

**CORRESPONDENCE/MEMORANDUM**

**DATE:** December 1, 2008

**TO:** Aaron Olver, Joseph Thomas, Zach Brandon, Berni Mattsson,  
Oscar Herrera, Dennis Legler, Eric Scott, Laura Varriale,  
Louie Cornelius, Tarna Gahan-Hunter

**FROM:** Laura Pleasants

**SUBJECT:** *Monthly Report of PECFA Appeals for November 2008*

**Executive Summary**

Eight (8) new appeals were received and four (4) dismissals were issued in November.

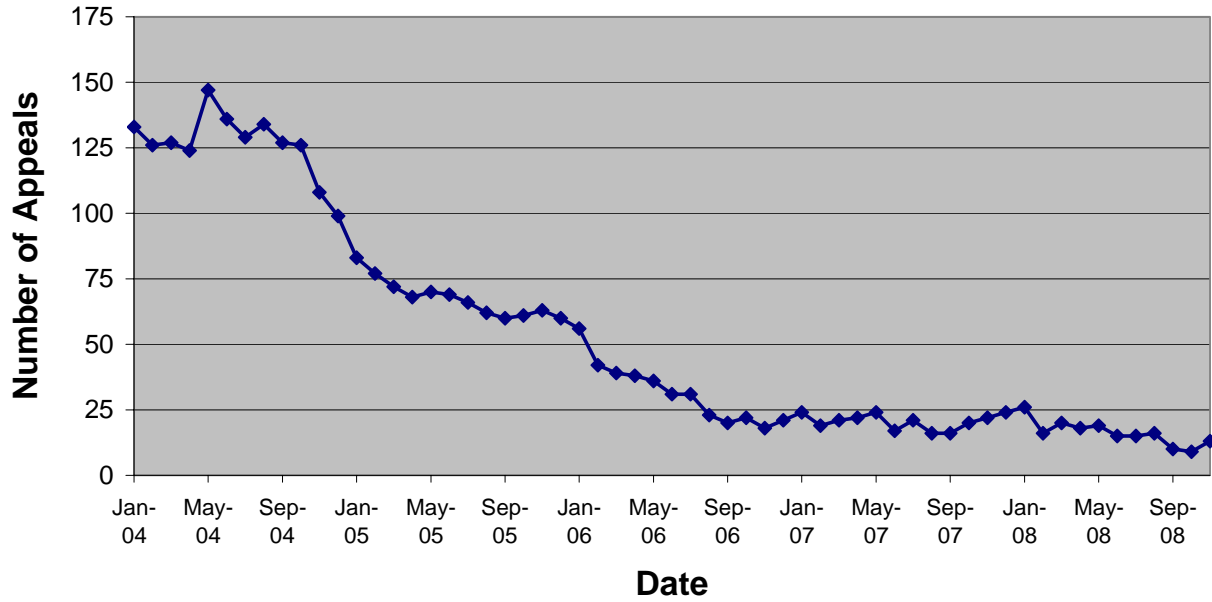
The total amount on appeal at the end of November was \$154,299.42.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
New Appeals received during Month	8	5	7	5	3	6	4	5	1	4	8	
Total Closures during Month	6	15	3	7	2	10	4	4	7	5	4	
Mean Days Receipt to Close	139	70	55	91	48	341	102	63	43	71	164	
Pending End of Month	26	16	20	18	19	15	15	16	10	9	13	
Change from Prior Month	2	(10)	4	(2)	1	(4)	0	1	(6)	(1)	4	
Closures												
Settlements	2	13	3	1	2	7	1	1	6	3	3	
Mean Days Receipt to Settled	38	71	55	27	48	100	36	13	34	55	81	
Withdrawals	3	2	0	4	0	3	1	2	0	2	0	
Mean Days Receipt to Withdrawal	211	65	n/a	70	n/a	903	33	24	n/a	95	n/a	
Dismissed On Motion (Untimely, Standing)	*1	0	0	1	0	0	1	1	0	0	0	
Mean Days Receipt to Dismissal	123	n/a	n/a	41	n/a	n/a	42	190	n/a	n/a	n/a	
Hearings												
Hearings Held in Month	0	2	0	1	0	0	2	0	0	0	0	
Mean Days Receipt to Hearing	n/a	190	n/a	194	n/a	n/a	148	n/a	n/a	n/a	n/a	
Scheduled in Future Periods	4	1	1	0	0	2	0	0	0	2	1	
Mean Days Receipt to Scheduled	165	194	194	n/a	n/a	148	n/a	n/a	n/a	251	301	
Decisions												
Decisions Rendered by ALJ (Proposed)	0	0	1	0	0	1	0	1	0	0	1**	
Decisions Rendered by Secretary (Final)	0	0	0	1	0	0	1	0	1	0	1**	
Decisions Rendered by Circuit Court	0	0	0	0	0	0	0	0	0	0	0	
Decisions Rendered by Court of Appeals	0	0	0	0	0	0	0	0	0	0	0	
Awaiting Decision												
Awaiting <u>Proposed</u> Decision	0	2	1	1	1	0	2	1	1	1	1	
Mean Days since Hearing	n/a	16	55	85	116	n/a	39	47	77	108	138	
Awaiting <u>Final</u> Decision by Secretary	0	0	1	0	0	1	0	1	0	0	0	
Mean Days since Proposed Decision	n/a	n/a	18	n/a	n/a	11	n/a	45	n/a	n/a	n/a	
Awaiting Decision by Circuit Court	0	0	0	0	0	0	0	0	0	0	0	
Awaiting Decision by Court of Appeals	0	0	0	0	0	0	0	0	0	0	0	

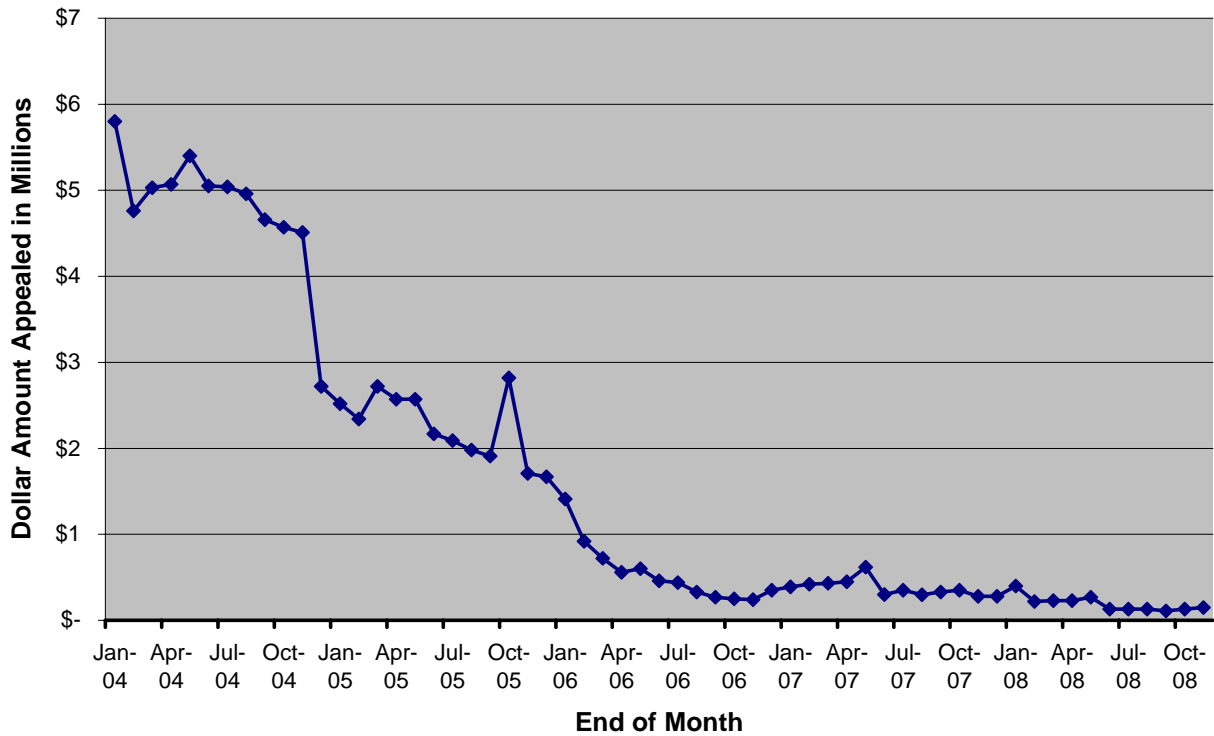
\*The Department denied acceptance of the appeal originally filed by ExxonMobil on November 20, 2007, See Holland v. Commerce, Hrg #07-47.  
Re: denial of Scope of Work submitted for 101 East Verona Avenue, Verona.

\*\*A decision on the eligibility appeal of Thomas Lasse, BLM Land, was issued after submission of briefs in lieu of hearing.

## Appeals Pending Since January 2004



## Dollar Amount of Pending Appeals



**New Appeals Received in November 2008**

The department received 8 new appeals in the amount of \$47,357.55. There were 13 appeals pending at the end of the month.

New appeals						
Appellant	Expr10	UCID	Issue(s)	Amount	DecDate	RecDate
Russell Iacono	54843-4030-15	08-52	no docs, proof of payment	\$306.22	10/29/2008	11/14/2008
Gurcharan Kapoor	53402-3024-50	08-53	no supporting docs	\$27,298.62	10/29/2008	11/25/2008
Jeffrey Kelling	53216-1710-20	08-49	over SI cap	\$4,354.45	10/13/2008	11/6/2008
Robert A. Kulinski	53210-2265-35	08-54	ineligible - maps	\$956.00	10/29/2008	11/26/2008
Jackie Poncevicz	53950-9421-10	08-56	not bid, no docs	\$3,563.30	10/29/2008	11/28/2008
Virginia Steffek	54757-8949-89	08-55	no docs, interest	\$2,711.67	10/29/2008	11/28/2008
John W. Theisen	53221-2433-32	08-51	finance charges	\$3,742.28	10/13/2008	11/11/2008
John W. Theisen	53119-9999-14	08-50	finance charges, interest	\$4,425.01	10/13/2008	11/11/2008

**Appeals Closed in November 2008**

The following 4 appeals were closed in November. Two (50%) were closed in 90 days or less. The average number of days from receipt of the appeal to decision was 164 days for all appeals closed. The total amount appealed in the closed cases was \$5,546.91. The total amount paid was \$5,140.18 (net of interest) or approximately 93% of the total appealed.

Closed appeals							
Appellant	Hrg #	Issue(s)	Appeal Amt	Days 2Dec	Amount Paid	DecisionSum	FinalDecDate
Omar El Kordy	08-47	U & C Schedule	\$4,209.70	18	\$4,154.76	settled	11/4/2008
Russell Iacono	08-52	no docs, proof of payment	\$306.22	11	\$306.22	settled	11/25/2008
Thomas Lasse	07-54	eligibility	\$0.00	411	\$0.00	decided	11/21/2008
Ron Preschat	08-25	Regulatory correspondence, U&C	\$1,030.99	214	\$679.20	settled	11/25/2008

**Hearings Held In Month**

There were no hearings held in November.

**Appeals Set for Hearing**

There is 1 appeal currently scheduled for hearing in the upcoming months.

Hearings scheduled future					
Appellant	PECFAID	Hrg#	Days2Hrg	Issue(s)	Amount
Bruce Anthony	54858999908	08-21	301	over cap	\$26,348.44

### **Appeals Heard but not Decided**

There is one (1) case awaiting proposed decision following hearing.

<b>Awaiting proposed decision</b>					
<b>Appellant</b>	<b>Commerce #</b>	<b>Hrg #</b>	<b>RecDate</b>	<b>HrgDate</b>	<b>Since Hearing</b>
Sue Bentz	53963-1907-25	07-55	10/20/2007	7/15/2008	138

### **Proposed Decisions Issued**

There was one proposed decision issued in November.

<b>Appellant</b>	<b>Hrg #</b>	<b>Issue(s)</b>	<b>FinalDecDate</b>	<b>On_Appeal</b>	<b>ALJID</b>
Thomas Lasse	07-54	eligibility	11/21/2008	411	WICKS

### **Final Decisions Issued**

There was one final decision issued by the Secretary's Office in November.

<b>Appellant</b>	<b>Hrg #</b>	<b>Issue(s)</b>	<b>FinalDecDate</b>	<b>On_Appeal</b>	<b>ALJID</b>
Thomas Lasse	07-54	eligibility	11/21/2008	411	WICKS

### **Decisions Appealed to Circuit Court**

There are no final decisions currently appealed in Circuit Court.

### **Final Decisions Issued after Judicial Review**

There were no decisions issued by the Circuit Court following review of a Final Decision.

### **Final Decision Issued by the Court of Appeals**

There are no appeals awaiting decisions in the court of appeals.