

**DIVISION OF ADMINISTRATIVE LAW APPEALS
2008 REPORT TO THE GENERAL COURT
PURSUANT TO § 4H OF CHAPTER 7 OF THE
GENERAL LAWS**

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September 16, 2009

Executive Summary

This report is submitted for calendar year 2008 pursuant to § 4H of Chapter 7 of the General Laws. While one focus of the Report is the status and disposition of the cases received in 2008 as required by the statute, we have also elected to broaden the report to give a more general picture of the Division's case status and performance as of the date of the report. We believe this is appropriate because of the recent management change in the Division and because, while we have been informed that at least one annual report as required by Chapter 7 was prepared and submitted by the Division in the past, we have been unable to locate any such report in the records of the Division or elsewhere. Accordingly, this Report performs the dual function of being the initial report of the current management and a baseline report for future reference.

The Division faces substantial challenges to meeting its objectives in the coming years. Currently we have 5,658 open cases and only nine full-time magistrates and one part-time magistrate to hear and decide them. In Part I of this Report we address the current backlog and how we got to this point. In Part II, we focus on the cases received in 2008 and their disposition, as specifically required by § 4H of Chapter 7. In Part III, we present statistical summaries of hearings held and decisions issued since 2006 as two measures of the work performed by the Division during the time periods reported upon. In Part IV, we address the initiatives currently being implemented to address the backlog.

In summary, the current backlog has grown steadily over at least the last eight years, and this growth translates into an ever-increasing time period between the date an action is first filed and the date it is finally disposed of by the Division. This increasing time to decide or otherwise dispose of cases results in an understandable increase in the level of frustration of the litigants. The growth in the backlog has also occurred during a period in which the Division had at least one additional full time magistrate. Given the current financial climate, it is unlikely that the resources available to the Division will increase in the foreseeable future. This means that without productivity and efficiency gains, it is unlikely that we will be able to reduce the average time to decision significantly in the foreseeable future. Over the nine-year period from 2000 to 2008, the Division has disposed of an average of 631.67 cases per year excluding nursing home rate cases. At this rate, it will take over three years just to dispose of the case backlog, even if we receive no new cases at all. Because we are currently receiving approximately 800 new non-rate cases per year, unless we can improve our long-term efficiency, we can expect at best barely to keep up. We believe that a three-plus year wait to decision is unacceptable and will be perceived as unacceptable by the litigants.

We believe there are things we can do to increase our long-term performance even without additional resources and this will be the focus of our efforts in the future. We do not believe performance gains will be accomplished merely by holding more hearings or assigning more cases to the magistrates. We are not aware of any time period, either in the long or recent past, that any of the magistrates did not have a decision backlog – i.e. a time in which they were waiting for additional work and did not have cases for which they had decisions to write. Given that this was the case, the only

effect of a “brute force” approach of assigning more hearings and cases to the magistrates in the past would have been to increase the magistrates’ personal case/decision backlog. It would have done nothing to reduce the overall Division backlog. This is why, although we expect to increase the number of hearings held and decisions issued going forward, we believe that the number of hearings held and decisions issued are not, in themselves, the most useful metrics for determining overall productivity of the Division. Rather, as discussed in Part IV below, we believe that the most significant overall statistic of our *productivity* is the number of cases disposed of, and the most useful measure of our *efficiency* is the ratio of cases disposed of to the number of hearings held, with the higher the ratio the better the level of efficiency.

We believe the measures we are taking as described in Part IV should enable us to increase the overall productivity and efficiency of the Division substantially. While we think it is unrealistic to believe we can eliminate the backlog any time soon without additional resources, we also believe that if we can obtain the cooperation of both the magistrates and the members of the bar who practice regularly before us, we can achieve progress that will be real and noticeable to our constituents.

PART I: THE DIVISION’S CASE BACKLOG AND HOW IT AROSE

Tab 1 contains a summary report of the Division’s current case backlog by case type. Currently, the Division has 5,658 open cases, with the largest number being nursing home rate cases (3,925), retirement (CRAB) cases (1,344), Fair Labor (119), and environmental cases (77). The backlog, even excluding the nursing home rate cases, is 1733 cases. The long term historical average of non-rate cases closed annually, as reflected in the summaries in Tab 2, is 631.67 cases per year. This means that we are

carrying over a two-year inventory and the average wait to decision will be over two years even assuming we work solely on non-nursing home rate cases. Currently, we are receiving approximately 800 new non-rate cases annually. This means that unless we are able to increase our productivity in terms of cases closed, we are unlikely to reduce the backlog substantially in the foreseeable future.

Tab 2 contains summaries of the cases opened and cases closed for each year since 2000. One set shows the analysis including nursing home rate cases and one excludes these cases.¹ What this analysis shows is that the problem of the Division's backlog is not a recent phenomenon. Rather, the backlog has been growing steadily over the last eight years even when the Division had additional magistrate positions. There has been a steady annual deficit in the cases closed over cases opened since at least 2000, with the accumulated deficits being 4,637 cases, only 365 of which occurred in the last two years. This means that the average time for a case to be heard and decided from initial filing has been growing steadily as well. While some cases may have been accelerated to be heard and decided in under a year and a half in the past, it is unlikely that this was ever true for most cases in any recent year given the size and age of the backlog.

¹. We have included both sets because, as discussed in Part IV below, the nursing home rate cases have peculiar characteristics that make them different, and make the approach to dealing with them different, from the other cases so that their inclusion has a tendency to distort the nature of the backlog issue.

PART II: ANALYSIS OF CASES RECEIVED IN 2008

In this section, we focus on the cases received in 2008 and their disposition as specifically required by § 4H of Chapter 7 of the General Laws.

Tab 3 contains a summary and detail report of the cases opened in 2008. The summary report identifies the number of cases received by type of case. The detail report lists each individual case in each case type and identifies its docket number, the identities of the parties, the last event in the case and date of the last event, and the date it was filed with the Division.

Tab 4 contains detail reports of the cases closed in 2008 and 2009 through the date of this report. The cases are listed by case type and in order of docket number within each case type. The “last event” entry in most cases identifies the event (decision, withdrawal, etc.) that caused the case to be closed in the database. The time a case was open at the Division is determined by the difference between the listed Open Date and Last Event Date. The disposition of the 2008 cases that were closed can be tracked by referring to the cases with docket numbers beginning with “08-.” If a case with a docket number beginning with “08-“ is not listed on the closed cases report, it is still open.

PART III: STATISTICS ON HEARINGS HELD AND DECISIONS ISSUED

Tab 5 contains an analysis of hearings held each month from 2006 through August 31, 2009. Tab 6 contains an analysis of decisions issued each month from 2006 through August 31, 2009. You will note that in August, we issued 80 decisions. This unusually high number reflects the fact that decisions that had been prepared by the magistrates in earlier months were held for management review and issued in August. Recently the Division implemented a formal decision review procedure that ensures

appropriate management review within one calendar week. The purpose of this revised management review protocol is to ensure both that this type of artificial distortion in the production statistics will not recur in the future and to assure the magistrates that if they are diligent in processing cases and preparing decisions in a timely manner, management review will not unnecessarily delay issuance of their decisions.

We include these analyses of decisions issued and hearings held because we believe they are one measure of the amount of work the Division's magistrates have been doing in the periods reported on and are useful for comparison for that purpose. As discussed in Part IV below, however, we believe that the best measure of our Division's overall *productivity* is the total number of cases closed in each group, and the best measure of our *efficiency* is the ratio of cases closed to hearings held, with the higher the ratio the greater our efficiency.

PART IV: INITIATIVES TO INCREASE TRANSPARENCY AND PRODUCTIVITY GOING FORWARD

Actions That Have Recently Been Taken to Improve Case Scheduling and Management

Improved Scheduling of Hearings

Division management has recently appointed experienced magistrates to coordinate the assignment of presiding magistrates to cases and scheduling of hearings in each of the major areas of our jurisdiction. For example, for retirement cases this function is being managed by a magistrate with over 17 years of experience with the Division and who has performed the scheduling function successfully in the past. For these cases, we expect to schedule hearings at least three months in advance at a rate of three per day, three days per week. As of the date of this Report, we have scheduled

cases for October, November and December. In the event that a party moves for and is granted a continuance for one of these cases, we will have time to substitute another in its place, ensuring a relatively full hearing schedule on an ongoing basis. For other cases, the case schedule is determined in a pre-hearing conference. The coordinating magistrate for each of these other functional areas is responsible for timely scheduling of the pre-hearing conferences and assignment of a presiding magistrate. For example, the magistrate responsible for Fair Labor cases has recently issued over 60 pre-hearing conference notices for conferences being held in the next three months. Each presiding magistrate is then responsible for the timely progress of the case. Based on these actions, we expect that the “hearings held” metric will be consistent with or exceed the average number of hearings held in past years. In any event, we expect that these measures will ensure that our hearing schedule will be fully booked and reasonably consistent with our physical capacity.

Pre-screening and Streamlining Cases by Identifying Cases or Issues That Can be Decided Without an Evidentiary Hearing

While the number of hearings held is one of the measures of the total amount of work we perform, it is not a good measure of the Division’s overall productivity or efficiency. This is because of the nature of the adjudicative process. Any adjudication is made up of two primary tasks, the determination of the facts and the application of the relevant law to those facts. The purpose of an evidentiary hearing is to determine the facts based on the evidence introduced into the record principally through testimony, exhibits and stipulations of the parties. While this is a necessary process where the facts are in dispute, it is inefficient and unnecessary where the facts are not in dispute as is the case in many of the cases in our inventory. For example, if the principal relevant facts in

a case are the dates of the plaintiff's employment and the contents of a job description or collective bargaining agreement, the facts are a matter of public record and it is unlikely that anyone really disputes them. In such a case, while a finding as to those facts is necessary for a complete record, holding an evidentiary hearing in order to determine them is grossly inefficient and unnecessary. Our experience has been that there are a surprisingly large number of cases in our inventory in which there is no genuine dispute as to the facts and the only genuine issues are matters of law.

In the retirement area in the past, once a case was filed it was not reviewed or managed by the Division in any significant way until it was put on the calendar for a hearing. The parties were not required to file pre-hearing memoranda or otherwise describe the case until one week before the hearing. While the parties were encouraged to enter into stipulations of facts, there was no mechanism to require them to do so. As a result, until immediately before the hearing the Division had little or no information on the issues in a case and therefore was unable to manage it to any significant degree. All cases proceeded to an evidentiary hearing unless the parties themselves chose to proceed without a hearing and submitted the matter on stipulations and exhibits. This is a waste of a Magistrate's time and a hearing room.

If we are going to be successful in reducing significantly the backlog in these cases, we need to change our and the parties' approach to litigating cases in which there is no serious dispute of facts. While § 16(4) of Chapter 32 provides for referrals to DALA for a "hearing," there is substantial case law making it clear that, for purposes of due process, such a "hearing" includes procedures for disposing of matters on summary disposition. Accordingly, much of our current effort is directed to early identification of

cases and issues that can be disposed of as a matter of law. For example, in retirement cases, we have initiated a pre-screening process designed to identify cases that are likely candidates for disposition on the written record. In such cases, we are issuing procedural orders requiring the parties to identify any factual issues that they believe are in dispute. Where we establish that the facts are not in dispute, the matter is assigned immediately to a magistrate for decision. From the parties' point of view, while this procedure requires them to understand and prepare their cases earlier, the result should be a more expedited process.

For nursing home rate cases, our largest block of open cases, our approach has several objectives. These are primarily accounting cases and the issues are primarily technical accounting ones. Because such cases are time consuming and expensive for the parties to prepare, most will settle once the parties focus on the issues. Many can be settled if one or two large-value or otherwise pivotal issues are decided in a proceeding limited to them. As a result, the pre-hearing conferences for these cases are designed to determine whether such issues exist and trying them separately will be more efficient than trying the entire case at one time. With respect to the old cases, we have reestablished a program to identify those cases that should be closed out because the issues are now moot or for which the hearing can be streamlined. An administrative staff person is currently working one day per week solely on these cases to issue status and follow-up orders for each of the old open cases. An experienced line magistrate has been assigned to coordinate the program.

Actions we Expect to Propose in the Near Future

Publication of our Case Queue on our Website

Understandably one of the most frustrating aspects of litigation for parties is not knowing when a case will be scheduled for hearing or other disposition. Often this results in phone calls or other correspondence asking when a case will be scheduled. In general, our policy is to schedule cases in the order in which they were received unless there is good cause to expedite and this is what we tell the litigants. However, in the past the parties have not had any tools available to determine even where they stand in the queue. To address this, we are currently investigating the feasibility of posting on our website the queue by docket number but without inclusion of party names. While this will not tell a party exactly when his or her case will be heard, it will at least give him or her some idea of where the case is on the list.

Assessment of Filing Fees

While it is critical to ensure that we do not undermine our fundamental mission of providing due process review of agency actions by creating barriers to entry, it is also important to attempt to recover the cost of providing our services and to protect the process from frivolous appeals. Currently, there is no disincentive to filing non-serious appeals. For example, in many cases all a litigant need do to file an appeal, regardless of the merits or significance of the matter, is fax or mail a one-sentence notice of appeal. This causes us and the responsible administrative agency to open and process the case in the same manner and with the same priority as any other case. Even if the case is totally frivolous, it takes time and resources to deal with it and delays the disposition of other significant and meritorious appeals. Accordingly, we expect to propose a modest filing

fee structure (\$50 - \$100 for retirement cases, for example) designed to make the appealing party consider the merits and significance of his or her appeal while not creating a significant barrier to review of meritorious cases.

Summary Disposition Regulations for Retirement Cases:

As noted above, it is fairly obvious that if we are going to be successful in reducing significantly the backlog of our cases, we need to change our and the parties' approach to litigating cases in which there is no serious dispute of facts. In order to help educate the parties and assist the magistrates to manage the flow of evidence in such cases, we expect in the near future to promulgate procedural regulations formally to implement a summary disposition procedure analogous to the Rule 56 summary judgment procedures used in the federal courts.

CONCLUSION

We appreciate the opportunity to present this overview of the challenges faced by the Division in meeting its statutory responsibilities. We remain convinced that the independent "central panel" approach to review of agency actions is the most fair, efficient and cost effective one available and that our work provides a vital service to the Commonwealth and its citizens. Our magistrates are justly proud of the work they have done over many years and we look forward to meeting the challenges addressed in this report in the future.

FOR THE DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Richard C. Heidlage
Richard C. Heidlage
Acting Chief Administrative Magistrate

Dated: September 15, 2009

TAB 1

OPEN DOCKET SUMMARY

PREFIX	NO. OPEN	CASE AGE
CP (Capital Planning) Summary for 'prefix' = CP (5 detail records) AVERAGE # WEEKS OPEN:	6	89.83
CR (Contributory Retirement Appeal Board) Summary for 'prefix' = CR (1341 detail records) AVERAGE # WEEKS OPEN:	1344	154.89
CS (Civil Service) Summary for 'prefix' = CS (28 detail records) AVERAGE # WEEKS OPEN:	28	67.67
DEP (Environmental) Summary for 'prefix' = DEP (77 detail records) AVERAGE # WEEKS OPEN:	77	170.29
EA (Elder Affairs) Summary for 'prefix' = EA (1 detail record) AVERAGE # WEEKS OPEN:	1	228.43
FA (Food and Agriculture) Summary for 'prefix' = FA (1 detail record) AVERAGE # WEEKS OPEN:	1	484.43
LB (Fair Labor) Summary for 'prefix' = LB (119 detail records) AVERAGE # WEEKS OPEN:	119	42.92
MCAD Summary for 'prefix' = MCAD (1 detail record) AVERAGE # WEEKS OPEN:	1	180.71

PREFIX	NO. OPEN	CASE AGE
MR (Developmental Services) Summary for 'prefix' = MR (1 detail record) AVERAGE # WEEKS OPEN:	1	10.71
MS (Agricultural Resources) Summary for 'prefix' = MS (5 detail records) AVERAGE # WEEKS OPEN:	5	15.14
OC (Child Care Services/Early Education) Summary for 'prefix' = OC (11 detail records) AVERAGE # WEEKS OPEN:	11	226.60
PH (Public Health) Summary for 'prefix' = PH (12 detail records) AVERAGE # WEEKS OPEN:	12	40.48
PHAC (Public Health Ambulance Services) Summary for 'prefix' = PHAC (1 detail record) AVERAGE # WEEKS OPEN:	1	36.71
PHET (Public Health – Emergency Medical Tech.) Summary for 'prefix' = PHET (8 detail records) AVERAGE # WEEKS OPEN:	8	34.11
PHNA (Public Health – Nurse Aides) Summary for 'prefix' = PHNA (57 detail records) AVERAGE # WEEKS OPEN:	57	87.57
PHNH (Public Health – Nursing Homes) Summary for 'prefix' = PHNH (1 detail record) AVERAGE # WEEKS OPEN:	1	204.00
RM (Board of Registration in Medicine) Summary for 'prefix' = RM (47 detail records) AVERAGE # WEEKS OPEN:	48	94.73

PREFIX	NO. OPEN	CASE AGE
RS (Nursing Home Rate Cases) Summary for 'prefix' = RS (2926 detail records) AVERAGE # WEEKS OPEN:	3925	373.46
VS (Veterans Services) Summary for 'prefix' = VS (12 detail records) AVERAGE # WEEKS OPEN:	12	38.11
Total Number Cases Open =	5658	
Average # Weeks Open (all case types):		286.94

TAB 2

2000 - 2009 DALA CASES OPENED/CLOSED
EXCLUDING NURSING HOME RATE CASES

AGENCY	2000 OPENED	2000 CLOSED	2001 OPENED	2001 CLOSED	2002 OPENED	2002 CLOSED	2003 OPENED	2003 CLOSED	
BOARDS OF REGISTRATION	3	1		1	3	3			
CAP. ASSET MGT	8	2	29	18	5	2	23	22	
RETIREMENT	295	27	588	269	541	573	551	455	
CIVIL SERVICE	17	14		2		2			
DEPT OF EDUCATION			1			1			
DEPT OF DEV. SERV.									
FOOD AND AG	2			2	1	1			
ENVIRONMENTAL									
HAZARDOUS WASTE	2		1	3	2	2	1	1	
EMP. & TRAINING							46	46	
ELDER AFFAIRS									
FAIR LABOR	40	23	50	38	60	56	45	37	
CHILD CARE SERV.	13	7	18	15	31	26	8	13	
OCCUP SAFETY	2	2	4	3		1			
PUBLIC HEALTH (PH)					1		4	3	
PH - EMT							6	2	
PH - FOOD & DRUG	1	1	1			1	1		
PH - NURSE AIDES	33	8	75	63	76	83	60	49	
PH - NURSING HOMES	2	2	2	1	3	4	5	3	
REG. MEDICINE	16	4	16	11	21	16	16	15	
VETERANS SERV.	2		3	4	7	5	4	3	
MISC	1		7	2	6	7	2	2	
TOTAL	437	91	795	432	757	783	772	651	
DIFFERENCE OPEN/CLOSED		346		363		-26		121	804

2000 - 2009 DALA CASES OPENED/CLOSED
EXCLUDING NURSING HOME RATE CASES

AGENCY	2004 OPENED	2004 CLOSED	2005 OPENED	2005 CLOSED	2006 OPENED	2006 CLOSED	2007 OPENED	2007 CLOSED		
BOARDS OF REGISTRATION	1									
CAP. ASSET MGT	14	28	7	3	7	4	2	9		
RETIREMENT	494	498	764	414	563	473	542	640		
CIVIL SERVICE	22	20	38	37	35	25	62	58		
DEPT OF EDUCATION										
DEPT OF DEV. SERV.										
FOOD AND AG	1	1	3							
ENVIRONMENTAL	68	9	163	85	102	91	53	86		
HAZARDOUS WASTE	6	3	4	2	4	6	1	0		
EMP. & TRAINING	1	1			1	1	1	1		
ELDER AFFAIRS			2		1	0	0	2		
FAIR LABOR	57	51	44	40	28	39	86	34		
CHILD CARE SERV.	7	8	12	9	16	11	14	17		
OCCUP SAFETY										
PUBLIC HEALTH (PH)	6	2	4	6	14	7	36	28		
PH - EMT	1	4	12	6	3	10	6	3		
PH - FOOD & DRUG	3	3	1	1	1	2	1	0		
PH - NURSE AIDES	61	60	61	59	62	54	58	66		
PH - NURSING HOMES	1	2	3	2	0	1	0	0		
REG. MEDICINE	14	16	27	17	16	19	25	13		
VETERANS SERV.	4	8	6	3	3	6	7	3		
MISC	3	1	3	4	2	3	1	1		
TOTAL	764	715	1154	688	1141	759	1148	973		
DIFFERENCE OPEN/CLOSED		49		466		382		175		1072

2000 - 2009 DALA
 CASES OPENED/CLOSED
 EXCLUDING NURSING HOME RATE CASES

2008 OPENED	2008 CLOSED	2009 OPENED a/o 8/31/09	2009 CLOSED a/o 8/31/09				
5	4						
458	307	343	133				
59	31	26	41				
		1					
17	32		21				
0	2						
1	1						
1	1						
104	63		85				
9	10	4	4				
32	21	11	28				
15	5	8	11				
0	1						
48	40	44	28				
1	0		1				
29	12	11	17				
10	6	9	5				
3	2	5	1				
					Sheet 1	804	
					Sheet 2	1072	
856	593	462	375		Sheet 3	350	

2000 - 2009 DALA
CASES OPENED/CLOSED
EXCLUDING NURSING HOME RATE CASES

	263	87	350	TOTAL	2226
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2000 - 2009 DALA CASES OPENED/CLOSED

AGENCY	2000 OPENED	2000 CLOSED	2001 OPENED	2001 CLOSED	2002 OPENED	2002 CLOSED	2003 OPENED	2003 CLOSED	
BOARDS OF REGISTRATION	3	1		1	3	3			
CAP. ASSET MGT	8	2	29	18	5	2	23	22	
RETIREMENT	295	27	588	269	541	573	551	455	
CIVIL SERVICE	17	14		2		2			
DEPT OF EDUCATION			1			1			
DEPT OF DEV. SERV.									
FOOD AND AG	2			2	1	1			
ENVIRONMENTAL									
HAZARDOUS WASTE	2		1	3	2	2	1	1	
EMP. & TRAINING							46	46	
ELDER AFFAIRS									
FAIR LABOR	40	23	50	38	60	56	45	37	
CHILD CARE SERV.	13	7	18	15	31	26	8	13	
OCCUP SAFETY	2	2	4	3		1			
PUBLIC HEALTH (PH)					1		4	3	
PH - EMT							6	2	
PH - FOOD & DRUG	1	1	1			1	1		
PH - NURSE AIDES	33	8	75	63	76	83	60	49	
PH - NURSING HOMES	2	2	2	1	3	4	5	3	
REG. MEDICINE	16	4	16	11	21	16	16	15	
HEALTH CARE FIN. & POL.	554	15	349	23	704	47	420	19	
VETERANS SERV.	2		3	4	7	5	4	3	
MISC	1		7	2	6	7	2	2	
TOTAL	991	106	1144	455	1461	830	1192	670	
DIFFERENCE OPEN/CLOSED		885		689		631		522	2727

2000 - 2009 DALA CASES OPENED/CLOSED

AGENCY	2004 OPENED	2004 CLOSED	2005 OPENED	2005 CLOSED	2006 OPENED	2006 CLOSED	2007 OPENED	2007 CLOSED		
BOARDS OF REGISTRATION	1									
CAP. ASSET MGT	14	28	7	3	7	4	2	9		
RETIREMENT	494	498	764	414	563	473	542	640		
CIVIL SERVICE	22	20	38	37	35	25	62	58		
DEPT OF EDUCATION										
DEPT OF DEV. SERV.										
FOOD AND AG	1	1	3							
ENVIRONMENTAL	68	9	163	85	102	91	53	86		
HAZARDOUS WASTE	6	3	4	2	4	6	1	0		
EMP. & TRAINING	1	1			1	1	1	1		
ELDER AFFAIRS			2		1	0	0	2		
FAIR LABOR	57	51	44	40	28	39	86	34		
CHILD CARE SERV.	7	8	12	9	16	11	14	17		
OCCUP SAFETY										
PUBLIC HEALTH (PH)	6	2	4	6	14	7	36	28		
PH - EMT	1	4	12	6	3	10	6	3		
PH - FOOD & DRUG	3	3	1	1	1	2	1	0		
PH - NURSE AIDES	61	60	61	59	62	54	58	66		
PH - NURSING HOMES	1	2	3	2	0	1	0	0		
REG. MEDICINE	14	16	27	17	16	19	25	13		
HEALTH CARE FIN. & POL.	386	5	339	72	283	7	252	5		
VETERANS SERV.	4	8	6	3	3	6	7	3		
MISC	3	1	3	4	2	3	1	1		
TOTAL	1150	720	1493	760	1141	759	1148	973		
DIFFERENCE OPEN/CLOSED		430		733		382		175		1720

2000 - 2009 DALA
CASES OPENED/CLOSED

2008 OPENED	2008 CLOSED	2009 OPENED a/o 8/31/09	2009 CLOSED a/o 8/31/09				
5	4						
458	307	343	133				
59	31	26	41				
		1					
17	32		21				
0	2						
1	1						
1	1						
104	63		85				
9	10	4	4				
32	21	11	28				
15	5	8	11				
0	1						
48	40	44	28				
1	0		1				
29	12	11	17				
64	55	2	162				
10	6	9	5				
3	2	5	1		Sheet 1	2727	
					Sheet 2	1720	
856	593	464	537		Sheet 3	190	

2000 - 2009 DALA
CASES OPENED/CLOSED

	263		-73		190	TOTAL	4637

TABS 3 – 6
OMITTED