

Risk of Bias in Administrative Hearings

Results from our analysis of de novo review

We conducted a review of Idaho statute to identify which agency actions were subject to de novo review. As part of our technical review process, agencies had the opportunity to review our findings.

Of the 93 actions that had reported hearings, we identified five agency actions (5 percent) with de novo review. Agencies reported that for these five actions, there were 32,314 hearings conducted between fiscal years 2011 and 2015. This represents 62 percent of the reported hearings during this time. Table A lists these actions and provides some additional information.

Table A. Agency actions with reported hearings subject to de novo review

Agency	Action	Statute	Reported hearings
Division of Human Resources/ Idaho Personnel Commission	Appeals of state classified employees ¹	ISC § 67-5316(5)	25
Health and Welfare, Department of	Child Care Licensing	ISC § 39-1113(6)	36
Labor, Department of	Eligibility Determination	ISC § 72-1368(6)	31,423
Tax Appeals, Board of	Appeals from the Idaho Tax Commission	ISC § 63-3812(c)	80
Tax Commission, Idaho State	Redetermination of assessed tax (all tax types except property)	ISC § 63-3049	750
Total actions	5	Total hearings subject to de novo review	32,314

¹ The term de novo is not used in the statute for these proceedings. However, Personnel Commission hearings are a review of the agency action and the hearing officer may take evidence, issue subpoenas, and otherwise conduct a full, independent hearing.

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In addition to these actions, we found three other agency actions that had de novo review in statute, but that did not have any reported hearings:

- Animal industries decisions within the Department of Agriculture,
- License Revocation within the Department of Fish and Game, and
- Surface Mining Bond Amounts within the Department of Lands.