

C. ALJ ANALYSIS

OVERVIEW:

An ALJ Analysis informs the GC about decisions issued by an ALJ concerning ULP complaints which have issued under the GC's statutory authority, and provides information to the GC so that OGC exceptions and oppositions to exceptions can be coordinated.

OBJECTIVE:

To provide guidance concerning the characteristics of, and information contained in, an ALJ analysis.

1. AN ALJ ANALYSIS IS:

- a. *Normally completed on the internal OGC form at [ATTACHMENT 3C](#);*
- b. *An internal, confidential document that is not disclosable to the parties or the public;*
- c. *Drafted by the Trial Attorney who tried the case;*
- d. *Sent to the Deputy GC by fax within one week after the Region receives the ALJ decision; and*
- e. *Completed and faxed only when an ALJ has issued a decision.*

2. INFORMATION CONTAINED IN AN ALJ ANALYSIS:

The following information is included in an ALJ analysis. Additional information may be submitted if necessary. RAs may discuss the filing of exceptions with the Deputy GC at their option prior to filing the ALJ Analysis:

- Case name;
- Trial Attorney's name;
- Whether the OGC was involved in the decision to issue complaint. If so, Advice Memorandum No., date of appeals remand or date of oral advice;
- Allegations in the complaint and the affirmative remedy sought, if any;
- Name of the ALJ;
- Date of the original complaint;
- Date of the hearing;
- Date of the GC brief;
- Date of the ALJ decision;
- ALJ holding (List for each allegation the result and affirmative order, if any);
- If whole or partial dismissal, or proposed affirmative remedy is rejected--give the ALJ's reason. (Note whether determinative facts changed from those discovered during the investigation, or if new facts appeared at the hearing not known to the Region, or if the ALJ found the GC witness not credible, or if the ALJ rejected the GC's statement of the law, or if the ALJ rejected the GC's application of the law.);
- Exceptions (Discuss the Region's intent to file exceptions. If no exceptions to a partial or whole dismissal are being filed, explain why and discuss what has changed since issuance of the complaint, other than the ALJ's decision); and
- Any other applicable comments.