



Issue Date: 19 March 2020

Case No.: 2020-MIS-00006

In Re:

**SUSPENSION OF HEARINGS AND PROCEDURAL DEADLINES
DUE TO COVID-19 NATIONAL EMERGENCY.**

ADMINISTRATIVE ORDER AND NOTICE

In view of the risks presented by the novel coronavirus COVID-19—and to provide clarity about the status of administrative proceedings and hearings before the United States Department of Labor, Office of Administrative Law Judges (OALJ)—it is hereby **ORDERED** that, effective **Monday, March 23, 2020**:

1. **PRIOR NOTICES WITHDRAWN:** The Administrative Notices published under 2020-MIS-00004 (Chief ALJ Mar. 13, 2020) and 2020-MIS-00005 (Chief ALJ Mar. 17, 2020) are withdrawn.
2. **HEARINGS SUSPENDED:** All hearings, including telephonic hearings, are suspended until May 15, 2020. Parties may, however, petition the presiding Administrative Law Judge (ALJ) to conduct a telephonic hearing *based on compelling circumstances*. If such petition is not jointly filed, it shall state the position of the other parties to the matter or state that the petitioning party was unable after diligent efforts to contact the other parties to the matter. *See* 29 C.F.R. § 18.33(c)(3). This moratorium on hearings does not include cases in which the parties have jointly agreed to a decision on the record based on stipulations of fact or a stipulated record. *See* 29 C.F.R. § 18.70(d). OALJ will issue an Administrative Order no later than May 4, 2020 on whether hearings will continue to be suspended beyond May 15, 2020.
3. **PROCEDURAL DEADLINES SUSPENDED:** All procedural deadlines in cases *currently pending before OALJ* are suspended until May 15, 2020, unless ordered otherwise by the presiding ALJ. OALJ will issue an Administrative Order no later than May 4, 2020 on whether the suspension of procedural deadlines will continue beyond May 15, 2020. The presiding ALJ will notify the parties of any modifications to deadlines for cases scheduled for hearing between May 18 and June 12, 2020.

This moratorium on procedural deadlines does not apply to cases not yet docketed. Thus, parties who need to file a request for a hearing before an ALJ must still file within the limitations

period. They may do so by email as described below. It should be noted that OALJ does not have authority to extend deadlines for filing an appeal with the Administrative Review Board (ARB), the Benefits Review Board (BRB), or the federal courts.¹

4. TEMPORARY IMMIGRATION CASES: The moratorium on hearings and procedural deadlines does not apply to cases adjudicated under the expedited procedures for the H-2A, H-2B, and CW-1 non-immigrant employment programs. 20 C.F.R. Part 655, Subparts A, B and E.

5. MEDIATIONS AND SETTLEMENT JUDGE CONFERENCES: Telephonic mediations and settlement judge conferences may proceed as scheduled with the consent of all parties involved and dependent on the availability of the mediator or settlement judge.

6. EMAIL FILINGS ENCOURAGED: Until further notice, OALJ will accept filings via email at the email box of the office at which the case is pending (see below for email addresses). The subject line of the email transmission shall contain, in this order: (a) the name of the presiding judge (use UNK if the case is not assigned or you do not know who the presiding judge is); (b) the OALJ case number (use TBD if this is a request for an ALJ hearing or the filing of a complaint or order of reference); and (c) a short description of the nature of the filing. Emailed filings shall not exceed 50 pages unless prior permission is granted by the presiding ALJ. A party who files a document by email shall not also file a hard copy.

Washington, DC National and District Offices:

- OALJ-Filings@dol.gov (for National Office Docket; unassigned or new cases; and cases assigned to Judges Henley, Colwell, and Almanza)
- OALJ-DC-District@dol.gov (for cases assigned to Judges Bland, Annos, and Applewhite)

District Offices outside Washington, DC:

- OALJ-Boston@dol.gov
- OALJ-CherryHill@dol.gov
- OALJ-Cincinnati@dol.gov
- OALJ-Covington@dol.gov
- OALJ-NewportNews@dol.gov
- OALJ-Pittsburgh@dol.gov
- OALJ-SanFrancisco@dol.gov

It is further **NOTICED** that:

1. OFFICE ACCESS AND FAXES: OALJ offices' physical locations are likely to be minimally staffed during this pause in hearings. Some district office locations may be

¹ Parties who need to file with the ARB or BRB may do so through the Boards' EFSR system. Information regarding registration for access to the EFSR system, as well as links to the step-by-step user guide and FAQs, can be found at <https://dol-appeals.entellitrak.com>

temporarily inaccessible and mail delivery may be delayed. Similarly, it may not be possible for OALJ staff to closely monitor fax machines to ensure that they are functioning properly and to retrieve printed out faxes. Because OALJ cannot guarantee that faxes will be a reliable or timely means of filing during this period, **parties are encouraged to file documents by email as provided above.**

2. **HOLD ON ISSUANCE OF ORDERS AND DECISIONS:** COVID-19 control efforts have resulted in reduced staffing at agency locations, and consequently have limited our ability to serve orders and decisions. Moreover, COVID-19 has impacted the ability of many litigants to receive or comply with decisional orders in a timely fashion. Accordingly, OALJ will put a hold on issuance of decisions at least until April 15, 2020. This hold will not include decisions involving the H-2A, and H-2B, and CW-1 non-immigrant employment programs. In addition, the presiding ALJ retains the discretion to issue decisions in those instances in which it is determined that withholding issuance of the decision will result in a significant health or safety risk or will cause substantial prejudice to a party.

3. **UPDATES:** OALJ will be closely monitoring the situation, and will notify the public well in advance whether this suspension of hearings and procedural deadlines, and the general hold on issuance of decisions, will continue past the dates specified above. Parties will find any updates posted on the OALJ website at www.oalj.dol.gov.

SO ORDERED AND NOTICED.



Digitally signed by STEPHEN R.
HENLEY
DN: CN=STEPHEN R. HENLEY,
OU=ADMINISTRATIVE LAW JUDGE,
O=US DOL Office of Administrative Law
Judges, L=Washington, S=DC, C=US
Location: Washington DC

STEPHEN R. HENLEY
Chief Administrative Law Judge
Chair, Board of Alien Labor Certification Appeals