

**Part A: Office of the Secretary**  
**Chapter AH: Departmental Appeals Board**

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**A. Section AH.OO Mission.** The Departmental Appeals Board is an independent office established pursuant to provisions of law, regulations, and Secretarial delegations to provide conflict resolution services throughout the U.S. Department of Health and Human Services. These services are basically of two types: (a) adjudicatory hearings, appellate review of decisions of administrative law judges, arbitration, and similarly structured formal and informal reviews of contested decisions; and (b) alternative dispute resolution (ADR), including mediation and other consensual processes, and training related to ADR and conflict management.

**B. Section AH.10 Organization.** The Departmental Appeals Board, under the leadership of the Chair, who is supervised by the Deputy Secretary of the Department, includes:

A. The Immediate Office of the Departmental Appeals Board, which includes:

- (1) The Chair;
- (2) The Deputy Chair;
- (3) The Director of Administration;
- (4) The Director of Mediation Services;
- (5) Board Members;
- (6) Administrative Law Judges; and
- (7) Administrative Appeals Judges.

B. The Appellate Division.

C. The civil Remedies Division.

D. The Alternative Dispute Resolution Division.

E. The Medicare Operations Division.

**C. Section AH.20 Functions.**

**A. The Immediate Office of the Departmental Appeals Board** assists the Chair in providing adjudicative and administrative services. The Chair is also a Board Member and provides leadership to the organizational components of the Board. The Chair is the appointed alternative dispute resolution specialist for the Department. The Deputy Chair acts for the Chair when absent and provides day to day management services. The Director of Administration assists the Chair in administrative matters and provides logistical support to the other organizational components of the Board. The Director of Mediation Services coordinates the Board's mediation and other alternative dispute resolution services. The Board Members hear and decide grant disputes and appeals, appeals from civil remedies cases, and other cases as assigned. The Administrative Law Judges hear and decide civil remedies cases, and other cases as assigned. The Administrative Appeals Judges hear and decide disputes relating to reimbursement for Medicare services, and other cases as assigned.

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**B. The Appellate Division** provides attorney and other staff support to assist in the Board's administrative review of disallowances of federal grant funds under Titles I, IV, X, XIV, XIX and XX of the Social Security Act; determinations by the Administrative Law Judges in civil remedies cases; disapprovals of state plans and state plan amendments under section 1116(a) (2) of the Social security Act; disputes involving direct discretionary grants, cost allocation plans and indirect cost rates; disputes regarding allegations of scientific misconduct by the Office of Research Integrity, National Institutes of Health disputes regarding quality control in the Aid to Families with Dependent Children program; and disputes involving civil rights reviews. The Division is headed by a supervisory attorney who manages the Division's resources and advises Board Members. Attorneys in the Division research legal issues, review and evaluate case files, briefs and transcripts; conduct pre-hearing proceedings; draft decisions; provide advice and assistance to Board Members on the conduct of cases and decisions; and participate in hearings.

**C. The civil Remedies Division** provides attorney and other staff support to assist in the hearing and disposition of civil remedies cases. The civil remedies cases include (1) sanctions by the Food and Drug Administration, the Health Care Financing Administration, and the Inspector General against persons and entities associated with participation as a provider in federally funded health care programs or as an employee, contractor, or other fiscal relationship with the Department; (2) contract declinations and other adverse actions by the Indian Health Service; and (3) termination of federal funding by the Office for Civil Rights. The Division is headed by a supervisory attorney who also assigns cases to the Administrative Law Judges. Attorneys and Paralegal Specialists in the Division research legal issues; review and evaluate case files, briefs and transcripts; assist in pre-hearing proceedings; draft decisions; provide advice and assistance to Administrative Law Judges on the conduct of cases and decisions; and assist at hearings.

**D. The Alternative Dispute Resolution Division** provides alternative dispute resolution (ADR) services, including: mediation, early neutral evaluation, arbitration, regulatory negotiation, and facilitation. The Division also provides assistance in ADR systems design and training in a variety of substantive areas, including: conflict management, negotiations, interest-based bargaining, mediation, arbitration, and regulatory negotiation. The Division is headed by a Director of Mediation Services who provides overall substantive and resource management. Professional staff consist of attorneys and dispute resolution specialists who conduct ADR interventions and training.

**E. The Medicare Operations Division** provides attorney, paralegal and other staff support to assist in review of administrative law judge decisions regarding entitlement to coverage, health maintenance organizations, sanctions and claims filed by health care providers or Medicare beneficiaries for medical-related items or services provided or received for which payment or reimbursement is sought under title XVIII of the Social Security Act. The Division is

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headed by a chief who assigns cases and oversees the Division's operations. Paralegal specialists and other professional staff research and review claims, draft decisions, and provide advice and assistance to the Administrative Appeals Judges.