media

Full decision at: <https://www.energy.gov/oha/downloads/fia-20-0035-matter-argus-media-inc>

On June 24, 2020, the Office of Hearings and Appeals (OHA) granted a Freedom of Information Act (FOIA) appeal filed by Argus Media, Inc. (Appellant) concerning a FOIA request made to the Department of Energy's Strategic Petroleum Reserve Project Management Office (SPR). Appellant's FOIA request sought copies of contracts for storage of crude oil by private companies in the Strategic Petroleum Reserve. SPR provided Appellant with nine contracts in response to its FOIA request, but redacted portions of the contracts identifying the grade of crude oil contracted for storage and the amount of crude oil the companies would leave in the Strategic Petroleum Reserve as compensation for storage, on the basis that this information was commercial or financial information exempt from disclosure under Exemption 4 of the FOIA.

Appellant asserted on appeal that the companies had not provided the redacted information under an assurance of privacy, and that they had no reasonable expectation of privacy because SPR routinely published contract information related to the sale of crude oil from the Strategic Petroleum Reserve. In addition, Appellant argued that disclosure of the information could not cause harm to the companies' competitive position, and therefore that SPR should not have withheld the records pursuant to Exemption 4, even if it was applicable.

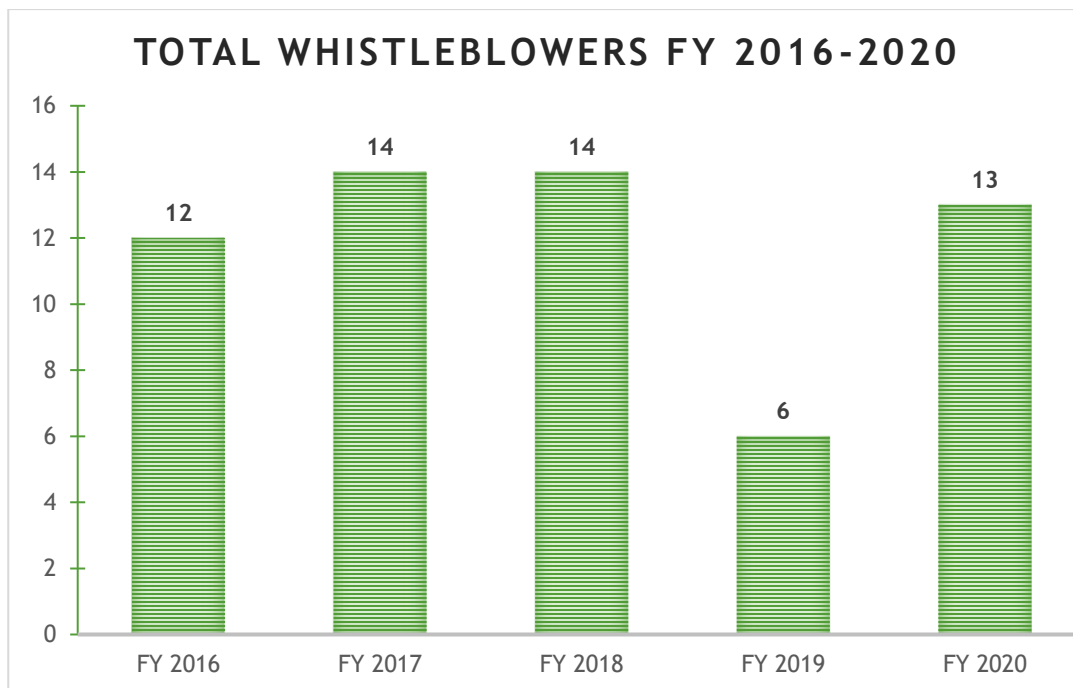
The OHA Director determined that SPR had not established that Exemption 4 was applicable to the redacted portions of the contracts because there was insufficient information as to the extent to which the information was customarily maintained as confidential. Further, the companies had not provided the information under an assurance of privacy, and there was no reasonable basis for the companies to assume that the final contract terms would remain confidential. OHA also determined that, under the FOIA Improvement Act of 2016, SPR was required to assess the extent to which disclosure of the information would cause genuine harm to an interest protected under Exemption 4 before withholding the information, but had not done so. Accordingly, the appeal was granted.

Whistleblower: Part 708 DOE Contractor Employee Protection Program

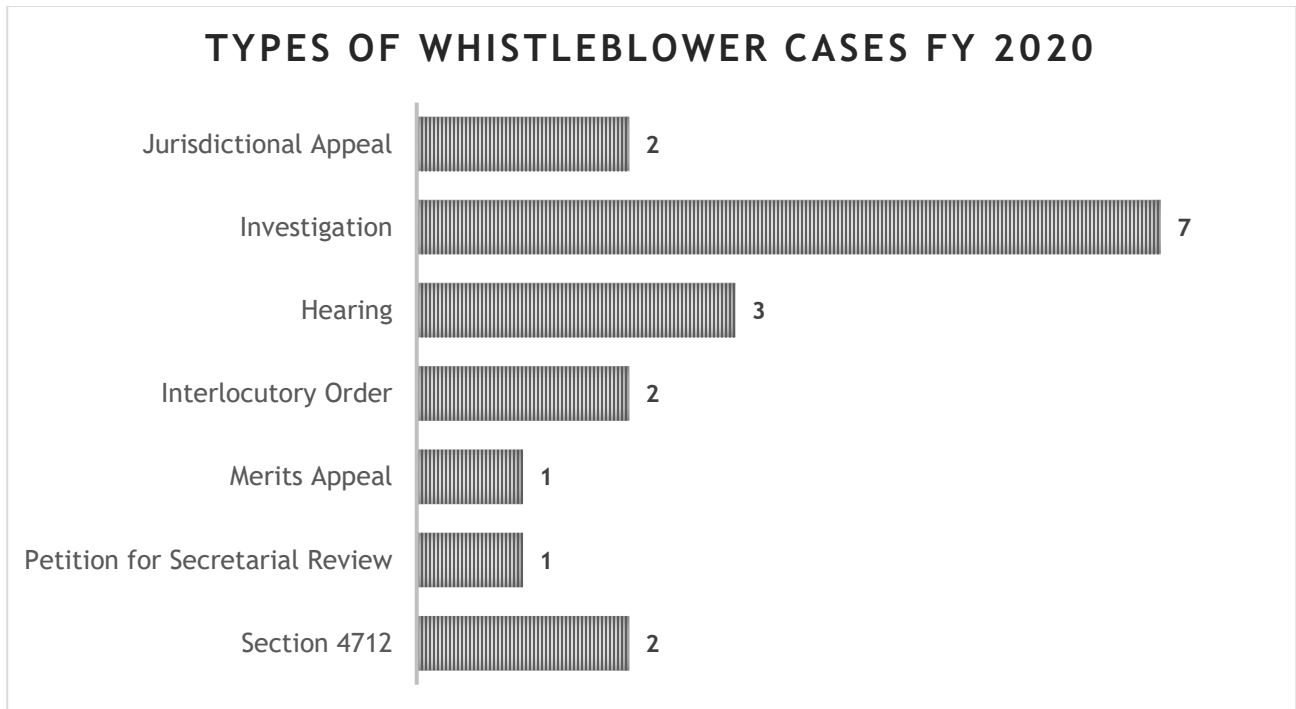
OHA investigates complaints, conducts hearings, and considers appeals under DOE’s Contractor Employee Protection Program. The program provides an avenue of relief for DOE contractor employees who suffer reprisal as a result of making protected disclosures or engaging in other types of protected activity. The governing regulations are set forth at 10 C.F.R. Part 708. OHA’s website contains a “Whistleblower Q&A’s” page, available at <https://www.energy.gov/oha/whistleblower-qas>, to assist DOE field personnel and contractor employees in understanding the process for considering Part 708 complaints. A finding of reprisal for certain types of disclosures may result in civil penalties pursuant to the DOE enforcement programs under the Price-Anderson Act and the DOE Worker Safety and Health Rule (10 C.F.R. Part 851).

The main issues in these cases are generally whether an employee engaged in a protected activity—such as reporting safety hazards—and, if so, whether the contractor would have taken the adverse personnel action against the employee in the absence of that protected activity. An OHA Investigator conducts interviews, examines documentary evidence, and issues a report. Following the issuance of the report, an OHA Administrative Judge is assigned to the case. The Administrative Judge rules on pre-hearing motions, conducts a hearing, and issues an initial agency decision, which may be appealed to the OHA Director. The OHA Director also decides appeals from dismissals of complaints.

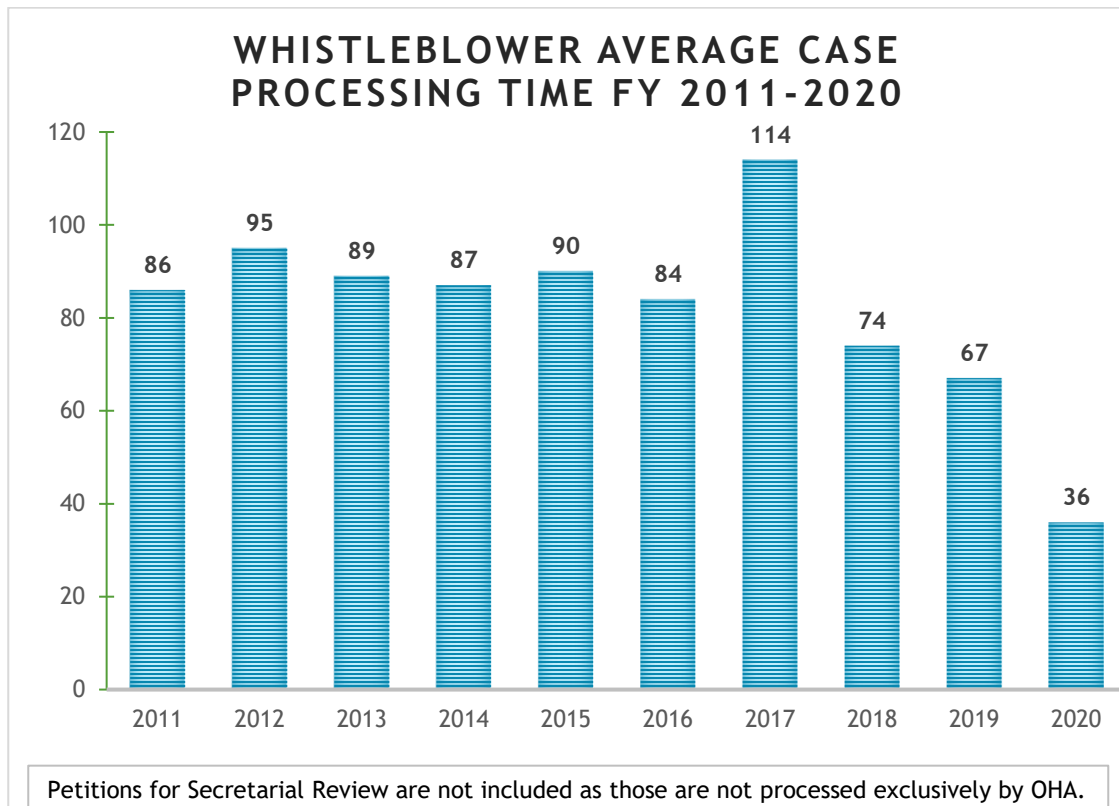
The chart below shows the number of individuals who have filed a Part 708 complaint or had a complaint filed under 41 U.S.C. § 4712 (Enhancement of Contractor Protection From Reprisal For Disclosure of Certain Information) reach OHA, for each of the last five years.



The chart below shows the different stages of whistleblower cases addressed by HG in FY 2020. Because each case may enter more than one stage of the process, the total number of cases shown exceeds the total number of individuals who filed whistleblower complaints.



The following chart shows that, in FY 2020, OHA dramatically improved its already low average processing time for whistleblower cases.



The DOE Contractor Employee Protection Program is part of a larger DOE program—the DOE Employee Concerns Program (ECP). OHA continued to work closely with ECP in FY 2020. For example, OHA worked with ECP to create part of a new ECP database which will track, among other things, Part 708 case data. The database tracks the types of issues raised in complaints, ADR status, filing due dates, complaint status, and more. OHA’s contributions to the database are designed to help ECP ensure that complaints are complete, timely, and properly processed.

In FY 2020, OHA began using recordings of its investigatory interviews in lieu of obtaining written declarations about interview content from the interviewees. This new practice ensures an accurate record of the interviews.

SAMPLE Part 708 Whistleblower Case Decision Summaries

Case No. WBU-20-0005— In the Matter of Mary Vanessa Black

Full decision at: <https://www.energy.gov/oha/downloads/wbu-20-0005-matter-mary-vanessa-black>

On May 8, 2020, the Office of Hearings and Appeals (OHA) denied the appeal of Ms. Mary Vanessa Black (Appellant) of the dismissal of her complaint against UT-Battelle, LLC (Contractor), under the Department of Energy’s (DOE) Contractor Employee Protection Program regulations, codified at Part 708 of Title 10 of the Code of Federal Regulations (Part 708). In her complaint, the Appellant alleged that the Contractor had terminated her employment in retaliation for making disclosures to senior DOE officials related to the Contractor’s plans to change the health insurance benefits it offered to its employees. The Head of Field Element concluded that the Appellant’s disclosures were not protected under Part 708, and therefore dismissed the Appellant’s complaint for lack of jurisdiction.

The OHA Director agreed that the Appellant’s alleged disclosures were not protected under Part 708 as they did not allege a substantial violation of a law, rule, or regulation, a substantial and specific danger to employees or to public health or safety, or fraud, gross mismanagement, gross waste of funds, or abuse of authority. As the Appellant failed to allege a protected disclosure, the Director determined that the Head of Field Element had properly concluded that he lacked jurisdiction to consider the complaint. Accordingly, the appeal was denied.

Case No. WBA-20-0007— In the Matter of Lee Anne Champion

Full decision at: <https://www.energy.gov/oha/downloads/wba-20-0007-matter-lee-anne-champion>

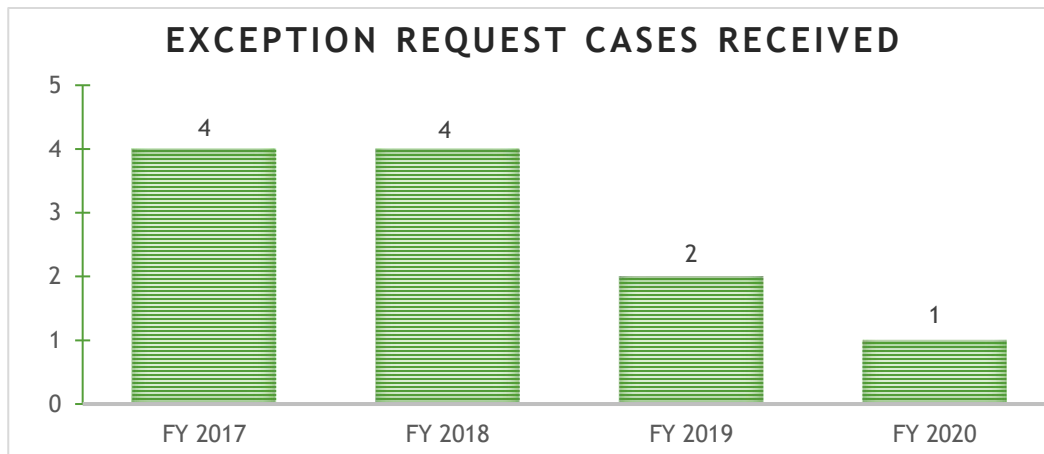
On August 14, 2020, the Office of Hearings and Appeals (OHA) issued an order denying Ms. Lee Anne Champion’s appeal of the OHA’s initial agency decision under the Department of Energy’s (DOE) Contractor Employee Protection Program, 10 C.F.R. Part 708. During investigation of her complaint, the Appellant told the investigator that she had filed her complaint several weeks after the 90-day filing deadline had passed. The investigator referred the complaint to an Administrative Judge, who dismissed the complaint as untimely.

The appeal alleged that the Appellant’s complaint was timely because she had disclosed the alleged retaliation in an anonymous report to the local ECP office months prior to filing her complaint. The OHA Director held that the anonymous report to the ECP was not a Part 708 complaint and that the subsequent ECP investigation was not sufficient to toll the time to file a complaint. Accordingly, OHA denied the appeal.

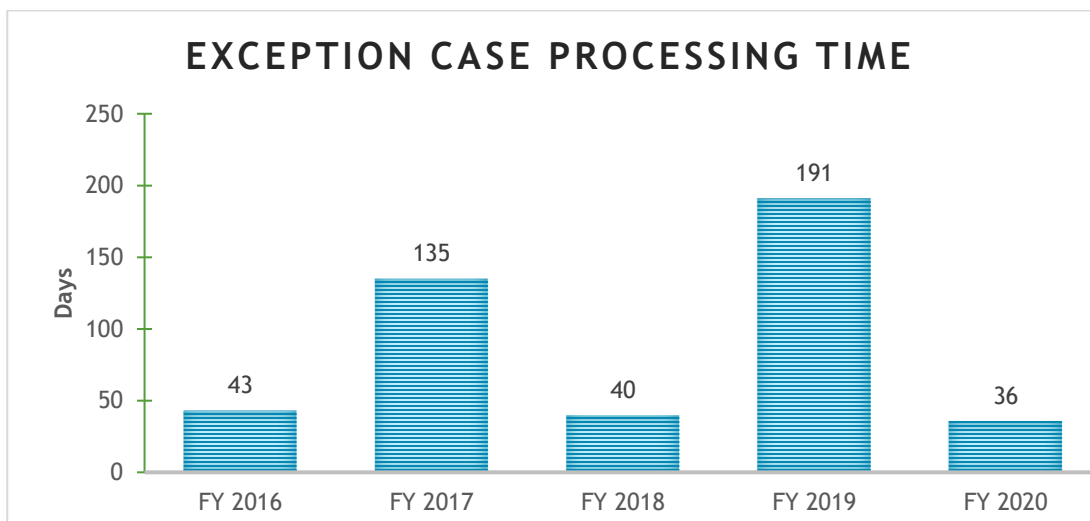
Exceptions and Special Redress

OHA considers petitions for special redress, as well as requests for exception (*i.e.*, relief) from certain DOE regulations and orders. An exception is granted where the application of a regulation, rule, or order would constitute a gross inequity, serious hardship, or unfair distribution of regulatory burdens. OHA may grant an exception, for example, if applying a rule to a specific firm would be inconsistent with the overall purpose of a program or would impose a burden on the firm that would be grossly disproportionate to the burden imposed on other firms. The nature of relief granted varies depending on the DOE regulations at issue, the hardship faced by the firm, and other circumstances.

Exception cases received are shown in the chart below. The enactment of new regulations impacts the types of Exception cases received in any given year. For example, when new product efficiency regulations are promulgated or about to take effect, OHA receives more applications for exceptions from manufacturing and testing requirements. In 2020, OHA saw its first application for an exception from an Energy Information Administration (EIA) reporting requirement in nearly a decade.



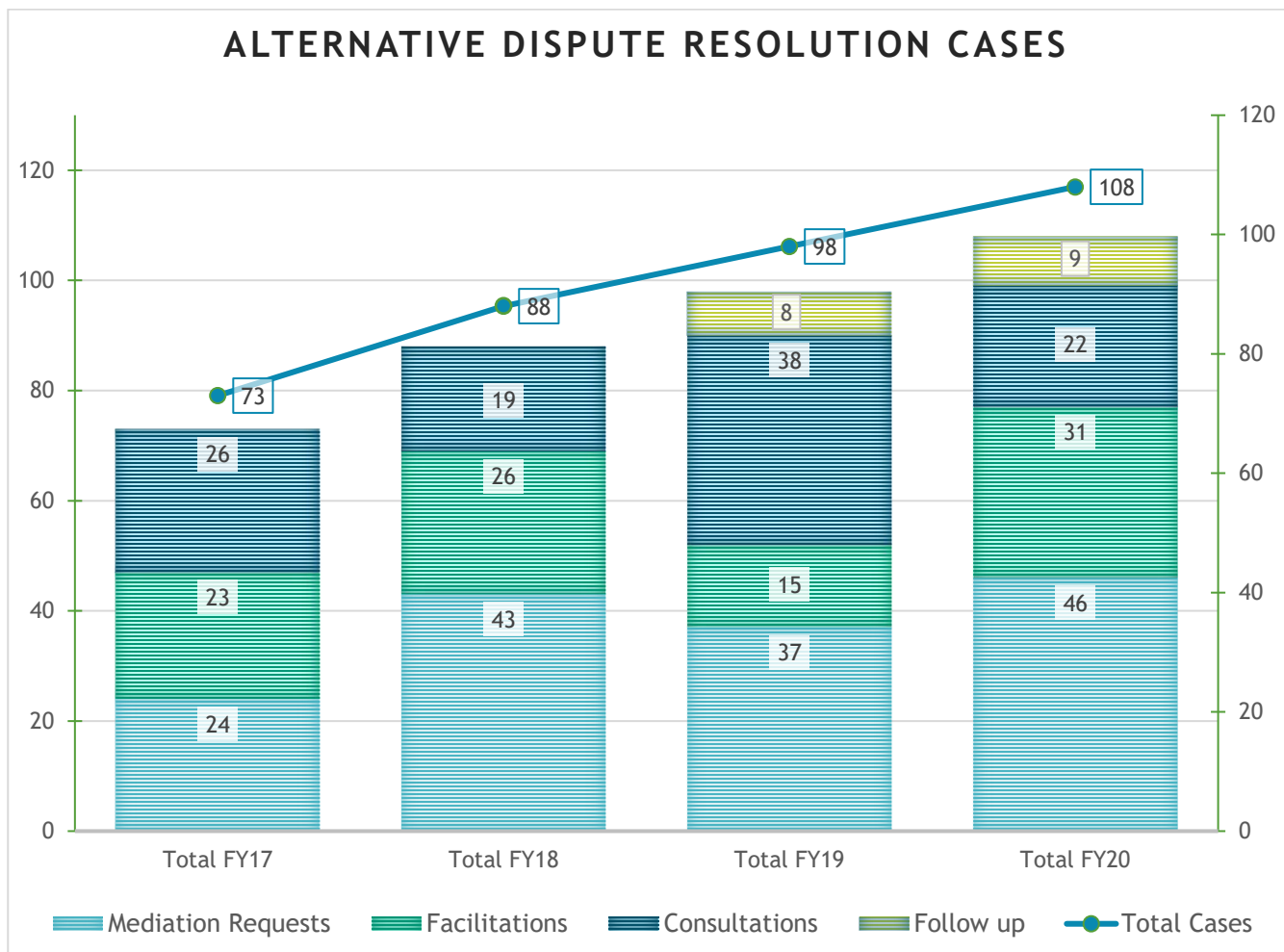
As shown in the following chart, exception case processing time hit a historic low in FY 2020.



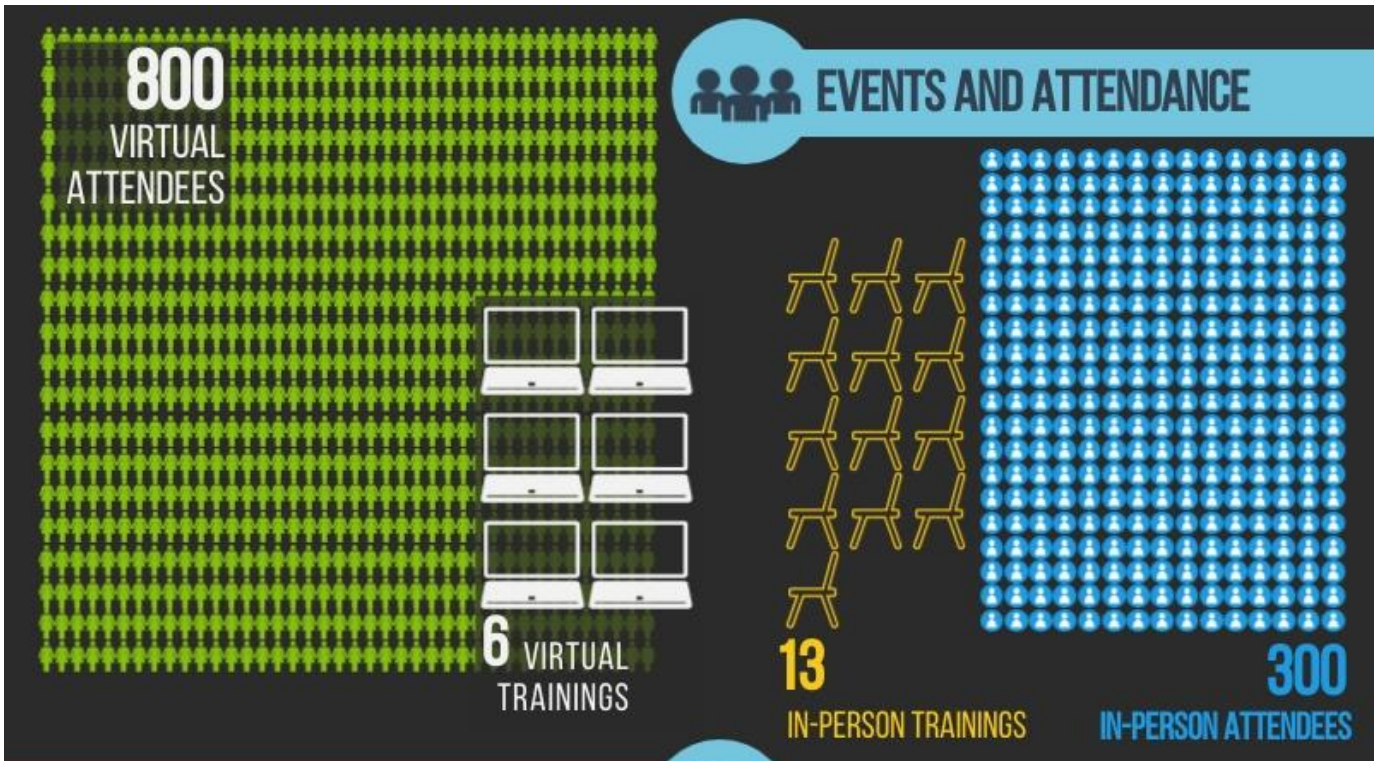
Alternative Dispute Resolution

OHA's Alternative Dispute Resolution Office (ADRO) serves as a resource to all DOE employees and DOE contractors for conflict management and dispute resolution purposes, with an emphasis on workplace conflicts. ADRO is tasked with several responsibilities, including managing DOE's Alternative Dispute Resolution (ADR) Program, providing third-party neutrals and conflict management training services, and promoting the use of ADR generally throughout DOE.

ADRO provides mediation, facilitation, consultation, and training services to DOE federal and contractor employees at all levels of the DOE complex to help manage conflict and resolve disputes at the earliest possible stages without resorting to litigation. In addition, as in years past, ADRO continued to support sister agencies by providing neutral services to five other federal agencies as part of the federal Shared Neutrals Program. As shown in the chart below, the demand for ADRO's services continued to increase in FY 2020.



ADRO FY 2020 Year In Review:

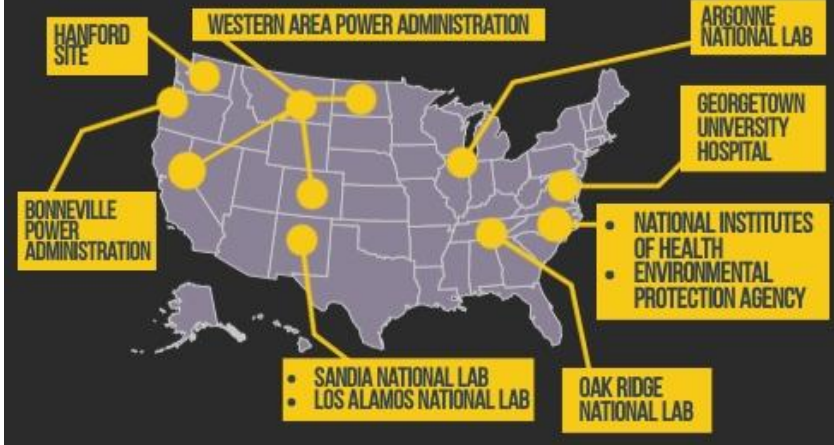


POPULAR ADRO PRODUCTS & OFFERINGS

- ADR LUNCHTIME SERIES
- ADR REVIEW (ADRO NEWSLETTER)
- EXECUTIVE ESSENTIALS/ SUPERVISORY ESSENTIALS BRIEFINGS
- FEDERAL MEDIATION & CONCILIATION SERVICE TRAINING (INTERNAL)
- NEW HIRE ORIENTATION

TRAINING AND OUTREACH

MORE THAN 27 SITES SERVED ACROSS THE DOE COMPLEX AND THE NATION, INCLUDING...



Other Areas of OHA Jurisdiction

Hydroelectric Production Incentives Program

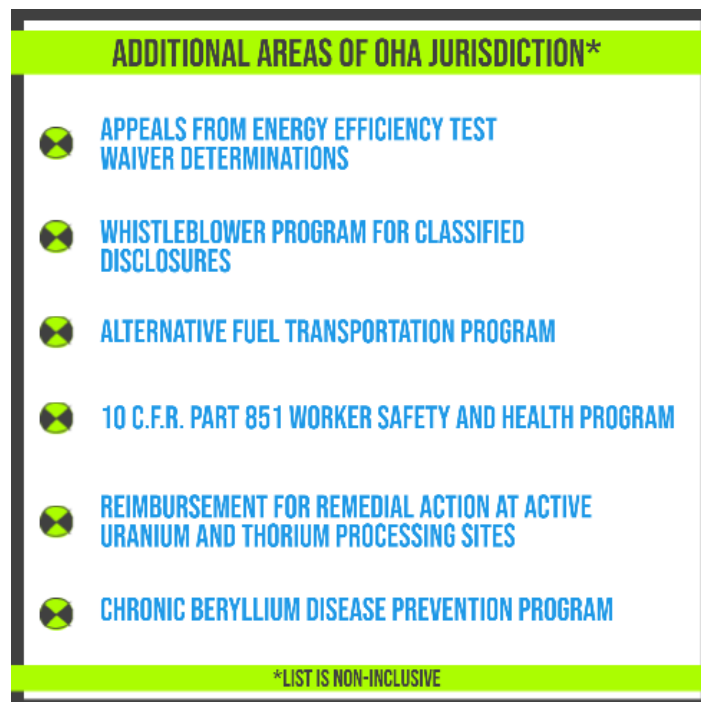
Under Section 242 of the Energy Policy Act of 2005, the Secretary of Energy is directed to make incentive payments to the owner or operator of a qualified hydroelectric facility based on the number of kilowatt hours of hydroelectric energy generated by the facility during the incentive period. Any qualified owner or operator of a hydroelectric facility that added hydropower to non-powered dams or conduits between 2005 and 2015 (provided that the original dam or conduit was built prior to 2005) is eligible to apply to DOE for payment under the Section 242 incentive program. Applicants may file appeals with OHA to challenge eligibility determinations or determinations regarding the amount of an incentive payment.

Fact-Finding Reviews and Special Projects

At the request of DOE management officials, OHA may conduct independent fact-finding reviews or other special projects to fulfill a departmental need. These reviews may involve a specific allegation, a general review of the workplace environment, or an adjudication for which no appropriate process currently exists. As part of its review, OHA may conduct interviews, collect relevant documents, and/or prepare a written report that is delivered to the management official.

Medical Certification Disqualification

Under the Medical, Physical Readiness, Training, and Access Authorization Standards for Protective Force Personnel program, 10 C.F.R. Part 1046, a Security Police Officer who receives a medical certification disqualification may seek a final review by OHA, pursuant to 10 C.F.R. § 1046.15(d).



OHA INITIATIVES AND IMPROVEMENTS

FY 2020 presented many opportunities for growth and innovation at OHA despite the challenges of the COVID-19 pandemic. From technology to internal procedures to continuing education, staff maintained OHA's long-standing commitment to continuous improvement. The following list describes just some of OHA's FY 2020 initiatives and improvements.



OHA achieved its goal of becoming a virtually paperless office in FY 2020, having received only one paper submission during the fiscal year. While paper submissions will be accepted in the future to ensure continued equal access to OHA services, electronic submissions are strongly encouraged.



OHA transitioned to full-time telework for all staff in mid-March 2020, due to the pandemic. As a result of its early adoption of regular and situational telework for nearly all staff, OHA was able to make a smooth transition, requiring minimal procedural and logistical adjustments. OHA's long-running paperless initiative had transitioned most staff to collaborative editing on computers and cloud-based file storage. Regular use of webcams and videoconferencing helped maintain cohesion among OHA staff. Individual check-ins by OHA management and the formation of committees to address issues surrounding "the new normal" helped ensure that OHA staff remained productive, supported, and empowered throughout FY 2020.



OHA's IT Point of Contact ensured a seamless transition for OHA's file storage to Amazon Web Services. OHA upgraded login security for Legal Files (OHA's official system of records for its adjudicative portfolio) to use PIV credentials instead of a username and password.



OHA hosted several trainings for staff. In Spring 2020, the Employee Assistance Program gave a presentation to OHA staff on its available resources. The NNSA Office of the General Counsel presented on its role in the Personnel Security process before cases come to OHA. Early in FY 2020, OHA received a brownbag briefing on DOE's Insider Threat Program.



OHA remained committed to continuous improvement in FY 2020. OHA fully revised its COOP plan in November 2019, setting the stage for an efficient execution of its pandemic plan in March 2020. Staff also updated OHA’s naming conventions for official legal records, began the transition to DOE’s cloud-based file storage systems (Microsoft OneDrive and Sharepoint), updated confidentiality best practices for ADRO, updated its Personnel Security Desk Reference, and created a desk reference for cases filed under 10 C.F.R. Part 1003 (General OHA Jurisdiction).



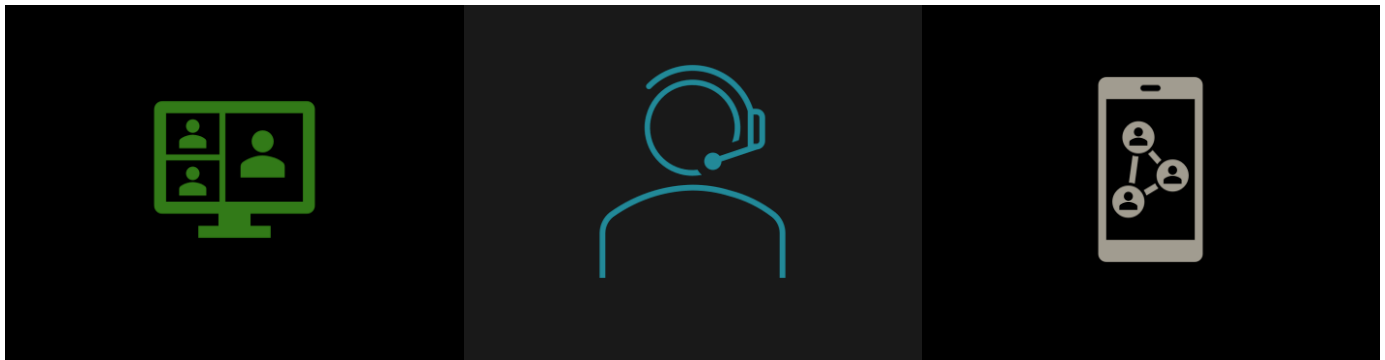
OHA offered several trainings to outside organizations in FY 2020. OHA Administrative Judges conducted a “Meet the Judges” Personnel Security training for NNSA personnel. As part of a collaboration with the Employee Concerns Program to create a database to track whistleblower complaints, an OHA attorney presented an overview of the Part 708 complaint process to ECP managers across the DOE complex. OHA also assisted two DOE organizations in transitioning to remotely attending OHA hearings using Webex.



OHA continued to develop its staff in FY 2020. Several staff members completed leadership trainings. Two Administrative Judges completed months-long leadership courses, one of which included a six-month detail in a project management role at the U.S. Department of State. Many staff members utilized OHA’s Westlaw subscription to attend on-demand continuing legal education training. OHA also transitioned some of its community-building activities to a virtual format, conducting lunchtime “picture lunches” with photos submitted by staff, and brief talent showcases.

MANAGING OUR MISSION & CULTIVATING OUR COMMUNITY DURING THE COVID-19 PANDEMIC

OHA transitioned to full-time telework for all staff in March 2020 in response to the COVID-19 pandemic. Utilizing Webex videoconferencing, DOE-enabled mobile devices, and cloud-based collaboration programs like Sharepoint, OHA managed a smooth transition and was able to conduct 100% of its duties remotely.



Mission

When DOE first transitioned to full-time telework status, all Personnel Security cases before OHA were paused indefinitely. Typically, pre-COVID-19, the OHA Administrative Judge and an OHA staff attorney would appear from a specified video teleconferencing (VTC) room in OHA's offices at 950 L'Enfant Plaza in Washington, while the DOE attorney and the subject Individual and a court reporter would appear from a DOE site or court reporter's office in the city in which the subject Individual worked. With social distancing guidelines in place, this setup would no longer work.

However, within weeks, OHA held its first hearing, conducting the proceeding entirely by phone. The hearing was completed successfully and soon OHA began conducting VTC hearings for Personnel Security and Part 708 cases via Webex, DOE's preferred video call application. Each participant appeared from a private location of his or her choosing. OHA also assisted other offices in utilizing Webex to participate in Personnel Security hearings.

OHA conducts all of its pre-hearing conferences via Webex in order to give the parties a chance to do a test of the program and learn its features before the hearing date. While connectivity issues have occasionally occurred, OHA's IT Point of Contact has resolved the majority of Webex problems successfully. OHA has also begun conducting mediations and facilitations via Webex. OHA staff also use breakout rooms in the Webex application, as well as cell phones, to conduct one-on-one communications with parties, as appropriate in these proceedings. Overall, OHA's ability to harness

existing DOE resources to perform its duties remotely is the most significant factor in its smooth transition to full-time telework.

Community

In addition to technological efforts, OHA's efforts to maintain its tightknit community have greatly bolstered its success in transitioning to full-time telework. OHA leadership routinely checks in personally with staff via phone and encourages use of DOE's support resources. Within the first month of remote work, OHA moved from monthly in-person all-hands meetings to weekly Webex all-hands meetings. Leadership invited guest speakers ranging from an EAP counselor, who discussed EAP's support options, to an NNSA attorney, who discussed how a Personnel Security matter develops before progressing to OHA. OHA also hosts a voluntary group lunch periodically, during which personal pictures submitted by staff are shared.

The strong relationships in OHA have helped staff continue to work together, utilizing individual strengths to continue delivering high-quality results to the public, internal DOE stakeholders, and other government entities.

GENERAL INFORMATION

RESOURCES AND CONTACT

EXTENSIVE INFORMATION ABOUT THE OFFICE OF HEARINGS AND APPEALS (OHA) IS AVAILABLE ON OUR WEBSITE AT [HTTP://ENERGY.GOV/OHA](http://energy.gov/oha). THE WEBSITE INCLUDES INFORMATION ABOUT OHA'S JURISDICTION, INCLUDING APPLICABLE REGULATIONS, FREQUENTLY ASKED QUESTIONS, AND OHA DECISIONS.



FOR GENERAL INFORMATION, OR TO GIVE US FEEDBACK ON ANY ASPECT OF OUR OPERATIONS, PLEASE EMAIL US AT OHA.FILINGS@HQ.DOE.GOV.

