



# OALP Annual Report

Prepared By :

**Michelle Allen**  
**OALP Director**

317-419-7800 (work)  
micallen@oalp.in.gov  
[www.in.gov/oalp](http://www.in.gov/oalp)

2024



# Message from the Director of OALP

As someone who built OALP from the ground up, I am grateful to pause and reflect on how far the agency has come in so little time.

The first few years were filled with tedious, fast-paced pivots and changes to establish essential operational processes. We worked tirelessly to simplify processes, understand case flow, and structure the agency organization in the most effective manner.

Significant changes came in early 2024 when the legislature bestowed the Office of Administrative Law Proceedings (OALP) with ultimate authority to issue final decisions in most the matters it oversees. This statutory change recognizes the value of impartiality that OALP provides residents and agencies in the legal process and signals a continuing effort to prioritize efficiency and stewardship in the executive branch.

Today, OALP continues to iterate on its operations, revisit the future vision, and develop standard operating procedures to solidify its foundation and provide operational continuity for decades to come.

I am proud of OALP's evolution, its place in the executive branch and especially of its roster of dedicated employees who respond with agility, endure with determination, and provide unwavering service to Indiana Hoosiers.

## Director

## Michelle Allen

Director Allen is an innovative attorney who began her legal career practicing criminal litigation in Marion County, IN before transitioning to practice contractual law at the Indiana Department of Homeland Security. Her trial skills, understanding of court operations and legal compliance helped her design the structure and operations for OALP. In developing the organization, Michelle found a passion for HR strategy, organizational development and high-accountability performance and obtained her SHRM-SCP. She received her J.D. from Robert H. McKinney School of Law in Indianapolis.



# Clerk of Court



## Jennifer McNair

OALP hired Clerk of Courts, Jennifer McNair in January 2023. Jennifer is an attorney who spent nearly twenty years in private practice focusing on creditor rights and real estate. Just prior to joining OALP in 2023, she managed title curative and related litigation for a large mortgage servicer. Jennifer received her Juris Doctor from Temple University Beasley School of Law in Philadelphia, Pennsylvania and her Bachelor of Arts, History and Political Science from University of Michigan in Ann Arbor, Michigan.

The Clerk of Court is crucial to creating standardized procedures for processing petitions for review, maintaining the record, and compiling the record for judicial reviews.

Clerk McNair accomplished significant improvements for OALP in the the following areas:

**Growth and Flexibility:** She doubled her team and focused on up-skilling, cross-training and professionalizing the quality of work delivered. She methodically expanded case types assigned to ALJs which increased OALP's agile response to case fluctuations.

**Oversight and Accountability:** She created a schedule tracker and used data-driven analytics to monitor and balance ALJ workload and identify case management gaps. She began tracking judicial review requests and results.

**Improvements and Efficiency:** She removed arbitrary boundaries that limited how ALJs were assigned cases across the state, led case management technology developments to reduce manual tasks.

**Collaboration with State Agencies:** She diligently guided agencies to firm decisions on process and ultimate authority then created a chart of authority so citizens had transparent information available online, negotiated a process to resolve 400 FSSA cases that were stayed by the public health emergency, and increased hearing dates to address a backlog of ISP matters.

**Process Clarity and Training:** She created written and visual standardized operating procedures for the Clerk's team, compiled information of OALP's workload by case type, ultimate authority and complexity level to provide clarity of ALJ assignments.



# Our Vision

Be the crossroads for fair, meaningful, and equal access to administrative law;

raise the standards of service and justice through curiosity and adaptation; and

deliver a transparent and consistent experience for all Hoosiers through impartiality, expertise, and respect.

## **We imagine the future of OALP to:**

- Provide public-facing case information
- Be the place all agencies and citizens go to for adjudicating disputes in the executive branch
- Use a single process for adjudicating petitions for review modeled off the rules of civil procedure
- Use a single case management system
- Set a standard of excellence for ALJ training
- Be a pathway to the judiciary



# Our Mission

To provide

1

efficient

2

effective

and

3

impartial

adjudicatory processes for Indiana's citizens and agencies.



## Our Values in Action

**Efficient:** follow consistent procedures, enter and issue detail-oriented data and documents, and diligently adhere to deadlines.

**Effective:** learn, utilize, and display public service, bench skills and subject matter knowledge in a manner that promotes confidence in the administrative process from case initiation, diligent case management, and through case closure.

**Impartial:** maintain civility and fairness in any interaction with parties or Hoosiers to promote and uphold the integrity of OALP and administrative law.

## Our Culture in Action

**Accountable Actors:** taking responsibility for the quality delivery of assigned tasks, seeing them through to completion. Acting with integrity and respect.

**Solution Seekers:** searching for innovative ways to accomplish the goal and looking first within ourselves for the solution before seeking assistance from others. Supporting others in finding solutions.

**Growth Drivers:** stretching comfort zones to achieve a state of excellence in our work, interactions, and self-development.

**Resilient Adapters:** being adaptable, agile, and brave when facing anything that comes our way. Pivoting quickly to adjust to changes in workload, legislation, or Hoosier need and enduring after each change.



Enthusiasm is common. Endurance is rare.  
- Angela Duckworth

# About OALP



The Office of Administrative Law Proceedings was created by House Enrolled Act 2019-1223, which is codified primarily in Indiana Code Chapter 4-15-10.5.

Its structure is termed a **central panel** in that it centralizes the employment of (most) administrative law judges (ALJ) in Indiana's executive branch.

Prior to OALP, ALJs were employed by and located inside the agency whose agency actions the ALJ reviewed. The previous structure created the appearance of bias on the part of the agency and the ALJ.

## Benefits of a Central Panel

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Immediate benefits of OALP's central panel have been

- the establishment of an ethics code specific to ALJs
- increased and specialized training for ALJs
- comradery, communication, and collaboration among ALJs
- standardized procedures for processing petitions for review and routine motions
- quality review and measurement of ALJ performance
- orderly, complete, and timely filing of the record with the trial court
- increased confidence of Hoosiers, attorneys and judges in the process

## Agencies exempt from OALP

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Agencies are either specifically exempt or must use a quorum of its board to act as an ALJ (opposed to a single ALJ). Statutorily exempt agencies under I.C. 4-15-10.5-2:

- Department of Workforce Development
- Unemployment Insurance Review Board of the Department of Workforce Development
- Worker's compensation board of Indiana
- Indiana Utility Regulatory Commission
- Department of State Revenue;
- Department of Local Government Finance;
- Indiana Board of Tax Review;
- Natural Resources Commission;
- Indiana Education Employment Relations Board;
- State Employees Appeals Commission.

# Organizational Structure & Staffing

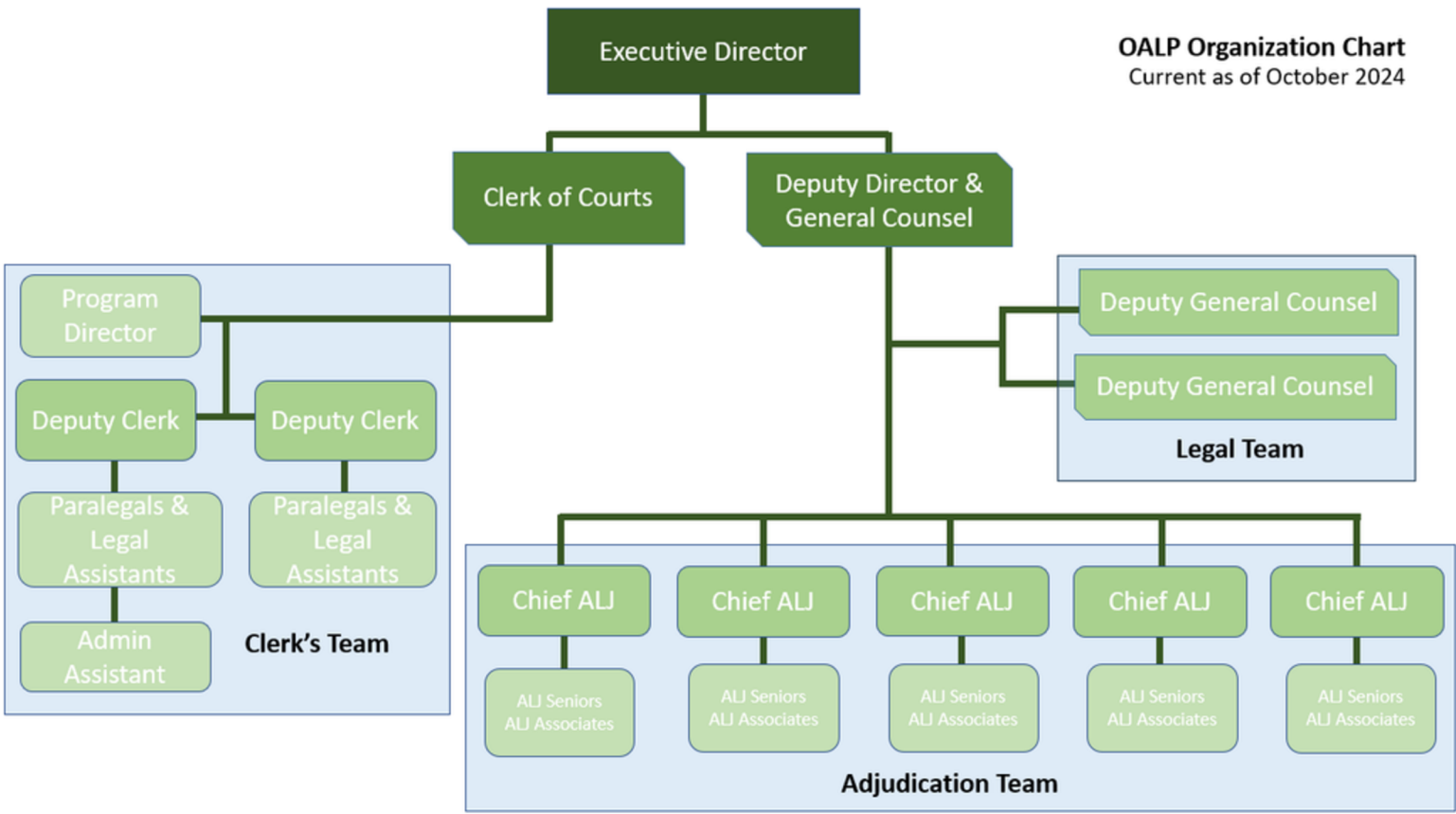
In 2020, OALP acquired all ALJ and legal assistant positions that had previously performed administrative hearing process duties within separate state agencies. This included 14 contract ALJs.

In 2022, OALP divided its team structure based on the agencies which it served, defining two divisions. One for Social Services, which served the Family and Social Services Administration (FSSA) and one for General Government, which served all other agencies. ALJs were assigned to one division or the other.

In 2023, we saw this structure create silos, limit knowledge sharing, and inhibit agile response to workload fluctuations.

In 2024, OALP addressed these detriments by redesigning its job profiles, removing divisions, and instead assigning workload based on complexity level of the case. This structure created natural career paths for ALJs and legal assistants which encouraged subject matter growth and internal promotion.

\*A detailed org chart is provided in the supplemental resources at the end of this report.



73  
Total  
Employees

- Executive Team**
- 1 Director
  - 1 Clerk of Courts
  - 1 Deputy Director & General Counsel
- Legal Team**
- 2 Deputy General Counsels

- Clerks Team**
- 2 Deputy Clerk of Courts
  - 1 Program Director
  - 4 Paralegals
  - 13 Legal Assistants
  - 1 Administrative Assistant

- Adjudication Team**
- 5 Chief ALJs
  - 14 ALJ Seniors
  - 14 ALJ Associates
  - 14 ALJ Non-Attorneys
  - 1 Intermittent, Retired ALJ





# Assignment of Cases

OALP's organizational re-structure for 2024 has significantly enhanced its ability to respond to fluctuations in case volume. Previously, Administrative Law Judges (ALJs) were assigned to specific agencies and handled administrative hearings from only those agencies.

This arrangement restricted OALP's capacity to respond quickly to case volume changes, especially if one agency faced a surge in new cases, as it was challenging to promptly reassign additional ALJs to that agency.

To address this, OALP revised job profiles and allocated work according to the complexity of each case. ALJ Associates typically manage standard complexity cases, while ALJ Seniors are assigned cases of medium to high complexity.

## Standard

1-2 routine legal issues & readily identifiable legal authority. Resolved by a single evidentiary hearing or routine order. Party typically not represented by counsel. High volume, quick turn-around.

## Medium

Legal issues are either not routine or lack clear, established authority. Resolved through an evidentiary hearing with several factual disputes and one or more pretrial submission. (E.g. dispositive motion.) May involve discovery disputes and a party may be represented by counsel.

## High

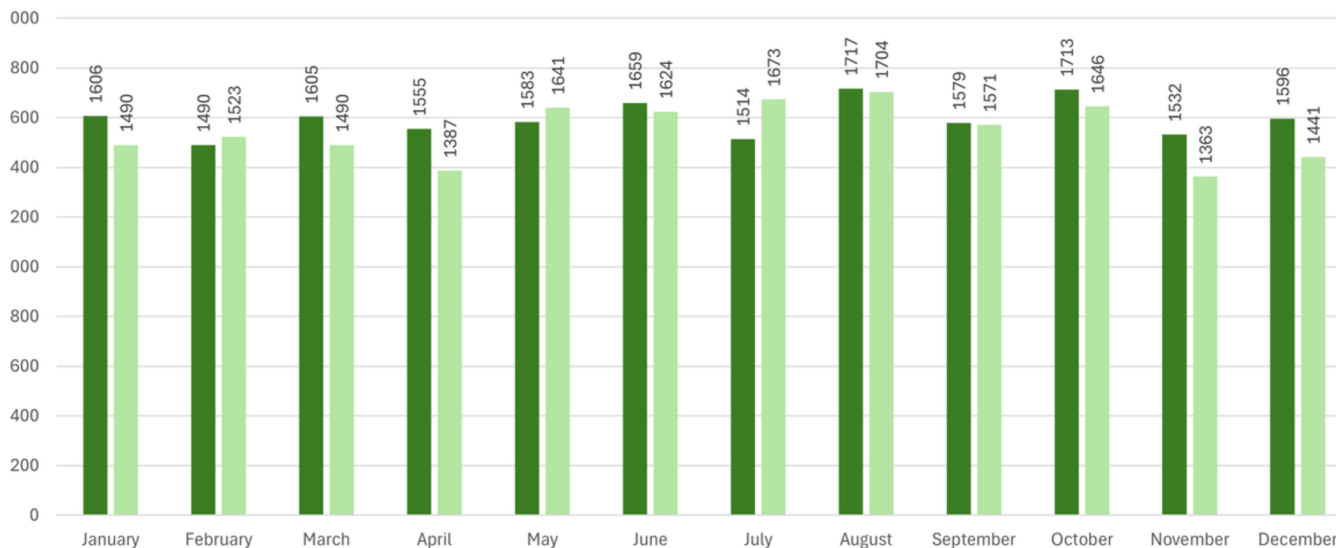
Complicated legal issue that lacks clear legal authority or requires complex and in-depth legal analysis. (E.g. statutory interpretation.) Will contain complex legal or factual pre-trial motions. Parties likely to be represented by counsel and case may be high profile. Resolved through evidentiary hearing.



# OALP Workload Metrics

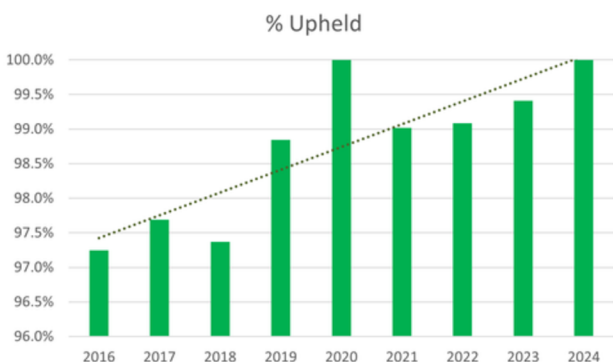
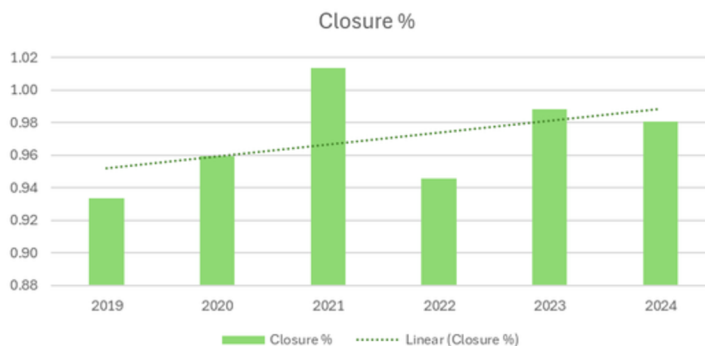
OALP has a consistent intake of petitions for review throughout the year, accepting over 1,300 new matters each month. OALP receives more cases than it closes each month. Many cases can take 6 months to a year to close.

## Average cases opened and closed from 2020-2024



## Percentage of Case Closure to Opens

OALP hovers between a 94% - 98% closure rate each year, meaning we have relatively efficient case management.



## OALP FSSA-Related Decisions Upheld by Ultimate Authority

Since OALP took over OAH in 2020, OALP ALJ Decisions were upheld > 99% of the time.



Note: OALP's case management system INCite is not able to easily calculate the number of OALP's decisions upheld by the ultimate authority and thus that data is not included.

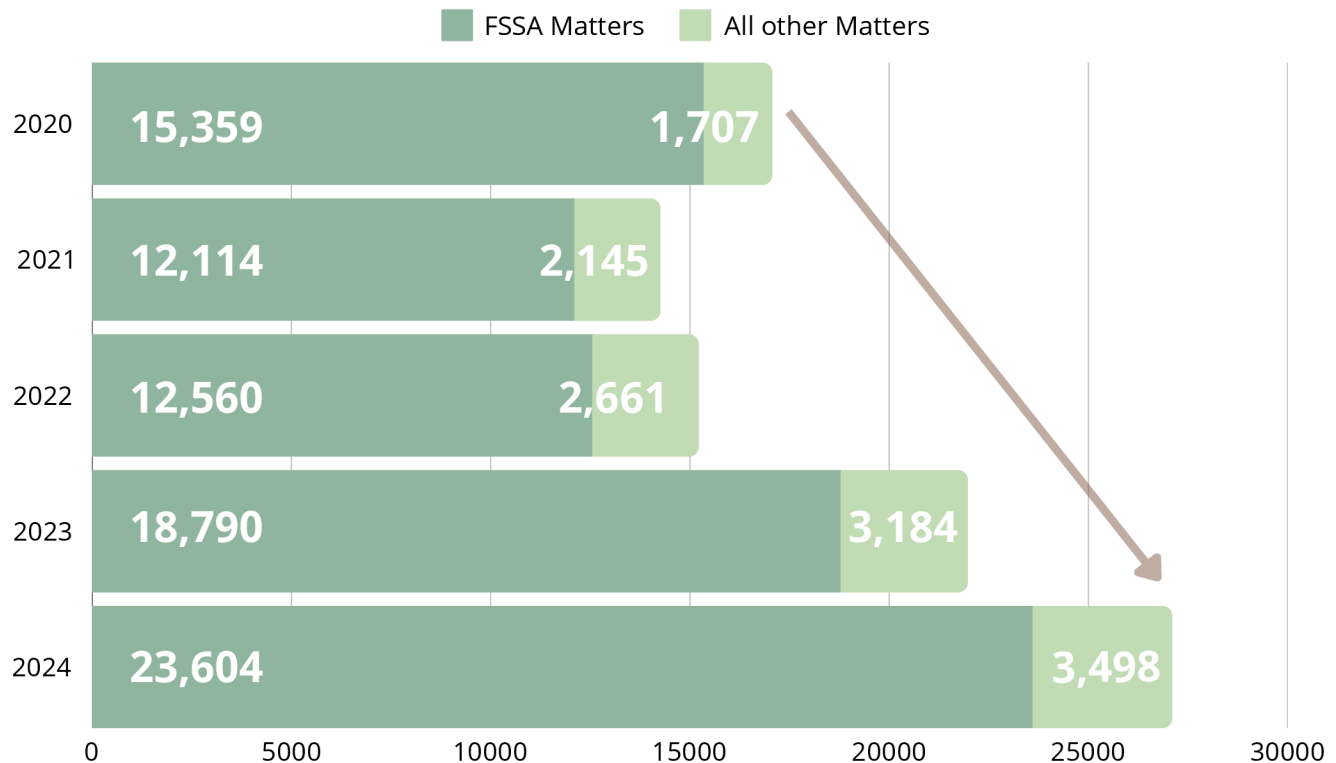
## Workload Metrics (Cont.)

### Total Petitions for Review Accepted by OALP

OALP accepted 27,102 petitions for review in 2024, exceeding projections to accept 24,000. To date, this is the greatest number of administrative reviews filed with OALP.

2020	2021	2022	2023	2024
17,066	14,259	21,974	22,375	27,102

### FSSA vs. Non-FSSA Petitions for Review Accepted:



In 2024, OALP accepted 23,604 petitions for review related to FSSA matters. This number indicates a return to pre-Covid administrative review numbers. The average number of FSSA-related petitions for review accepted during the years 2017-2019 was 21,743.

Petitions for review filed relating to all other agencies were not tracked pre-OALP. Since OALP began, general government filings surged after the Covid-19 pandemic and OALP has filed ~500 additional non-FSSA cases each year.

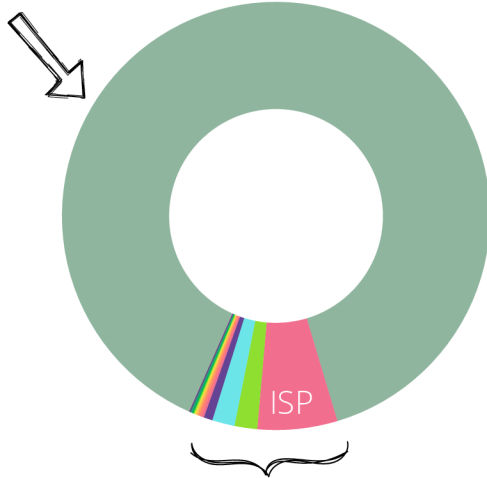


## Workload Metrics (Cont.)

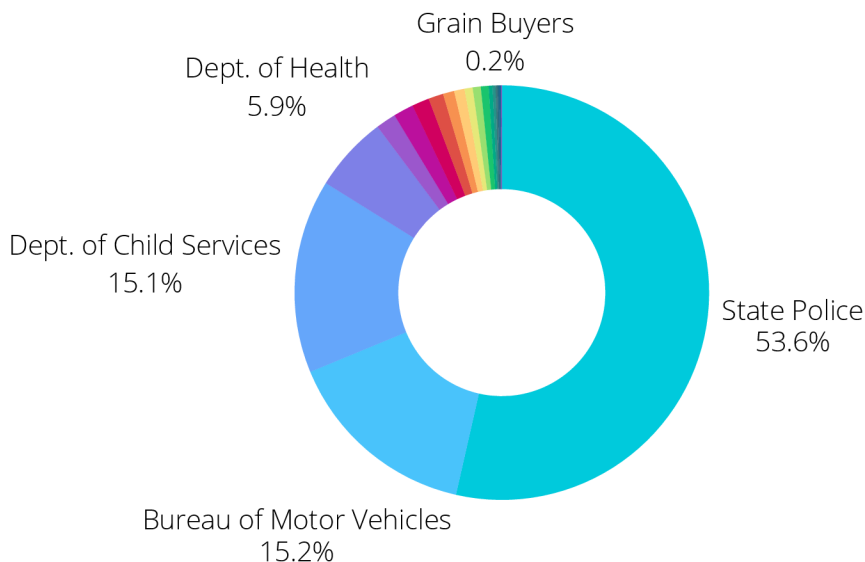
# Workload by Agency

Workload is based on total petitions for review filed with OALP within a calendar year.

## FSSA - 88%



All other agencies



Hearings involving the **Family and Social Services Administration** comprise **88% of all OALP hearings**, with the State Police at 6% in second place, and no other agency with more than 1.7%.

Of these FSSA appeals, the vast majority (94%) involve the Division of Family Resources, responsible for SNAP, TANF, and Medicaid enrollment.

45% of these DFR cases since 2019 have been Medicaid, another 46% are SNAP.

The remainder are comprised of TANF and other appeals.

Firearms license revocations issued by ISP are automatically set for an administrative hearing rather than asking the party to request a hearing.

OALP has collaborated with ISP to propose a rule promulgation that will require an aggrieved resident to **affirmatively petition** for a hearing.

If pursued and promulgated, these rules should reduce the number of ISP appeals.

## Workload Metrics (Cont.)

This chart breaks down the total number of cases received and filed according to the agency the matter involves. Some agency actions are so few that they are tracked under "OALP".

Agency	2020		2021		2022		2023		2024	
	Received	Closed	Received	Closed	Received	Closed	Received	Closed	Received	Closed
Alcohol and Tobacco Commission									1	
Bureau of Motor Vehicles	165	73	239	237	246	211	583	211	805	416
Civil Rights Commission	18	11	38	38	76	44	43	44	31	16
Criminal Justice Institute	6		5	2	9	6	4	6	6	4
Department of Child Services	322	40	404	458	386	339	394	339	441	228
Department of Education	33	16	11	19	23	24	20	24	17	6
Department of Environmental Management	2		11		11		21		36	13
Department of Health	82	13	146	118	143	173	209	173	194	151
Department of Homeland Security	12	4	18	19	15	1	16	1	15	8
Department of Insurance	6		28	1	36	19	21	19	21	11
Department of Labor	25	5	37	42	44	40	52	40	45	14
Department of Transportation	1		2	2	6	4	4	4	5	1
Department of Veterans Affairs	15	13	12	11	25	23	44	23	55	51
Family and Social Services Administration	15,359	15,789	12,114	11,893	12,560	12,373	18,790	12,373	23,604	23,566
Gaming Commission	4	1	26	19	14	17	17	17	26	16
Grain Buyers	19		1	8		1		1		
Horse Racing Commission	3	1	5		17	2	10	2	3	2
Law Enforcement Training Board	3			3						
Office of Administrative Law Proceedings			1		3		3		6	3
Secretary of State	2		11	4	30	18	64	18	77	68
State Board of Education	5		1	5						
State Police	984	302	1,148	1,343	1,577	832	1,679	832	1,714	1,078
Treasurer of State			1			1		1		
<b>Grand Total</b>	<b>17,066</b>	<b>16,268</b>	<b>14,259</b>	<b>14,222</b>	<b>15,221</b>	<b>14,128</b>	<b>21,974</b>	<b>14,128</b>	<b>27,101</b>	<b>25,652</b>

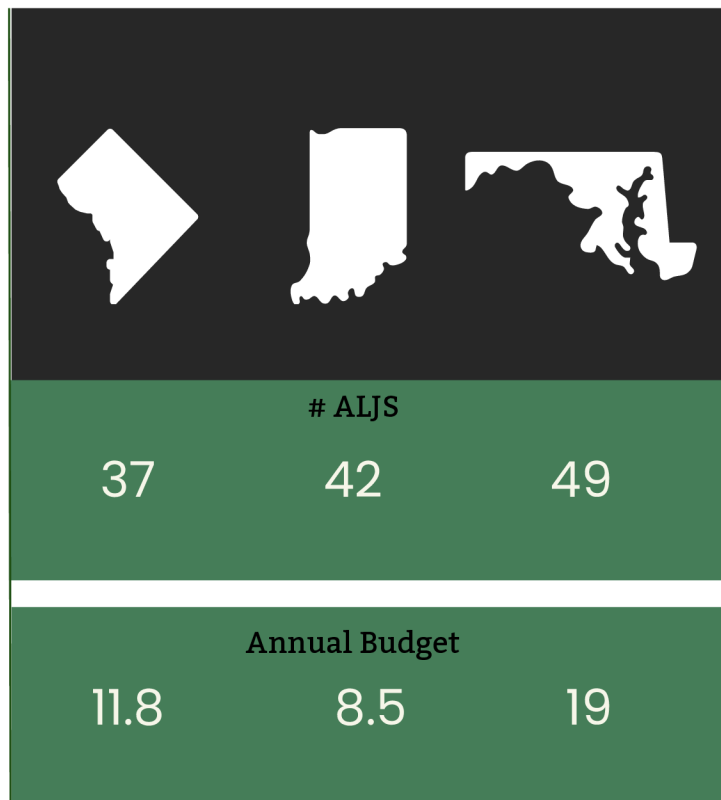
2020 into 2022's decrease in cases received was related to the Covid-19 pandemic. For instance, FSSA had less cases because citizens were not being terminated from receiving public benefits.

Most cases are resolved through a default & dismissal procedure, withdrawal, or settlement before the case proceeds to an evidentiary hearing. In 2023, OALP issued substantive legal decisions on 4,612 cases and issued or granted dismissals for 16,101 cases.



# Central Panels in the U.S.

## Comparison to other Central Panels



There are over 20 central panels in the United States.

Based on the number of ALJs employed, OALP is most like the District of Columbia and Maryland.

IOALP is one of the most efficiently run central panels in relation to its staffing-to-budget ratio and the number of cases it files each year (27,102).

\*Data taken from 2023 central panel reporting.

- District of Columbia has 37 ALJs and an annual budget of 11.8 million dollars.
- Indiana has 42 ALJs and an annual budget of 10.4 million dollars.
- Maryland has 49 ALJS and an annual budget of 19 million dollars.

### Interesting Fact:

**OALP is one of the youngest central panels in the nation** and through the direction of the legislature, **OALP took the least amount of years to obtain final agency authority over most its cases**, which reduces the steps to complete an administrative review process and protects the impartial integrity of it.

Nearby midwestern states with central panels are Illinois, Michigan, Tennessee, and Wisconsin.





# Development of OALP

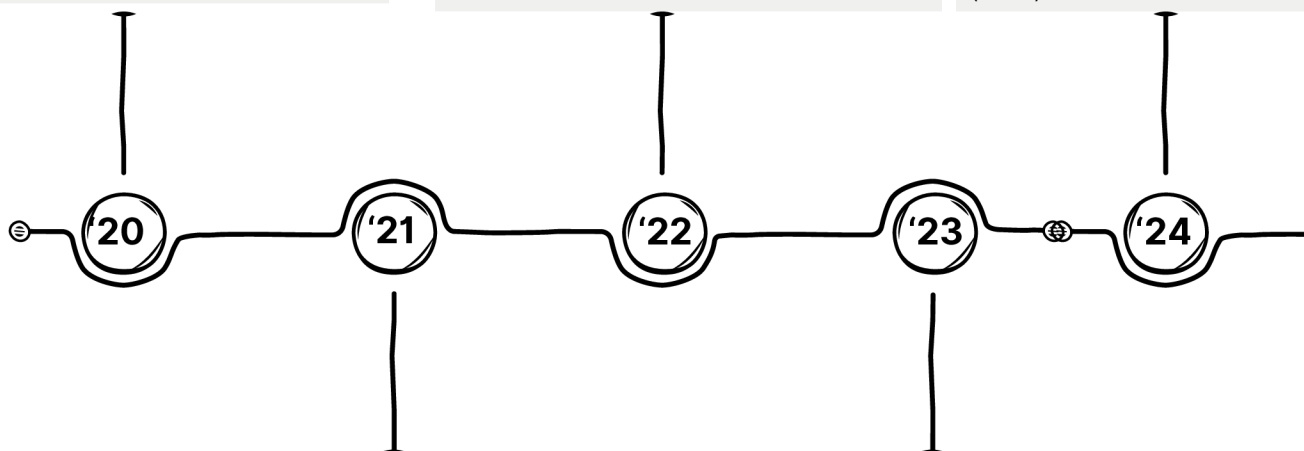
OALP was created by the legislature in 2019 and officially opened its operations on July 1, 2020.

**OALP has made significant changes to its staff, organizational design, and jurisdiction in the last four years. This timeline highlights OALP's progression over the years.**

- 30 ALJs
- 14 Contract ALJs
- Digital case management system (INcite) for general matters
- IEDSS for FSSA matters (already in place, but not optimized for non-FSSA cases)
- Digital petition for review
- Code of Ethics (41 IAC)
- Established annual training hours for ALJs

- 32 ALJs
- 5 Contract ALJs; 1 intermittent ALJ
- Added a Deputy General Counsel to oversee hiring and training
- Hosted central panel director's conference
- Created Culture and Mentorship Committee
- Partnered with Illinois to offer 4 CLE's for 100+ midwestern ALJs
- Continued steady turnover of staff

- 42 ALJs
- 1 Intermittent ALJ
- Added a second Deputy General Counsel for legislative support
- Strategic workforce design to assign cases by complexity instead of agency
- New rotation for responding to expedited hearings
- Piloting: certification program, hearing scorecard, and low-cost attorney referral
- Stable retention
- H.E.A. 1003 Named OALP as final authority over the cases it reviews
- Expanded jurisdiction to environmental (IDEM) and DOE IDEA matters



- 30 ALJs
- 10 Contract ALJs
- First annual ALJ conference open to all executive branch ALJs (2 day event)
- Steady turnover in staffing
- H.E.A. 1060 (adjustments to AOPA to file petitions electronically and directly with OALP & reference to OALP within DCS statutes)

- 42 ALJs
- 4 Contract ALJs
- Scheduling changes & efficiencies (mass docket)
- Transitioned from MS Teams to ZoomPro to ZoomGov
- Expanded leadership team with Clerk of Courts
- Offer mediation services disputes with state agencies
- Contracted with DWD and PLA for ALJ services
- High retention rate
- H.E.A 1623 (permitted ALJ to award attorney fees if certain mechanisms met & mandated agencies cannot rely on un-promulgated rules.)

## Development of OALP (Cont.)

### Major Initiatives

#### Major Initiatives Stood Up:

- Designed and developed a functional, digital case management system for non-FSSA matters that were previously tracked on an excel sheet
- Promulgated a Code of Judicial Conduct for ALJs
- Created job profiles specific to ALJs
- Leveraged technology for virtual and telephonic hearings
- Created a digital form to accept petitions for review
- Offered mediation services to parties in administrative review or agencies that have disputes with citizens and are not subject to OALP jurisdiction
- Assisted DWD for 8-12 weeks to work through a backlog of cases
- Assisted PLA for 4 weeks on a rule analysis to assist them with IC 4-22-2.6
- Assisted PLA 1x a month with a pro-tem ALJ to review case management motions and orders
- Underwent organizational restructure
  - assigned cases by complexity
  - eliminated work-silos by mixing employees with various skill levels
  - elevated the role and authority of the Clerk of Court to run operations
  - created job progression within Clerk's Team and Adjudication Team
- Partnered with the Judiciary to update Court rules to notify an ultimate authority when there is a judicial review and to track judicial reviews in Odyssey
- Obtained ultimate authority in cases it has jurisdiction (with two exceptions)

## Summary

While OALP is the youngest state agency, it has proven to be an impartial steward of the law, a collaborator for efficiency, and a growth-minded agency able to stretch its capabilities and embrace new challenge presented to it. The legislature has demonstrated support of OALP's mission by granting OALP ultimate authority over most matters. OALP continues to uphold the integrity and legal authority entrusted to it by lawmakers and Hoosiers.