



Issue Date: 10 April 2020

Case No.: 2020-MIS-00006

*In Re:*

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

**SUPPLEMENTAL ADMINISTRATIVE ORDER AND NOTICE**

In view of the risks presented by the novel coronavirus COVID-19, the Office of Administrative Law Judges (OALJ), United States Department of Labor (DOL),<sup>1</sup> issued an Administrative Order and Notice on March 19, 2020 suspending all hearings and procedural deadlines, with certain exceptions, from March 23, 2020, through May 15, 2020.

Given the continuing obligation to help reduce the spread of the virus through social distancing and self-quarantining, while maintaining OALJ's commitment to providing a neutral forum to resolve labor-related disputes in a timely manner, this Supplemental Administrative Order and Notice extends the hearings and procedural deadlines suspension beyond May 15, 2020, but on a modified basis. It also provides notice that OALJ is modifying its policy on withholding issuance of decisions.

1. CURRENT ORDER REMAINS IN EFFECT UNTIL MAY 15, 2020. The Administrative Order and Notice issued on March 19, 2020, remains in effect until May 15, 2020. That Order is online at [www.oalj.dol.gov/IN\\_RE\\_SUSPENSION\\_OF\\_HEARIN\\_2020MIS00006\\_\(MAR\\_19\\_2020\)\\_140827\\_CADEC\\_S\\_D.pdf](http://www.oalj.dol.gov/IN_RE_SUSPENSION_OF_HEARIN_2020MIS00006_(MAR_19_2020)_140827_CADEC_S_D.pdf)
2. EXTENSION AND MODIFICATION OF HEARINGS SUSPENSION: For the period beginning May 16, 2020, all in-person hearings are further suspended through at least **Friday, July 24, 2020**. Absent a joint petition by the parties to the presiding Administrative Law Judge (ALJ) for an exception based on exigent circumstances, the earliest an in-person hearing will be scheduled is **Monday, July 27, 2020**. Parties may, however, petition the presiding ALJ to conduct a telephonic, video, or other remote hearing in individual cases before July 27, 2020. In addition, parties may jointly petition for a decision on the written record without the need for a formal hearing. *See* 29 C.F.R. § 18.70(d).

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<sup>1</sup> The Board of Alien Labor Certification Appeals (BALCA) is housed within OALJ, and this Administrative Order and Notice also applies to BALCA proceedings.

3. **RESCHEDULING OF HEARINGS.** All in-person hearings that were scheduled to be heard during the period May 15, 2020, through July 24, 2020 will be rescheduled by the presiding ALJ and the parties notified of the new date.

4. **EXTENSION AND MODIFICATION OF PROCEDURAL DEADLINES UNTIL JUNE 1, 2020:** For the period beginning May 16, 2020, all time limitations and procedural deadlines in cases currently pending before OALJ are further tolled and suspended until at least **Monday, June 1, 2020**, unless ordered otherwise by the presiding ALJ. The new deadline will be determined by the date on which the period of tolling and suspension ends, which is currently June 1, 2020, or by separate order issued by the presiding ALJ.<sup>2</sup>

This extended suspension of 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.<sup>3</sup>

5. **TEMPORARY IMMIGRATION CASES:** This extended tolling of 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. OALJ will not conduct in-person hearings until at least July 27, 2020, but will conduct H-2A, H-2B and CW-1 hearings telephonically, by video, or other remote means if an evidentiary hearing is necessary. 20 C.F.R. Part 655, Subparts A, B and E.

6. **MEDIATIONS AND SETTLEMENT JUDGE CONFERENCES:** For the period beginning May 16, 2020 until at least **Friday, July 24, 2020**, OALJ will not conduct in-person mediation or settlement judge conferences. However, telephonic mediations and settlement judge conferences may be conducted with the consent of all parties involved and dependent on the availability of the mediator or settlement judge.

7. **FILING BY EMAIL:** Until further notice, OALJ will continue to accept filings via email at the email box of the district office at which the case is pending. Instructions and requirements for filing via email are found on the OALJ website at [www.oalj.dol.gov/FILING\\_BY\\_EMAIL.HTML](http://www.oalj.dol.gov/FILING_BY_EMAIL.HTML). **Failure to follow these instructions and requirements may result in rejection of the email filing.** Although conditions vary by location, parties should note that they can expect delays in receipt of regular mail and express delivery at OALJ district offices during the COVID-19 pandemic.

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<sup>2</sup> For example, if the previous deadline was April 17, 2020, which is 25 days after the March 23, 2020 effective date of the March 19, 2020 tolling and suspension Order, the new deadline would be June 26, 2020, which is 25 days after the tolling order is currently scheduled to be rescinded on June 1, 2020.

<sup>3</sup> Parties who need to file with the ARB or BRB may do so through the Boards' Electronic File and Service Request System (EFSR). Information regarding registration for access to the EFSR system, as well as links to the step-by-step user guide and FAQs, are found at <https://dol-appeals.entellitrak.com>.

8. **MODIFICATION OF HOLD ON ISSUANCE OF DECISIONS:** The Administrative Order and Notice issued on March 19, 2020, notified the public that OALJ would place a hold on issuance of decisions, with certain exceptions, at least until April 15, 2020. That hold is modified as follows: Beginning on Thursday, April 16, 2020, OALJ will issue decisions on a regular basis and serve a copy of the decision on the parties by email, unless OALJ does not have the email addresses of all parties or the presiding ALJ otherwise determines that a party would be substantially prejudiced in their ability to comply with the decision or to exercise their appellate rights.

9. **UPDATES:** This Supplemental Administrative Order and Notice shall remain in effect unless and until it is modified or rescinded as circumstances change. OALJ will post any updates on the OALJ website at [www.oalj.dol.gov](http://www.oalj.dol.gov).

**SO ORDERED AND NOTICED.**

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