

**From:** Bloodstein, Dan (OTDA)  
**To:** Bloodstein, Dan (OTDA) <otda.dl.hear.legal.ref>  
**Subject:** Stipulation Discontinuing Rivera v. Bane: Production of Evidence Packet and Documents Prior to Fair Hearing  
**Date:** 3/17/2011 9:16:08 AM

Please be advised that a Stipulation of Settlement and Discontinuance was signed on January 10, 2011, in the case of Rivera v. Bane. As you will recall, this case involved the obligation of the New York City Human Resources Administration to provide an evidence packet and other documents necessary for an Appellant to prepare for a fair hearing. (See previous memoranda at <http://sthearings01/memos/2005/RIVERA%20V%20BANE.RTF>, [http://sthearings01/memos/2005/2005\\_03\\_28.PDF](http://sthearings01/memos/2005/2005_03_28.PDF), and [http://sthearings01/memos/2007/2007\\_02\\_28.pdf](http://sthearings01/memos/2007/2007_02_28.pdf) for further information.)

Section 358-3.7 of 18 NYCRR requires that such documents be provided within a reasonable time before the date of the hearing. A previous Stipulation, so ordered on February 22, 2005, required HRA to meet this reasonableness standard by providing an evidence packet within five business days of a request therefor if requested five or more business days before the date of the hearing or, if less than seven days, then at the hearing. Failure to comply required that HRA withdraw its notice. For specifically identified documents necessary to prepare for the hearing, documents were to be provided before the date of the hearing or, if requested less than five days before the hearing, then at the hearing.

The Stipulation signed on January 10, 2011, states that "the 2005 Stipulation has expired and has no effect whatsoever." Therefore, the specific requirements set forth for HRA in the above-described 2005 Stipulation are no longer applicable. We will be removing this language from the PR-11 view/save and its corresponding script.

A copy of the Stipulation is attached at <<http://sthearings01/memos/2011/Rivera So Ordered Stip 3.3.11.pdf>>

Dan Bloodstein  
Supervising Administrative Law Judge  
NYS Office of Temporary and Disability Assistance  
Office of Administrative Hearings  
Bureau of Systems & Resources  
(518) 473-4729

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