

STATE OFFICE OF ADMINISTRATIVE HEARINGS

POLICY AND PROCEDURE ON HANDLING EXTERNAL COMPLAINTS

The SOAH Policy and Procedure on Handling External Complaints was approved, adopted, and became effective on March 27, 2013.

This policy was reviewed, revised, approved, adopted, and became effective on January 8, 2015.

This policy may be revised periodically.



Acknowledged and approved by:

A handwritten signature in blue ink, appearing to read "Cathleen Parsley".

Cathleen Parsley, Chief Administrative Law Judge

A handwritten signature in black ink, appearing to read "Thomas H. Walston".

Thomas H. Walston, General Counsel

STATE OFFICE OF ADMINISTRATIVE HEARINGS
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Adopted March 27, 2013

The State Office of Administrative Hearings (SOAH) adopts this policy for the handling of external complaints. The handling of internal complaints is addressed in the Employee Handbook, Chapter VII.

SOAH takes all complaints seriously, and it reviews, evaluates, and investigates each one. When a complaint has merit, SOAH will take appropriate action.

Complaints must be in writing, in the form of a letter or email, and sent to the Chief Administrative Law Judge (Chief ALJ). An oral complaint is not sufficient, and a review and investigation will not be commenced on the basis of an oral complaint.

Upon receipt of the complaint, the Chief ALJ's office will notify the complainant in writing that it has been received, that it will be reviewed, that the complainant will be notified of the resolution not later than 30 days after receipt of the complaint, and that if additional time is required, the complainant will be notified.

The Chief ALJ may consult with the General Counsel about how to go forward with the investigation and may delegate investigation of the complaint to the General Counsel. The Chief ALJ or the Chief ALJ's designee may also consult with and bring into the investigation other staff as necessary, including the Human Resources Manager, the Chief Financial Officer, the Information Resources Manager, and in case-related complaints against Administrative Law Judges, the Team Leader of the particular ALJ's home team and of the team for which the ALJ was hearing the case that is the subject of the complaint.

One of the Chief ALJ's principal statutory responsibilities is to ensure the decisional independence of the ALJs. *See* Tex. Gov't Code § 2003.022(d)(2). Therefore, complaints about ALJs related to actions taken in contested cases will be reviewed only to determine whether they conducted proceedings professionally and appropriately and in accordance with their roles as neutral and independent finders of fact. Complaints about ALJs' rulings in, or on the merits of, cases will be investigated only as they may bear on the ALJs' fitness to preside.

In addition, ensuring decisional independence means not only that the ALJs have the freedom to make decisions in their cases without influence from anyone, including the Chief ALJ, but also that they carry out their duties without fear that decisions will prompt complaints against them. For these reasons, a complaint investigation may not include an interview of the ALJ who is the subject of the complaint. A determination whether to interview the presiding ALJ will be made after consideration of all circumstances and in the context of the complaint.

The investigation of a complaint may include, but is not limited to, a review of files, interviews of involved employees, and where necessary, reviews of transcripts or recordings of proceedings.

In appropriate instances, it may also involve interviews of individuals outside SOAH with relevant information. When a complaint against a SOAH employee appears to have merit, the employee will be given an opportunity to respond to the complaint in the course of the investigation.