

Department of the Interior Departmental Manual

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Series: Organization

Part 112: Policy, Management and Budget

Chapter 13: Office of Hearings and Appeals

Originating Office: Office of Hearings and Appeals

112 DM 13

13.1 Creation and Purpose. The Department of the Interior's (Department) Office of Hearings and Appeals (OHA) was created in 1970 by the Secretary of the Interior (Secretary) under the authority of § 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. Appendix) in order to consolidate in one office various Departmental appeal functions, including those related to Indian affairs and the public lands. The OHA handles quasi-judicial responsibilities of the Department and is the authorized representative of the Secretary for the purpose of deciding on hearings and appeals matters within the jurisdiction of the Department. The OHA also ensures that alternative conflict resolution approaches are assessed and, where appropriate, implemented.

13.2 Overall Organization. The OHA consists of a headquarters office in Arlington, Virginia, and field offices located throughout the United States. (See attached organization chart.)

13.3 Office of the Director. The Director manages and oversees all functions of OHA, exercising the authority of the Secretary over hearings and appeals on matters within the jurisdiction of the Department. The Director reports to the Assistant Secretary – Policy, Management and Budget through the Deputy Assistant Secretary – Administrative Services.

A. Director. The Director, OHA, is responsible for the following:

(1) Serving as an ex officio member of the Appeals Boards of OHA. The Director may participate in decisions of the Appeals Board. The Director exercises jurisdiction over the Administrative Law Judges of the Department for administrative purposes only; the Director may not direct or participate in decisions of the Administrative Law Judges.

(2) Considering and deciding, personally or through Ad Hoc Boards of Appeals established by the Director, appeals to the Secretary that do not lie within the appellate review jurisdiction of an established Appeals Board and that are not specifically excepted in the delegation of authority to the Director. Judges and staff of OHA designated by the Director conduct hearings and render decisions in other cases referred to OHA, including appeals from decisions of the National Indian Gaming Commission and Requests for Hearings in administrative wage garnishment proceedings.

B. Deputy Director. The Director is assisted by a Deputy Director, who supervises OHA's day-to-day operations.

C. Counsel to the Director. The Counsel to the Director provides advice on long-range strategic planning, OHA's responsibilities under the Government Performance and Results Act Modernization Act of 2010 (Pub. L. 111-352, 124 Stat. 3866), OHA training needs, and other matters as assigned by the Director.

13.4 Probate Hearings Division.

A. The Probate Hearings Division under the direction of a Chief Administrative Law Judge includes Administrative Law Judges, Indian Probate Judges, and Attorney Decision Makers who are authorized to conduct hearings and render decisions in Indian probate matters.

B. The Probate Hearings Division includes five field offices, each of which is supervised by an Administrative Law Judge or Indian Probate Judge who reports to the Chief Administrative Law Judge. The field offices are located as follows:

- (1) Albuquerque, New Mexico
- (2) Billings, Montana
- (3) Rapid City, South Dakota
- (4) Sacramento, California
- (5) Twin Cities, Minnesota

13.5 Departmental Cases Hearings Division. The Departmental Cases Hearings Division, under the direction of a Supervisory Administrative Law Judge, includes Administrative Law Judges who are authorized to conduct hearings and render decisions in various cases arising within the Department. Such cases include grazing; surface coal mining; mining claim contests; Native allotment contests; cases under the Fair Debt Collection Practices Act, the Indian Self-Determination and Education Assistance Act, and the White Earth Reservation Land Settlement Act of 1985 (Pub. L. 99-264, 100 Stat. 61, as amended); and cases referred for hearing from the Interior Board of Indian Appeals, the Interior Board of Land Appeals, or the Office of the Director. The Departmental Cases Hearings Division is located in Salt Lake City, Utah.

13.6 Interior Board of Indian Appeals. The Interior Board of Indian Appeals, under the direction of a Chief Administrative Judge, exercises jurisdiction over appeals involving actions and decisions of officials within the Department pertaining to Indian affairs and other matters, as delegated in 212 DM 13.4.

13.7 Interior Board of Land Appeals. The Interior Board of Land Appeals, under the direction of a Chief Administrative Judge and Deputy Chief Administrative Judge, exercises jurisdiction over appeals involving actions and decisions of officials within the Department pertaining to public lands and other matters, as delegated in 212 DM 13.5.

13.8 Administrative Division. The Administrative Division, under the direction of an Administrative Officer, provides administrative services for OHA. This Division is located in the Office of the Director.