

The Office of Administrative Hearings
First Amended And Modified Response to COVID-19

On March 18, 2020, the Director of the Office of Administrative Hearings (OAH) issued the [OAH Response to COVID-19](#) outlining procedures for continuing operations of essential agency functions following Governor Cooper's emergency [Executive Order](#) dated March 10, 2020, and Chief Justice Beasley's emergency [Order of the Chief Justice of the Supreme Court of North Carolina](#) dated March 13, 2020, and the subsequent [Memorandum](#) issued on March 15, 2020.

On March 26, 2020, the Wake County Board of Commissioners, in conjunction with the twelve municipalities that lie within the county's borders, issued a [Proclamation of Emergency Restrictions](#), for the residents of Wake County.

In response to the heightened levels of action by the Governor, Chief Justice, and local governing bodies to help stop the spread of COVID-19 across the State of North Carolina, and in addition to the directives issued on March 18, 2020, the Director of OAH invoked the Emergency Waiver Rule found in 26 NCAC 01 .0105, effective March 27, 2020, for the purpose of waiving all specific time limitations contained in all Sections of 26 NCAC Chapter 03 - Hearings Division (except 26 NCAC 03.0127 which applies only to administrative law judges). This waiver applies to all contested cases pending as of March 18, 2020, and thereafter filed at OAH until at such time it shall be revoked.

On March 27, 2020, effective at 5:00 p.m., Governor Cooper issued a [Stay at Home Order](#) for the State of North Carolina, which ordered individuals currently in the state to stay at home, their place of residence, or current place of abode, except as allowed in the Executive Order. The Proclamation of the Wake County Board of Commissioners and the Stay at Home Order issued by the Governor, were necessitated by the increasing numbers of COVID-19 cases in Wake County and the State of North Carolina, and are effective for 30 days.

On April 2, 2020, the Chief Justice of the Supreme Court of North Carolina issued an emergency order subsequent to her previous [Order of March 13, 2020](#) and [Memorandum](#) issued of March 15, 2020. Her April 2, 2020 Order is entitled: [Chief Justice Beasley Issues Order Postponing Court Proceedings Until June 1, 2020. Order of the Chief Justice of the Supreme Court of North Carolina.](#)

The March 18, 2020 OAH Response to COVID-19 contemplated that there would be further OAH responses, stating the following:

This posting is dated, March 18, 2020, and is reflective of the crisis circumstances as they currently exist. Since the situation is fluid and evolving, this posting is likely to be updated and modified as OAH receives further directives from North Carolina's Governor and Chief Justice.

The Director of OAH now amends and modifies the March 18, 2020 [OAH Response to COVID-19](#). However, the March 18, 2020, Response remains in effect except as amended, modified or superseded by this OAH Response to COVID-19 dated, April 7, 2020.

Chief Justice Beasley in her Emergency Directive #1 ordered court proceedings postponed for a second time to June 1, 2020. As emphasized and directed by Chief Justice Beasley, orders are being issued at OAH and parties to contested cases are thus being informed that contested cases, (subject to exception) are being continued to dates beyond June 1, 2020. Subject to further directives from the Governor and Chief Justice, OAH anticipates that these contested cases can safely be resumed after June 1, 2020.

Chief Justice Beasley in her Emergency Directive #4 restricted attorneys and others without business before the court to avoid court facilities. As emphasized and directed by Chief Justice Beasley, the Director of OAH hereby amends, modifies, and supersedes his March 18, 2020 COVID-19 Response as follows:

Unless required for an emergency hearing or other critical circumstances, OAH will not allow any visitors, attorneys, or other persons presenting themselves at the OAH Headquarters Building at 1711 New Hope Church Road, Raleigh, North Carolina, to enter the building unless first admitted by OAH security personnel at the direction of the OAH Chief Hearings Clerk.

This restricted entry at the OAH Headquarters does not specifically apply to other facilities where OAH conducts contested case hearings. For information on restrictions that apply to county courtrooms, please consult the policy posted on the OAH website, entitled [Procedural Rules That Apply to Contested Cases in County Courthouses](#).

Pursuant to the orders of the Governor and Chief Justice, all OAH personnel that can do so have been encouraged to telework. A very small number of essential managerial employees, as safety permits, have elected to be physically present in OAH, mostly on a staggered basis.

This posting is dated April 7, 2020, and is reflective of the crisis circumstances as they currently exist. Since the situation is fluid and evolving, this posting is likely to be updated and modified as OAH receives further directives from North Carolina's Governor and Chief Justice.

Julian Mann, III
Director and Chief Administrative Law Judge
North Carolina Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, North Carolina 27609
919 431-3019
julian.mann@oah.nc.gov