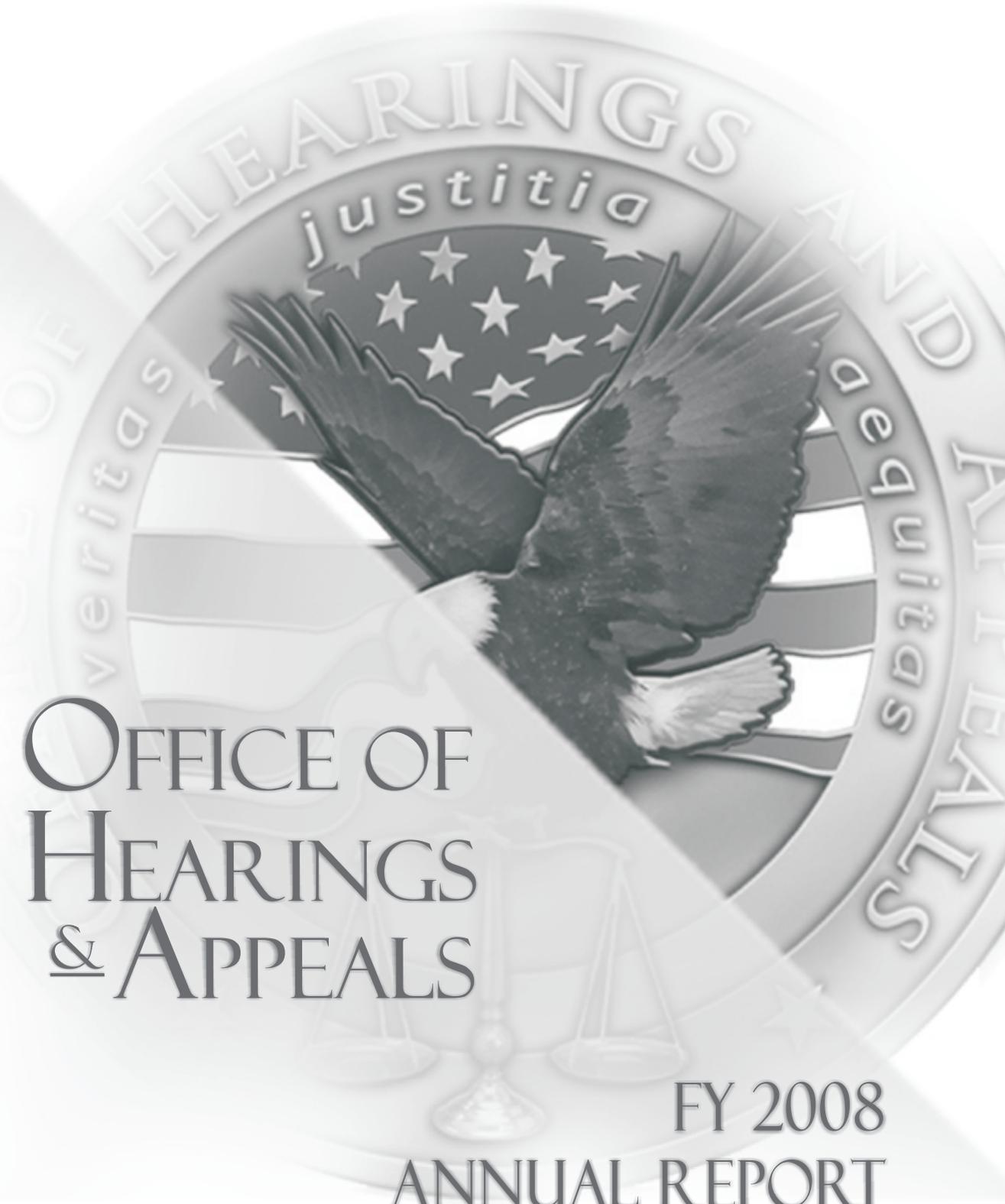


# U.S. DEPARTMENT OF ENERGY



## OFFICE OF HEARINGS & APPEALS

FY 2008  
ANNUAL REPORT

The seal of the Office of Hearings and Appeals is a circular emblem. At the top, the words "OFFICE OF HEARINGS AND APPEALS" are inscribed in a circular path. In the center, an eagle with its wings spread is superimposed over a stylized American flag. Below the eagle, a pair of scales of justice is visible. The Latin word "justitia" is written in a script font above the eagle. On the left side of the seal, the word "veritas" is written vertically. On the right side, the word "aequitas" is written vertically. The entire seal is rendered in a light, semi-transparent grey color.

OFFICE OF  
HEARINGS  
& APPEALS

FY 2008  
ANNUAL REPORT

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## MESSAGE FROM THE DIRECTOR...



I am pleased to report on the FY 2008 operations of the Office of Hearings and Appeals (OHA).

OHA's mission is to conduct fair and efficient hearings, and to issue decisions of the Department of Energy (DOE) with respect to any adjudicative proceedings which the Secretary may delegate. OHA's jurisdiction is broad and varied. It has included matters affecting the oil industry and consumers, appliance manufacturers, nuclear licensees, governmental entities, the public in general, DOE and DOE contractor employees. Each area of jurisdiction supports one or more of DOE's Strategic Themes.

Here are highlights for the past year:

**Personnel security hearings.** Under DOE's personnel security program, OHA conducts administrative hearings concerning an individual's eligibility for access to classified information or special nuclear material. In FY 2008, we accelerated our resolution of older cases, reducing the number of those cases from 7 to 1, and lowering the average time for processing a case by 34 percent (from 231 days to 152 days). We also produced our first Operations Manual for Hearing Officers, to provide guidance in the preparation for and conduct of hearings, and a framework for uniformity in conducting hearings.

**Whistleblower cases.** Under the DOE Contractor Employee Protection Program, OHA conducts investigations and hearings, and considers appeals concerning whistleblower claims filed by DOE contractor employees. In FY 2008, we continued our resolution of older cases, reducing the number of such cases from 3 to 2, a nine-year low. Average case-processing time fell by 21 percent (from 369 days to 291 days) from FY 2007.

**Freedom of Information Act (FOIA) and Privacy Act Appeals.** OHA considers appeals of agency denials of requests for information. In FY 2008, we continued to provide more timely decisions, further reducing our average case-processing time by 52 percent (from 71 days to 34 days) compared to FY 2007.

**Exceptions.** OHA considers requests for relief from certain regulatory requirements, primarily Energy Information Administration (EIA) reporting requirements and the DOE appliance efficiency standards. We dramatically improved our average processing time of these cases as well in FY 2008.

**\$1 Billion Crude Oil Overcharge Refund Program.** In FY 2008, OHA substantially completed this program by making final payments of over \$2.3 million to 1,858 claimants. Since 1980, the Department has utilized the crude oil overcharge funds to support the Minority Bank Deposit program, with deposits in FY 2008 at approximately \$250 million.

**Elk Hills Oil Field (Formerly Naval Petroleum Reserve No. 1).** In a 1997 agreement, Chevron and DOE agreed to a process in which OHA makes the final decision concerning a \$200 million dispute over equity interests in the field's production. OHA is currently considering an appeal concerning the Stevens Zone, the largest producing zone in the field.

I am particularly proud of OHA's efforts during FY 2008 in expanding our outreach to and collaboration with our client and stakeholder offices, as well as other federal agencies. Examples include our training of Personnel Security Specialists in conjunction with DOE's National Training Center and Office of General Counsel, our participation in the Department's Employee Concerns Improvement Initiative, and the introduction of our Brown Bag Lunch Series, featuring distinguished guests from within and outside the agency.

In FY 2008, our office structure was reorganized to better reflect our mission, the most notable changes being the creation of a Personnel Security and Appeals Division, primarily responsible for conducting hearings and issuing decisions under the DOE's personnel security program, and adjudicating a variety of cases under OHA's appeal jurisdiction, and an Employee Protection and Exceptions Division, primarily responsible for our work related to the DOE Contractor Employee ("Whistleblower") Protection Program, as well as for adjudicating applications for exceptions from DOE regulations.

During FY 2008, OHA adjudicated 231 cases, decreasing the pending case inventory to 73, a five-year low. To reach this milestone, OHA conducted over 20 percent more hearings than the year before (124 hearings compared to 100).

Upon passage of the FY 2009 budget, the civil rights and equal employment opportunity functions currently performed by the DOE's Office of Civil Rights and Diversity will be transferred to OHA. The Office of Employee Concerns, which is currently housed in the Office of Civil Rights, will also transfer to OHA at the same time. The Office of Civil Rights will then become a sub-office of OHA.

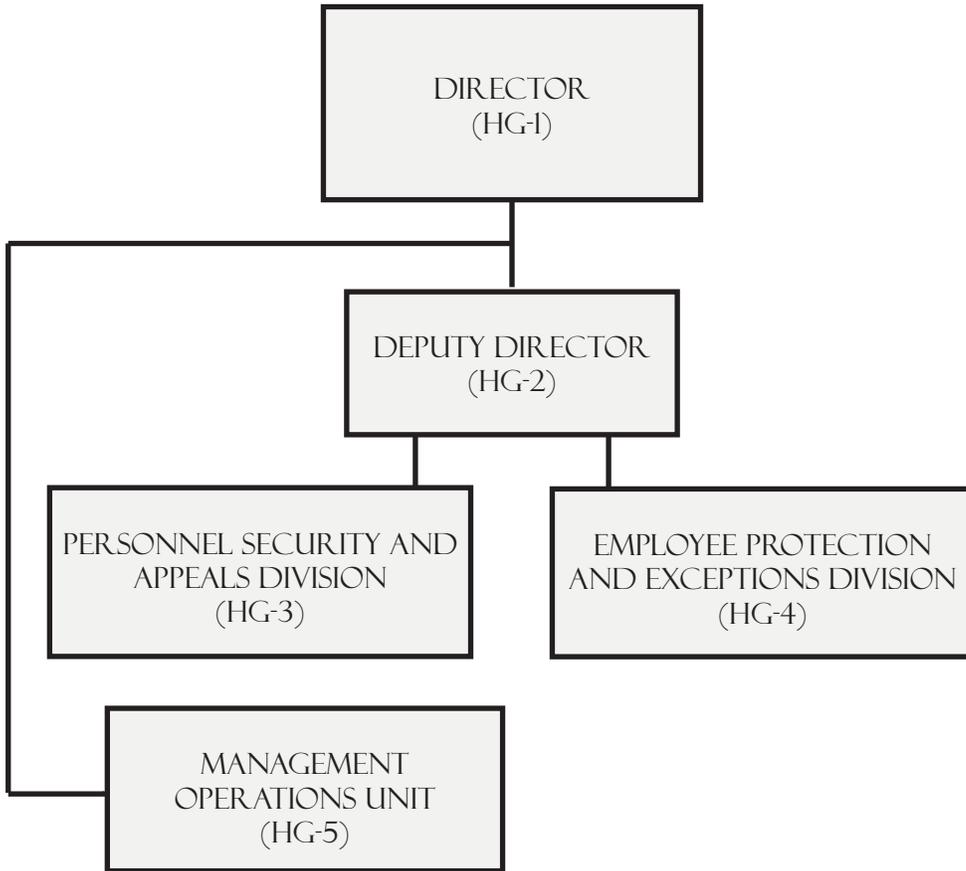
As we begin FY 2009, we are committed to continued improvement and to meeting any new Departmental needs for adjudicative services. To achieve improvements and be well-positioned to accept new responsibilities, we continue to comprehensively review our operations to identify opportunities for increased efficiency and productivity.

We hope that this report is informative. If you have any comments or suggestions for future improvements, please write or email us.

Sincerely,

Poli A. Marmolejos

OFFICE OF HEARINGS AND APPEALS  
ORGANIZATION CHART



*On September 4, 2008, OHA was honored to host a visit by Secretary of Energy Samuel W. Bodman*

## INTRODUCTION

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

During its over 30-year history, OHA has had broad-ranging subject matter jurisdiction. Originally OHA's primary function was to consider exceptions and other petitions related to the economic oil 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 DOE's programs.

Over the last decade, OHA has heard appeals from a variety of DOE determinations, including those related to (i) assessments on utilities to fund a decontamination and decommissioning fund, (ii) reimbursement claims for environmental clean-up costs, (iii) the alternative fuel transportation program, (iv) physician panel reviews of DOE worker occupational illness claims, and (v) payment-equal-to-taxes claims under the Nuclear Waste Policy Act of 1982. OHA has also conducted personnel security and whistleblower proceedings, and considered exceptions from the Energy Information Administration (EIA) reporting requirements and from the appliance efficiency standards. In FY 2006, OHA was granted new jurisdiction to hear contractor appeals of civil penalties imposed for violations of DOE's new worker safety and health rule.

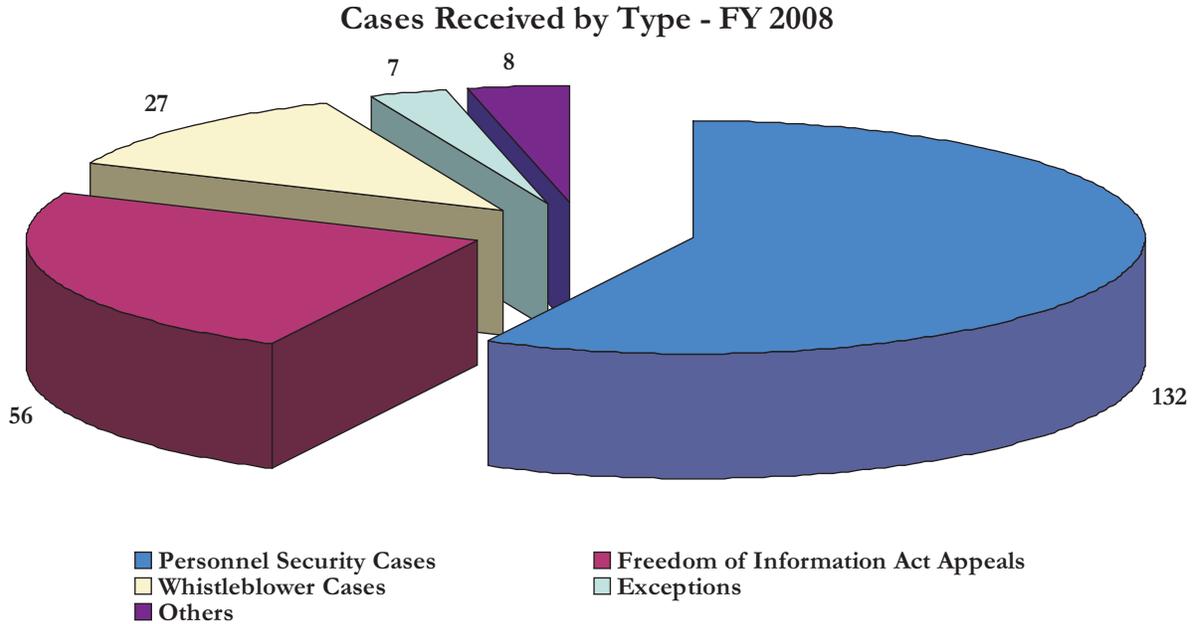
In FY 2008, OHA continued to conduct personnel security and whistleblower proceedings. OHA also continued to consider FOIA and Privacy Act appeals and exception requests. In the past year, we substantially completed the distribution of crude oil overcharge funds that had been in escrow. OHA also considered an appeal involving the Elk Hills Oil Field, formerly Naval Petroleum Reserve No. 1.

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. To further this goal of flexibility and adaptability, OHA encourages the use of alternative dispute resolution techniques when they can benefit the parties.

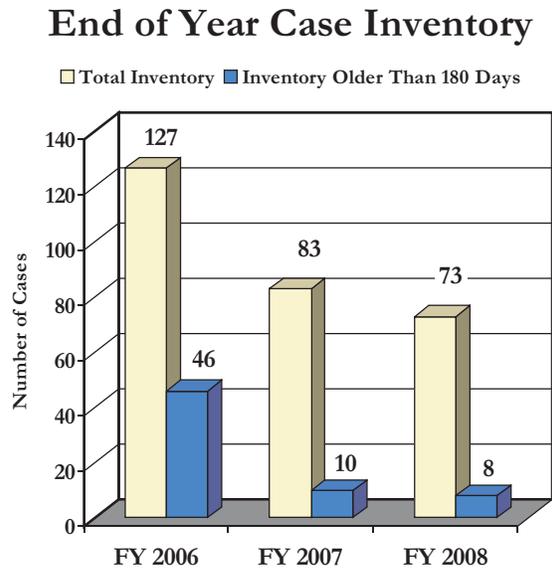
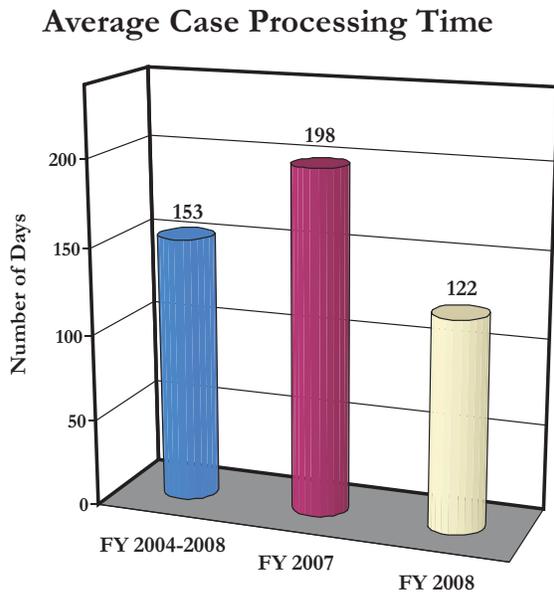
In the end, OHA decisions do more than resolve disputes. They also serve to inform affected parties and the public about the Department's programs. The decisions reflect the balancing of important and varied interests, including those of the public, the Department, state governments, and individual litigants.

## OVERVIEW OF OHA WORKLOAD

The majority of cases received in FY 2008 consisted of personnel security hearings, followed by FOIA and Privacy Act appeals, whistleblower cases (investigations, hearings, and appeals), exception applications and others. The following chart shows the volume of cases, by type.



The first chart below shows the average case-processing time for cases closed in FY 2008, FY 2007, and over the period FY 2004-2008. Though we received more cases in FY 2008, our average case-processing time decreased by nearly 40 percent in FY 2008 over FY 2007 and was 20 percent below our five-year average. In addition, our inventory of older cases continues to decline. We attribute these results to a continued emphasis on timeliness.



# I. AREAS OF ADJUDICATION

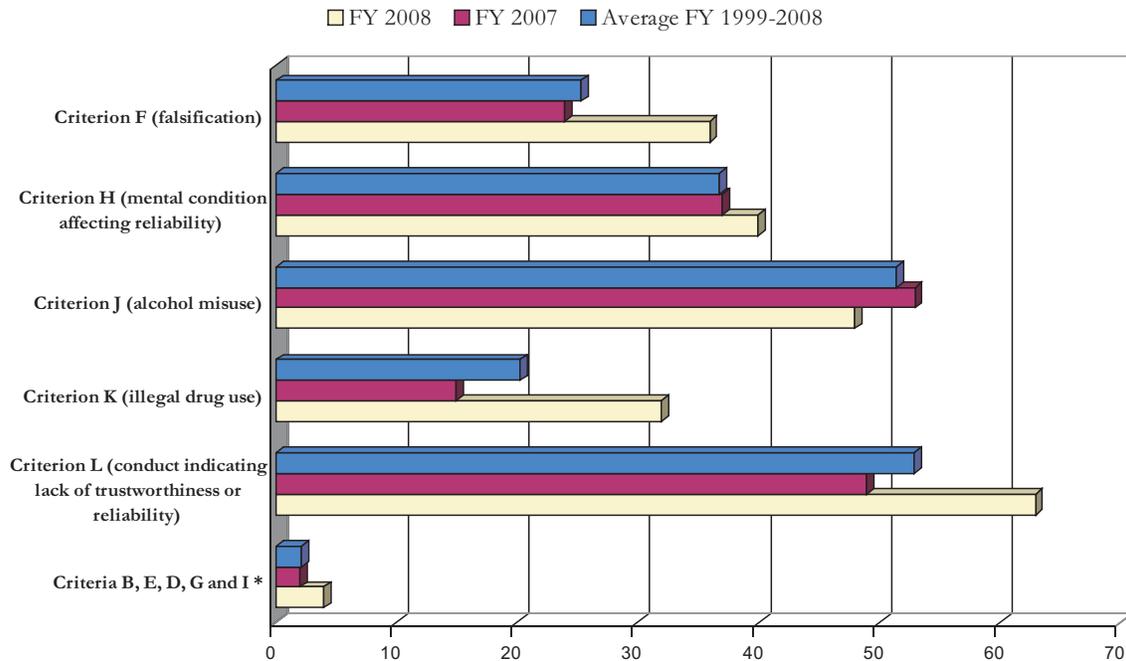
## A. PERSONNEL SECURITY

OHA conducts hearings involving eligibility for a security clearance. OHA also conducts hearings involving 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 are set forth at 10 C.F.R. Parts 710 and 712, respectively. Most of OHA's hearings concern eligibility for a security clearance. OHA's web site contains a "Question and Answer" sheet to assist individuals in understanding the personnel security hearing process.

Personnel security hearings typically involve concerns about excessive alcohol use, substance abuse, mental illness, financial irresponsibility, or conduct raising doubt about an individual's honesty and reliability. Evidence and testimony may include expert medical opinion. The OHA Hearing Officer assigned to the case analyzes the evidence and renders an initial agency decision, which may be appealed to an Appeal Panel within the DOE.

The following chart shows the number of cases in which various types of concerns - also referred to as criteria - were raised. Some cases involve multiple criteria. For example, a case may involve a concern about excessive alcohol use (Criterion J) and related or different concerns about honesty and trustworthiness (Criterion L). As the chart shows, the criteria cited have been relatively constant, though there was a relative increase in FY 2008 in the area of falsification (Criterion F) and honesty and trustworthiness (Criterion L) concerns.

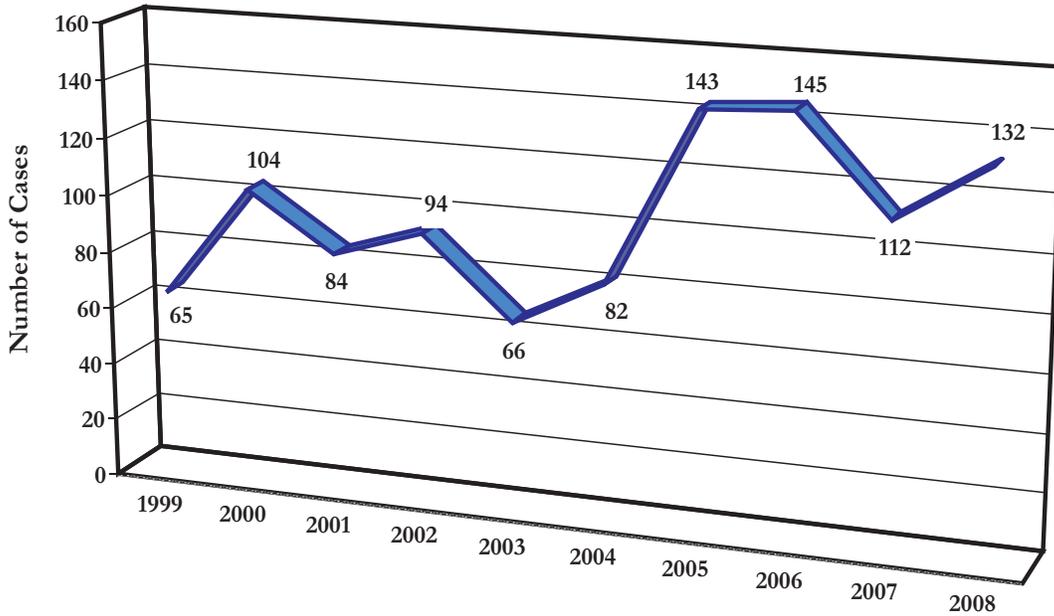
**Criteria Invoked in Personnel Security Cases**



\* B - sympathetic association with individuals with interests opposed to the U.S.  
 E - relative residing in hostile nation  
 D - advocate of unlawful overthrow of government  
 G - violation of security regulations  
 I - refused to testify in security proceeding

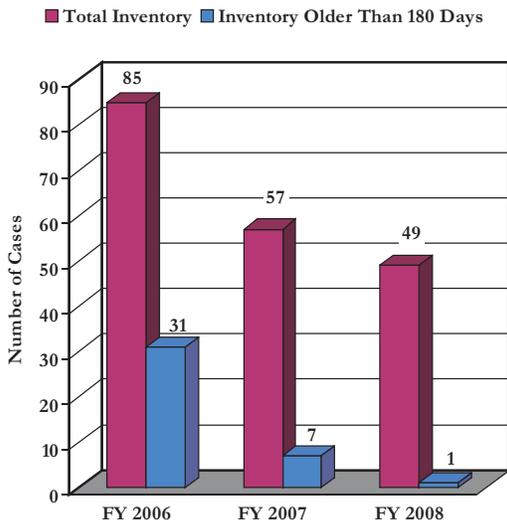
The following chart shows the number of personnel security cases received during each of the last ten years. OHA received significantly more cases in FY 2008 than in FY 2007, an increase in line with the general trend of the last five years.

**Personnel Security Cases Received  
FY 1998-2007**

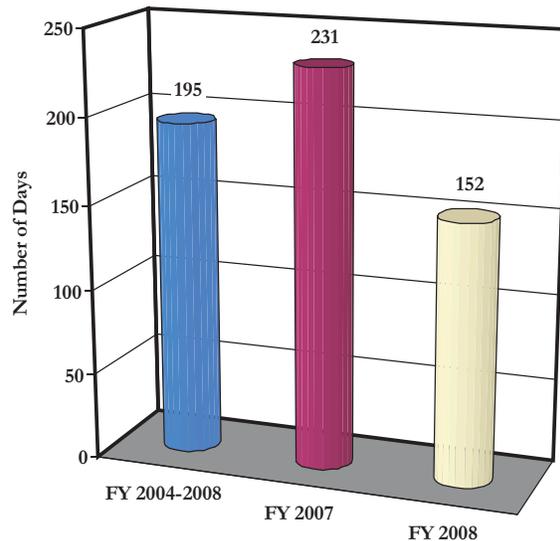


Despite the increased caseload in FY 2008, we have continued to both reduce our inventory of cases over 180 days old, nearly eliminating such cases from our inventory in 2008, and process cases in a more timely manner, reducing average case-processing time by over 34 percent.

**Personnel Security Cases  
End-of-Year Inventory**



**Personnel Security Cases  
Average Case Processing Time**



On September 9-11, 2008, Hearing Officers from the Office of Hearings and Appeals and an attorney from the Office of the Assistant General Counsel for International and National Security Programs served as the lead instructors for the National Training Center's course entitled, "Administrative Review Hearing Procedures." The course was held in the Forrestal Building at DOE Headquarters and was a mandatory component of the certification required for personnel security professionals in the Department-wide personnel security program. In the three-day class, the students learned how to prepare a legally sufficient Statement of Charges and how to testify with ease in an administrative review hearing. In addition, the students observed a "mock hearing" staged by participants from the Office of Hearings and Appeals, the General Counsel's Office, the Office of Departmental Personnel Security, and the Office of Headquarters Personnel Security Operations, and became familiar with the role that the personnel security specialists play in the Administrative Review hearing process.



*The course's "mock hearing" allowed students to observe the dynamics of a live proceeding and better understand the role of the personnel security specialist.*

#### PERSONNEL SECURITY: CASE EXAMPLE

##### **Case No. TSO-0569 - Personnel Security Hearing**

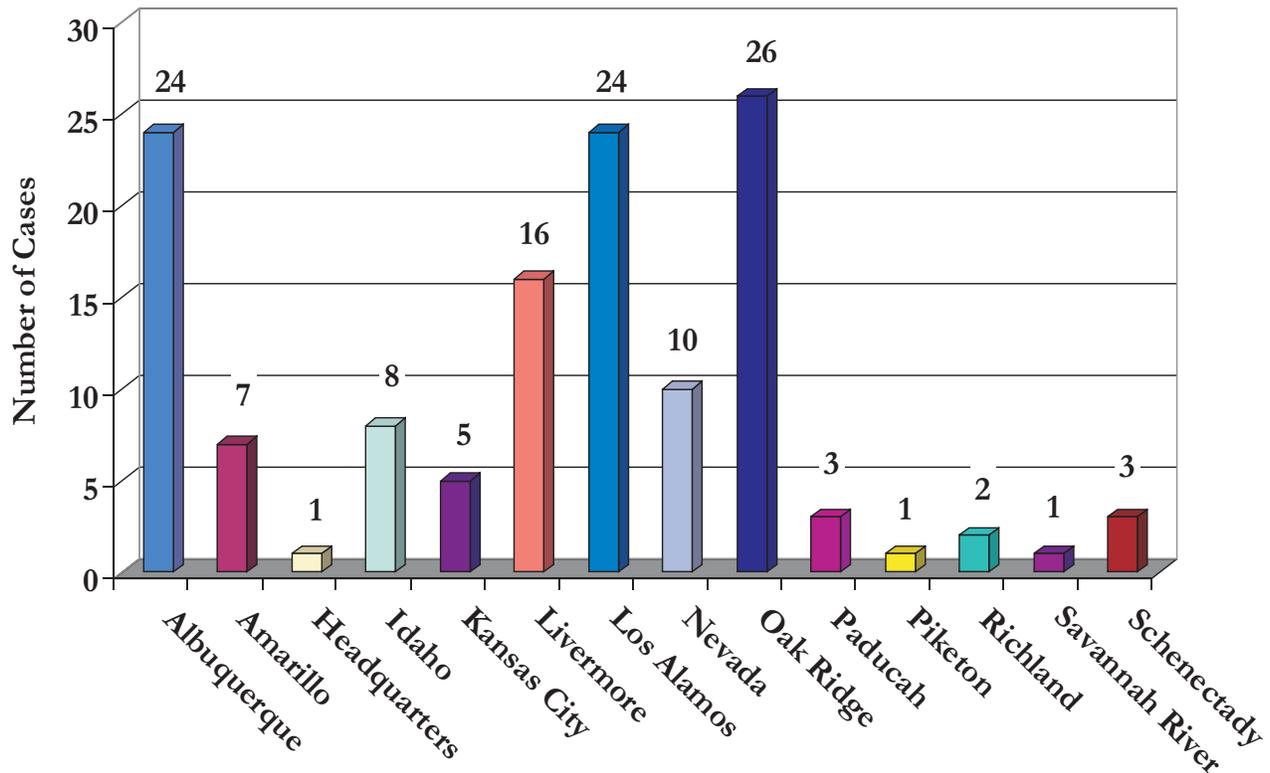
On April 25, 2008, an OHA Hearing Officer issued a Decision regarding the eligibility of an individual for a DOE security clearance. The Hearing Officer determined that the individual's clearance should be restored.

In April 2007, the individual reported to DOE security that he had enrolled in an alcohol treatment program. A DOE consultant psychiatrist examined the individual and found that he met diagnostic criteria for Alcohol Dependence, an illness that causes, or may cause, a significant defect in the individual's judgment or reliability. The Local Security Office (LSO) suspended the individual's clearance, after which the individual exercised his right under DOE regulations by requesting an Administrative Review Hearing before the OHA. A Hearing Officer appointed by the OHA Director subsequently held a hearing at which nine witnesses, eight on behalf of the individual and one called by the LSO, testified.

In her decision, the OHA Hearing Officer accorded substantial weight to the testimony of the DOE psychiatrist that the individual, as of the date of the hearing, had demonstrated adequate evidence of rehabilitation and reformation from his Alcohol Dependence, and to the testimony of an Employee Assistance Program Counselor and a licensed clinical social worker that the individual was committed to his sobriety. The Hearing Officer also cited testimonial and documentary evidence that the individual had abstained from alcohol for almost 12 months, was internally motivated to address his alcohol problem, and had an adequate support network to help him cope with any future stressors.

Because the individual brought forth convincing evidence to mitigate the relevant security concerns, the Hearing Officer found that restoring the individual's clearance will not endanger the common defense and is clearly consistent with the national interest.

## Location of Personnel Security Cases Received in FY 2008



### B. 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 the 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 web site contains two "Question and Answer" sheets to assist DOE field personnel and contractor employees in understanding the process for considering contractor employee reprisal complaints.

The main issues in these cases are whether an employee engaged in protected activity and, if so, whether the contractor would have taken an adverse action against the employee in the absence of the employee's involvement in that activity. During the investigation, an OHA Investigator conducts interviews, examines documentary evidence, and issues a report. The OHA Hearing Officer rules on pre-hearing motions, conducts the hearing, and issues an initial agency decision, which may be appealed to the OHA Director. The OHA Director also hears appeals from dismissals of complaints. His decisions in both types of appeal serve to increase understanding of the program's purpose and implementation. 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 Worker Safety and Health Rule.

The DOE Contractor Employee Protection Program is part of a larger DOE program - the DOE Employee Concerns Program. The latter is managed by the Office of Civil Rights and Diversity. OHA works closely with that office on initiatives to strengthen the programs.

CONTRACTOR EMPLOYEE PROTECTION:  
CASE EXAMPLE

**Case No. TBA-0042 - Curtis Hall**  
**Case No. TBA-0064 - Bechtel National, Inc.**

On February 13, 2008, the OHA Director issued a Decision on two Appeals of an OHA Hearing Officer's Initial Agency Decision (IAD) in *Curtis Hall*, OHA Case No TBH-0042. In the IAD, the Hearing Officer found that Bechtel National, Inc. (BNI) had selected Mr. Hall for a Reduction in Force (RIF) in retaliation for disclosures protected under Part 708. BNI appealed the IAD's findings of liability, while Mr. Hall's Appeal focused on the remedy provided in the IAD.

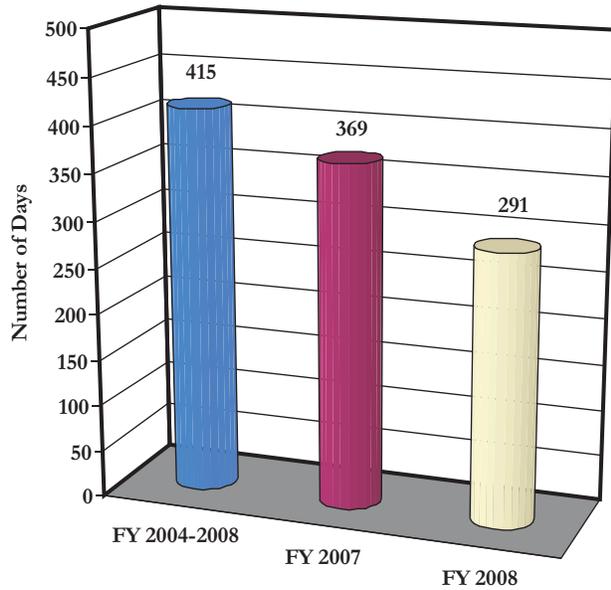
Mr. Hall worked for BNI, the prime contractor at the DOE's Hanford Site in Richland, Washington, as an engineer in the BNI group responsible for design of a system to track materials processed by Hanford's Waste Treatment Plant. Mr. Hall raised safety concerns regarding the reliability of the system.

In his Decision, the Director upheld the IAD's findings of liability, specifically that Mr. Hall had proven by a preponderance of the evidence that he had made disclosures protected under Part 708 that were contributing factors to BNI's selection of Mr. Hall for a RIF, and that BNI did not prove by clear and convincing evidence that it would have selected Mr. Hall for the RIF in the absence of his protected disclosures. The Director upheld certain of the Hearing Officer's findings as to the relief that should be granted Mr. Hall, but determined that relief should include lost benefits and the possibility of a raise, classroom training, and a transfer preference, in addition to the reinstatement, lost wages, and litigation expenses awarded by the Hearing Officer.

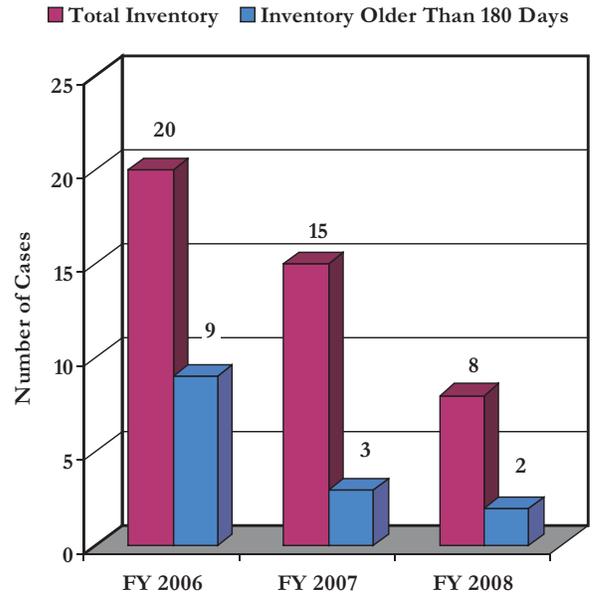
During FY 2008, the OHA Director, together with the Director of the Office of Health, Safety, and Security, continued an initiative to strengthen the Department's Employee Concerns Program. The initiative began in 2006, with the Secretary's issuance of a statement in support of the Department's Employee Concerns Program. In 2007, the Department adopted a new DOE oversight policy and made related commitments to the Defense Nuclear Facilities Safety Board. Over the past year, a team of employees drawn from across the DOE complex made significant progress on developing (i) a new DOE Order, (ii) a complex-wide employee survey, and (iii) a database for use by both DOE and DOE contractor organizations. As we look forward to FY 2009, we expect to see the completion of these elements of the initiative and to move forward with further improvements.

As with our other areas of jurisdiction, OHA has continued to focus on timeliness in the processing of our whistleblower cases. We are pleased with the results of those efforts in FY 2008, shown in the charts on the following page, both in the more than 21 percent reduction in case-processing time over FY 2007, and in the one-third reduction in our inventory of cases over 180 days old.

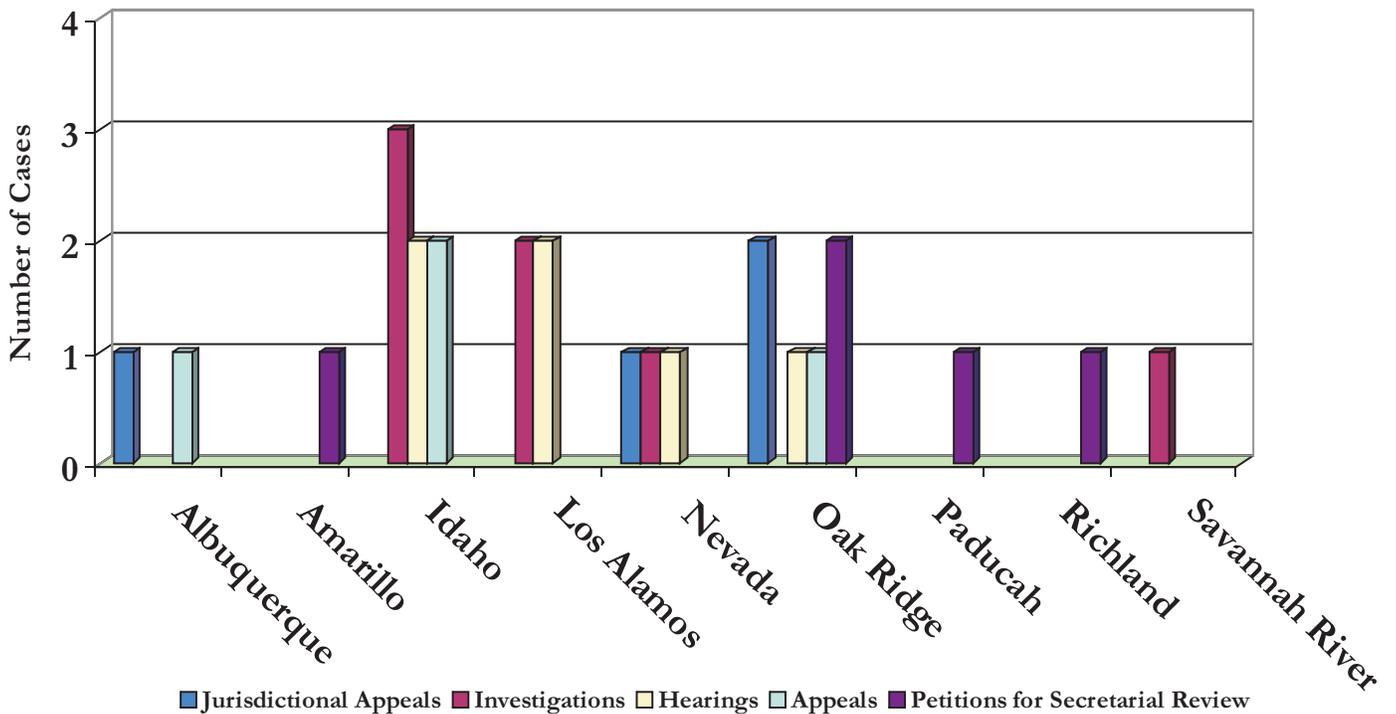
**Whistleblower Cases  
Average Case Processing Time**



**Whistleblower Cases  
End-of-Year Inventory**



**Location of Whistleblower Cases Received in FY 2008**



## C. FREEDOM OF INFORMATION AND PRIVACY ACTS

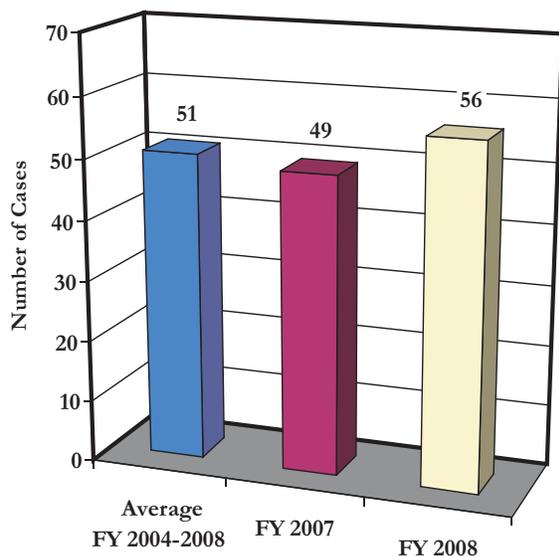
OHA considers appeals of agency determinations under the Freedom of Information Act (FOIA) and Privacy Act. The governing regulations are set forth at 10 C.F.R. Parts 1004 and 1008, respectively.

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. OHA works closely with the DOE's FOIA and Privacy Act offices, and participates in complex-wide training.

OHA continues to receive a number of FOIA and Privacy Act appeals by DOE workers seeking exposure and medical records to support compensation claims under the Energy Employees Occupational Illness Compensation Program Act. The Department of Labor administers that program.

As shown in the chart below, the number of FOIA and Privacy Act appeal submissions received in FY 2008 was over 10 percent higher than the number received in FY 2007, and nearly 10 percent greater than our average over the last five years.

**Freedom of Information and  
Privacy Act Appeals  
Cases Received**



### FREEDOM OF INFORMATION AND PRIVACY ACTS: CASE EXAMPLE

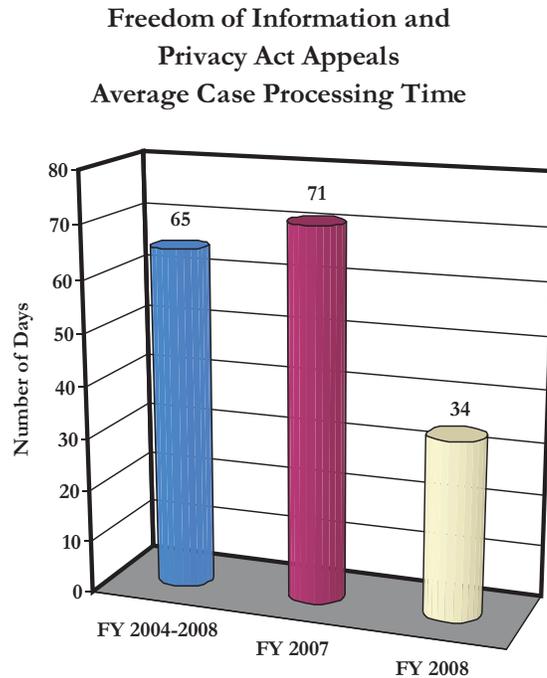
#### Case No. TFA-0265 - Elizabeth Borum

On July 1, 2008, the OHA Director issued a Decision on an Appeal that Elizabeth Borum filed in response to determinations issued to her by the DOE's Oak Ridge Operations Office (Oak Ridge) and by the National Nuclear Security Administration's Albuquerque Service Center (NNSA). These determinations were in response to a FOIA request Ms. Borum filed for access to the medical, personnel and radiation exposure records of her deceased father, Roy L. Loudermilk, an employee of the K-25 plant in Oak Ridge from November 1944 until August 1961.

Oak Ridge had provided Ms. Borum copies of certain personnel and radiation exposure records of Mr. Loudermilk, while the NNSA responded that it could not locate documents responsive to Ms. Borum's request. In her Appeal, Ms. Borum challenged the adequacy of the searches for documents performed by Oak Ridge and NNSA.

In considering Ms. Borum's Appeal, OHA contacted Oak Ridge and NNSA to obtain information regarding its searches for documents. Oak Ridge's search extended to the DOE Records Holding area, and to the K-25 plant and Oak Ridge Associated Universities. NNSA searched its Personnel Security Division and the active and archived personnel, medical and radiation records at the Oak Ridge Y-12 plant, which is under the jurisdiction of NNSA. The searches were manual, or electronic using multiple identifiers, depending on the nature of the system of records being searched. OHA concluded that these searches were reasonably calculated to uncover the records sought by Ms. Borum, and therefore denied her Appeal.

Despite the increased caseload, our average processing time for FOIA and Privacy Act appeal cases dropped significantly in FY 2008, both in comparison to FY 2007 (a decrease of more than 52 percent) and the average processing time during the FY 2004-2008 period (a decrease of more than 47 percent).



#### D. EXCEPTIONS AND SPECIAL REDRESS

OHA considers requests for exceptions from certain DOE regulations and orders. Most requests concern the Energy Information Administration (EIA) reporting requirements and the DOE appliance efficiency regulations.

The exception process is a regulatory relief valve. An exception is granted where the application of a 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 by the rule. In all cases, OHA consults with the affected DOE office.

Over the last ten years, receipts of EIA cases have fluctuated, with the high points likely related to EIA announcements of a new reporting sample. Similarly, appliance efficiency cases tend to increase as the deadline for compliance with a new standard approaches. In FY 2008, OHA closed 5 EIA exception cases and 1 appliance efficiency case. At the end of FY 2008, OHA had no exception cases in its inventory older than 30 days.

**EXCEPTIONS AND SPECIAL REDRESS:  
CASE EXAMPLE**

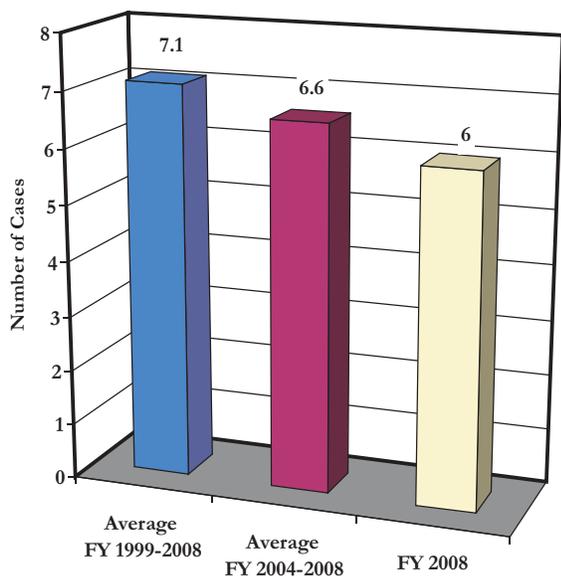
**Case No. TEE-0049 - ECR International**

On February 28, 2008, the OHA issued a Decision on an Application for Exception filed by ECR International (ECR). The firm requested continued relief from conducting low temperature tests on its ductless, multiple-zone (DMZ) heat pumps to determine their heating seasonal performance factor (HSPF), as required by DOE regulations. ECR alleged that its heat pumps could not operate below an outdoor temperature of 35 degrees, and therefore could not comply with DOE's testing requirements. In 2003, OHA had granted exception relief from this same requirement to ECR for a five-year period, due to expire on March 31, 2008.

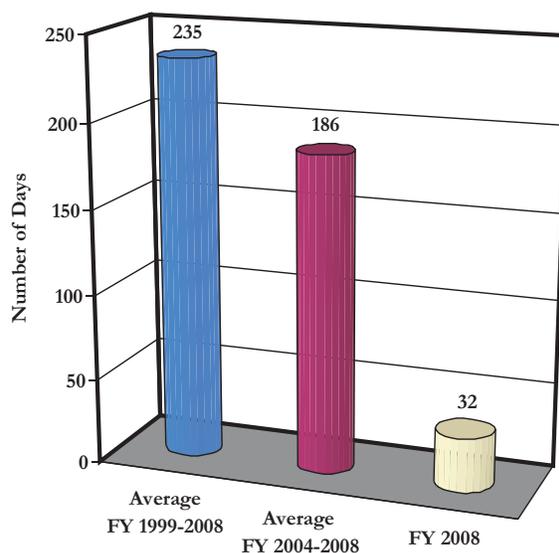
In its Decision, OHA found that ECR had notice of DOE's HSPF testing requirement since at least 1992, when it first applied for exception relief. The DMZ heat pump appliance class as a whole included designs capable of meeting DOE's HSPF testing requirements, and the technology to do so existed since the early 1980's. Nonetheless, ECR had not made the business decision to invest in conforming technology. OHA further found that neither ECR nor consumers would be unduly burdened by a denial of exception relief, as DMZ heat pump sales constitute a small portion of its total business, and ECR represents only a small percentage of the DMZ heat pump market. Accordingly, OHA denied ECR's Application for Exception.

Despite inevitable fluctuations in the number of EIA form exception cases received, the first chart below shows that the number of EIA cases received in FY 2008 was only slightly less than the average number of cases received annually during the last five and ten fiscal years. The second chart shows a dramatic improvement in the FY 2008 average case-processing time for EIA cases, compared with both the five and ten fiscal year average.

**EIA Form Exception Cases Received**



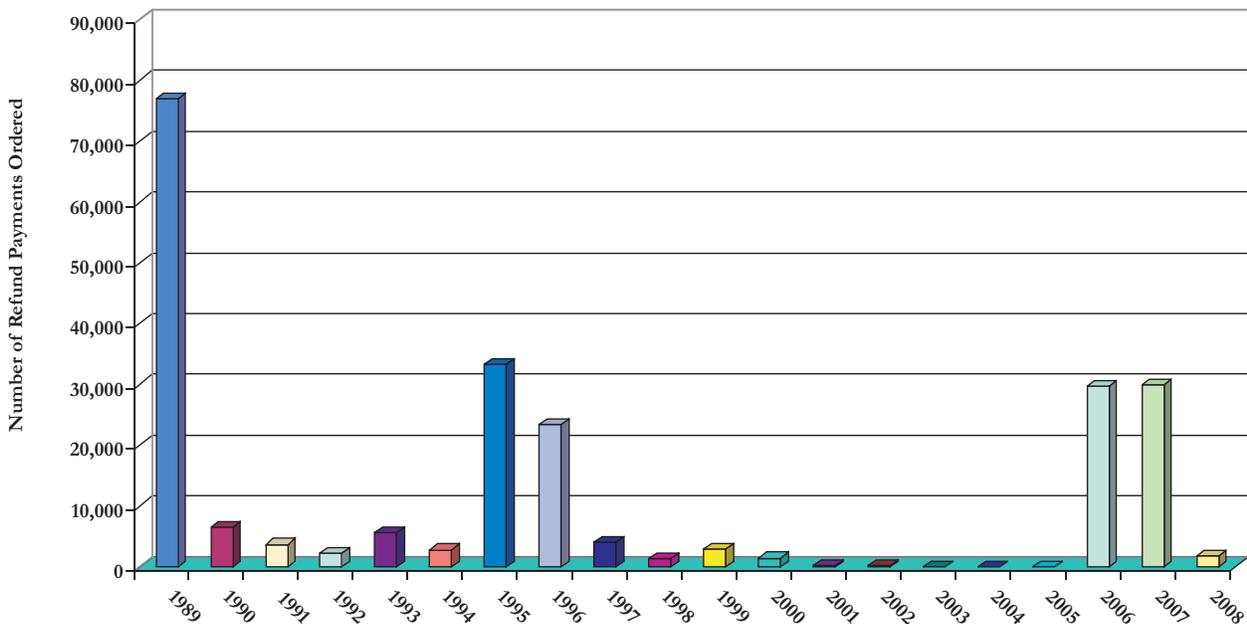
**EIA Form Exception Requests  
Average Case Processing Time**



## E. THE CRUDE OIL OVERCHARGE REFUND PROCEEDING

Over the last twenty years, OHA has distributed over \$1 billion in crude oil overcharge refunds to nearly 100,000 individual claimants. In July 2007, a federal district court approved the settlement of all outstanding litigation affecting this proceeding, allowing OHA to approve the payment of final supplemental refunds to over 30,000 eligible claimants. As of the end of the FY 2007, OHA had approved refunds to 29,000 claimants. In FY 2008, OHA substantially completed this program by approving final payments of over \$2.3 million to 1,858 claimants. The chart below shows the number of refund payments ordered over the last 20 fiscal years, with the most active years being those in which OHA was able to order initial (1989) and supplemental (1995-96, 2006-07) refund payments.

**Number of Crude Oil Overcharge Refund Payments Ordered  
FY 1989 through FY 2008**



While OHA evaluated crude oil overcharge refund claims, DOE utilized the crude oil overcharge funds to support DOE's Minority Bank Deposit program, the largest such program in the government. The funds deposited into the minority banks permitted them to lend to businesses and individuals to support the economic development of disadvantaged communities. In FY 2008, approximately \$250 million was deposited into the program.

## F. ELK HILLS OIL FIELD (FORMERLY NAVAL PETROLEUM RESERVE NO. 1)

OHA has a unique jurisdiction concerning the Elk Hills Oil Field, formerly Naval Petroleum Reserve No. 1. In the largest privatization in U.S. history, the federal government sold its share in the field to a major oil company. Prior to the sale, Chevron USA Inc. and DOE operated the field as a unit pursuant to a congressionally-approved contract. At the time of the sale, the parties had not finalized their equity interests in the unit's production; Chevron agreed to give up judicial review in exchange for an agency process that culminates with an appeal to OHA. In 2005, OHA reversed and remanded a decision concerning the Stevens Zone for a revised determination. OHA is currently considering an appeal of the revised determination.

## II. WORKING WITH OTHERS

Over the years, OHA has collaborated and partnered with other DOE offices, and FY 2008 was no exception. In June, an OHA attorney made a presentation on due process in Part 710 Administrative Review proceedings to a Personnel Security and Human Reliability Program workshop. In September, six OHA attorneys served as instructors at the DOE National Training Center's personnel security training seminar (see page 8). In addition, two personnel security specialists from the NNSA Service Center spent two weeks with our office in April as part of the NNSA Future Leaders Program.

OHA has worked with DOE's Office of Civil Rights and Diversity and Office of Health, Safety, and Security on an initiative to strengthen the Department's Employee Concerns Program (see page 10). As part of this effort, our office participated in a DOE complex-wide meeting of Employee Concerns managers in September 2008, which included a presentation by the OHA Director and a breakout session led by an OHA attorney.

We have found that sharing information and ideas with other organizations benefits both sides of the conversation. Further, those with a better understanding of OHA and what we do can take advantage of the expertise, resources, and services we offer in support of DOE's mission. In this spirit, OHA initiated in FY 2008 a series of occasional Brown Bag Lunches. Our distinguished guests in FY 2008 included:

Clay Sell, Deputy Secretary of Energy  
David Hill, DOE General Counsel  
Dr. Jeff Pon, DOE Chief Human Capital Officer  
Michael Kilpatrick, Deputy Chief, Operations, DOE Office of Health, Safety and Security  
Stephanie Brewer, Director, DOE Office of Departmental Personnel Security  
Peregrine Russell-Hunter, Deputy Director, Department of Defense Office of Hearings and Appeals  
Robert Gales, Chief Administrative Judge, Department of Defense Office of Hearings and Appeals  
John M. Vittone, Chief Administrative Law Judge, Department of Labor  
Dr. Joseph Krofcheck, DOE Consultant Psychiatrist

We look forward to continuing this series in the coming year.



*Highlighting our Brown Bag Series was Deputy Secretary Clay Sell*

### III. SERVING OUR COMMUNITY

In FY 2008, OHA employees continued their long tradition of generosity to the Combined Federal Campaign, receiving a sixth President's Award for "their extraordinary support of voluntarism" through the CFC.

For the ninth year in a row, OHA attorneys supported DOE's partnership with the "Everybody Wins!" lunchtime reading program at Amidon Elementary School. As the fiscal year closed, six OHA attorneys were participating in the weekly reading program. Apart from DOE-sponsored activities, OHA staff members donate their time and skills to their communities in a variety of ways.



*Secretary Bodman presents the President's Award to Director Poli Marmolejos for OHA's Support of the 2007 Combined Federal Campaign*

### IV. INFORMATION MANAGEMENT

OHA makes broad use of technology to accomplish its mission. OHA maintains a website where it publishes its decisions and other information. Internally, OHA uses a case management system to record new case filings, track the status of pending cases, produce productivity and case status reports, and assist staff attorneys in the timely resolution of assigned cases. A contractor employee supports the case management system and web site operations.

In FY 2008, OHA continued to reduce the space devoted to records storage. For FY 2009, OHA plans to increase its use of electronic case records.

### V. GENERAL INFORMATION

- ✍ Extensive information is available on our website at [www.oha.energy.gov](http://www.oha.energy.gov). The website includes information about OHA's jurisdiction, including applicable regulations, "Question and Answer" sheets, and OHA decisions.
- ✍ For copies of submissions in OHA proceedings, you may contact the Docket Room at (202) 287-1400. You may also fax your inquiries to (202) 287-1415 or e-mail them to [doretha.colter@hq.doe.gov](mailto:doretha.colter@hq.doe.gov).
- ✍ For general information, you may contact the Office of the Director at (202) 287-1566 or the Docket Room at the number listed above.
- ✍ To give us feedback on this Annual Report or on any aspect of our operations, please email us at [oha.feedback@hq.doe.gov](mailto:oha.feedback@hq.doe.gov). We truly value your observations and suggestions.

