

Administrative Law Chapter 4

Chapter 4

The screenshot shows a digital interface for 'Administrative Law Chapter 4'. On the left, there is a vertical sidebar with five blue buttons: 'More Information', 'Practical Application Answers', 'Chapter Review', 'Chapter Review Answers', and 'Quiz'. The main content area on the right is titled 'Chapter 4' and 'Adjudication- Judicial Power of Agencies'. Below the title, it lists 'CHAPTER OBJECTIVES' and 'CHAPTER OUTLINE'. The objectives include understanding agency roles, distinguishing formal/informal adjudication, and identifying stages of agency adjudication. The outline lists topics such as 'Introduction to Adjudication', 'Formal and Informal Adjudication', and 'General Categories of Agency Adjudication'.

Step Text

Adjudication- Judicial Power of Agencies

CHAPTER OBJECTIVES

After reading this chapter, you should be able to:

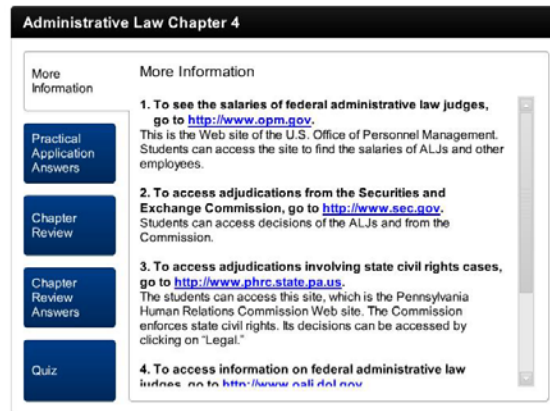
- Understand the role agencies play in the adjudication of issues.
- Distinguish formal and informal adjudication.
- Distinguish rulemaking and adjudication.
- Identify and assess the various stages of agency adjudication.

CHAPTER OUTLINE

Introduction to Adjudication
Formal and Informal Adjudication
General Categories of Agency Adjudication
Adjudication and Rulemaking Compared
Common Characteristics of Agency Adjudications

More Information

5 seconds



The screenshot shows a web page titled "Administrative Law Chapter 4". On the left is a sidebar with buttons for "Practical Application Answers", "Chapter Review", "Chapter Review Answers", and "Quiz". The main content area is titled "More Information" and contains four numbered steps:

- 1. To see the salaries of federal administrative law judges, go to <http://www.opm.gov>.**
This is the Web site of the U.S. Office of Personnel Management. Students can access the site to find the salaries of ALJs and other employees.
- 2. To access adjudications from the Securities and Exchange Commission, go to <http://www.sec.gov>.**
Students can access decisions of the ALJs and from the Commission.
- 3. To access adjudications involving state civil rights cases, go to <http://www.phrc.state.pa.us>.**
The students can access this site, which is the Pennsylvania Human Relations Commission Web site. The Commission enforces state civil rights. Its decisions can be accessed by clicking on "Legal."
- 4. To access information on federal administrative law judges, go to <http://www.oalj.dol.gov>**

Step Text

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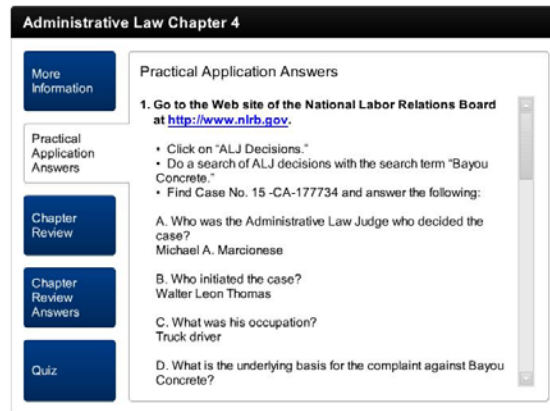
Click on APA/ALJs for information on ALJs and on the APA as well.

5. For a wealth of information on Social Security retirement benefits, disability, prescription drug plan, and forms, go to <http://www.socialsecurity.gov>.

Students can access this Web site and see how much information is available.

Practical Application Answers

5 seconds



Administrative Law Chapter 4

Practical Application Answers

1. Go to the Web site of the National Labor Relations Board at <http://www.nlr.gov>.

- Click on "ALJ Decisions."
- Do a search of ALJ decisions with the search term "Bayou Concrete."
- Find Case No. 15 -CA-177734 and answer the following:

A. Who was the Administrative Law Judge who decided the case?
Michael A. Marcionese

B. Who initiated the case?
Walter Leon Thomas

C. What was his occupation?
Truck driver

D. What is the underlying basis for the complaint against Bayou Concrete?

Step Text

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C. What was his occupation?
Truck driver

D. What is the underlying basis for the complaint against Bayou Concrete?
Thomas alleged that Bayou Concrete fired him because of his union-related activities.

E. How did the ALJ rule?
The complaint was dismissed.

2. Go to the Web site of the Occupational Safety and Health Review Commission (OSHRC), which is a federal agency that decides contests of citations or penalties resulting from OSHA inspections in the workplace, at <http://www.oshrc.gov>.

Put in a search term “Blue Ridge Erectors” and answer the following:

A. Who was the Administrative Law Judge who decided the case?
Corvette Rooney

B. State the violations of worker safety as alleged in Citation 1.
Improper use of an aerial lift

C. State the violations of worker safety as alleged in Citation 1, Item 3.
Concerned the improper use of a stepladder; the CO observed Daniel Doolittle walk along the unguarded edge noted above to access a stepladder in order to go up to the roof level of the gymnasium. The ladder was in a folded, forwarding-leaning position, rather than having its four legs in an open position that would have allowed a reasonable angle of climbing.

The CO determined that the condition was a serious violation that could have resulted in serious injuries or death if the employee had fallen while using the ladder.

D. How did the ALJ rule on the various violations?
All violations and penalties were affirmed.

3. Review Exhibit 4-10 and answer the following questions:

A. What is the name of the ALJ who decided the case?
Joel P. Biblowitz

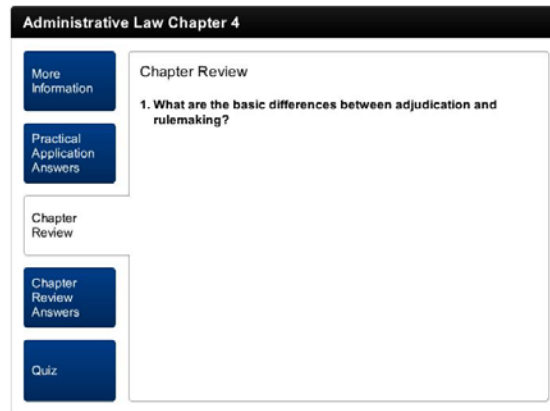
B. What was the violation of labor law that the ALJ found?
Unilaterally reduced the work hours of a union member without prior notice to the Union and without affording the Union an opportunity to bargain.

C. What was the specific section that was violated?
Section 8(a)(1)(5)

D. Briefly describe the remedy as stated by the ALJ.
The Company must cease and desist from engaging in these activities, return the employee to his prior work schedule, and pay the employee any lost wages. The company also had to post a notice. (Appendix)

Chapter Review

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The screenshot shows a user interface for 'Administrative Law Chapter 4'. On the left side, there is a vertical menu with five blue buttons: 'More Information', 'Practical Application Answers', 'Chapter Review', 'Chapter Review Answers', and 'Quiz'. The 'Chapter Review' button is highlighted. The main content area on the right is titled 'Chapter Review' and contains a single question: '1. What are the basic differences between adjudication and rulemaking?'. The question is followed by a large, empty white space for the user to provide an answer.

Step Text

1. What are the basic differences between adjudication and rulemaking?

Chapter Review Answers

5 seconds

Administrative Law Chapter 4

Chapter Review Answers

1. What are the basic differences between adjudication and rulemaking?
(Click on Diagram)

	Adjudication	Rulemaking
Nature	Fact-specific	General
Process	Case-by-case	One-time
Standard of Review	Based on the record	Based on the law
Effect	Binding decision	Binding rule

More Information

Practical Application Answers

Chapter Review

Chapter Review Answers

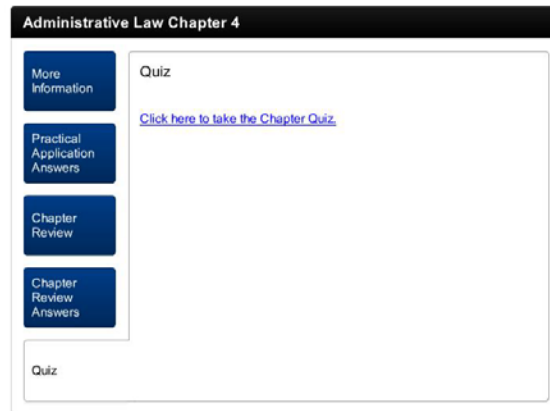
Quiz

Step Text

1. What are the basic differences between adjudication and rulemaking?
(Click on Diagram)

Quiz

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The screenshot shows a user interface for 'Administrative Law Chapter 4'. On the left is a sidebar with four blue buttons: 'More Information', 'Practical Application Answers', 'Chapter Review', and 'Chapter Review Answers'. The main content area has a title 'Quiz' and a blue hyperlink that reads 'Click here to take the Chapter Quiz.' Below the main content area is a small box with the text 'Quiz'.

Step Text

[Click here to take the Chapter Quiz.](#)