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DATE: JULY 3, 2006

FROM: JOHN M. VITTONÉ
Chief Administrative Law Judge

TO: INTERESTED PARTIES

SUBJECT: CLAIMANT NAME POLICY

Beginning on August 1, 2006, administrative law judge decisions rendered in Black Lung Benefits Act and Longshore and Harbor Workers' Compensation Act cases will no longer display the claimant's full name in the decision or in the caption.

Why is this change being made?

The 1996 e-FOIA amendments required agencies to publish adjudicatory decisions on the Internet. A consequence of that law is that commercial Internet search engines negated any "practical obscurity" that was previously true of agency decisions relating to the BLBA and LHWCA. Thus, to limit a claimant's exposure on the Internet, the Department of Labor has decided that it will avoid referring directly to the claimant's name in decisions and other orders that are required to be posted on the DOL web site on or after August 1, 2006.

Is the name of the claimant considered secret?

No. By statute and regulation, black lung and longshore hearings are open to the public. 30 U.S.C. § 932(a); 33 U.S.C. § 923(b); 20 C.F.R. §§ 702.344 and 725.464. Thus, the claimant's name and the fact that the claimant has a case pending before an ALJ is a matter of public record. Consequently, except for documents to be posted on a DOL web site, the hearing process will not change.

What about the decisions already on the DOL web site?

The policy applies prospectively only. Decisions already on the web site are already in the public domain and will not be changed.

How will decisions be captioned and how will they be cited in briefs or decisions?

The caption will display the claimant's initials. The initials used on the caption will be the first letter of the first name and the first letter of the last name. Middle names and prefixes or suffixes will not be used in the caption. A cover or referral memorandum, not part of the decision, will be sent only to the parties. That memo will identify the claimant's full name.

For opinions affected by this policy, initials rather than the name will be used for citation purposes. For example:

J.J. v. The Coal Co., 2006-BLA-00000 (Apr. 22, 2008)

For older opinions, you may continue to use the name as you would have before. For example:

Jones v. The Coal Co., 1999-BLA-10 (Apr. 22, 2000).

Will the Claimant Name Policy be applied to cases other than those arising under the BLBA or the LHWCA?

No. The Claimant Name Policy only applies to black lung and longshore cases.

If a litigant in a different case area wishes to proceed anonymously, he or she should file a motion to do so with the presiding ALJ. The ALJ will then rule on the motion based on relevant law about when a litigant in a public hearing may proceed anonymously.