

Adjournment/Withdrawal/Reopen Codes

ADJOURNMENT/REOPEN RELATED GENERAL USE	
<i>Second or more adjournments – see supervisor</i>	
04	Administrative – Combine Files/Clarify Issues
09	Administrative – Error
11	General Administrative (see guide regarding homebound issues) – OFFICE USE ONLY
12	Scheduling Error – For Use By Scheduling Unit Only
14	(Shakhnes) Adjournment more than 21 days; per app request
15	Adjourn Delay by Appellant
16	Emergency Home Repair (plumbing, locks, etc)
20	Appellant Incarcerated
21	Lack of Childcare
22	Educational (Class/Exams) (Graduation)
23	Employment Conflicts - Add restrictions
24	Interpreter Needed (NYC Spanish and Russian Available Daily)
25	Verification Requested
26	Medical – Appellant/Children are ill
33	Representative Not Available/ill (REP’S OFFICE MUST CALL)
36	Scheduling Conflict (Appellant/Representative) (REP MUST CALL TO ADJOURN)
37	Time Change (may be necessary to add restrictions)
38	Lack of Funds – Usually Upstate Only Lack of Transportation- Upstate Only (liaison may be able to verify)
40	Out of Town (Family Illness/ Emergency)
41	Funeral
42	Inclement Weather (Upstate-verify with liaison)
44	Had to Leave Before Hearing Was Called (liaison can verify)
45	Religious Holiday/Observance
46	Administrative – Agency Change or Add/Delete Location
48	Other Appellant/Representative Reason
49	Transportation Delays – (can consult liaison)
50	Non-Receipt/Late Receipt of Scheduling Notice
52	Appellant Thought Issue Resolved (Reopen Only)
55	Appellant in an In-House Alcohol/Drug Rehabilitation
56	Waiting for Administrative Authorization to Represent/Guardianship/Letters of Administration
58	Appellant on Jury Duty

Good Cause–Good cause is defined as unusual, unexpected, or unavoidable circumstances beyond the control of the appellant, such as: a death in the immediate family, serious illness, unavoidable temporary inability to obtain counsel or representation, or inclement weather that prevents all reasonable travel. It does not include any event that can be prevented or mitigated by the timely taking of reasonable action.

FOR ANY HEARINGS WITH A LEGAL REPRESENTATIVE, THE REP MUST REQUEST THE ADJOURNMENT.

***SEE ADJOURNMENT GUIDE BELOW**

NO LONGER IN USE

- 03 Initiated at Hearing and or Personalized
- 12 Administrative Error (other than Name/Address)
- 19 Awaiting Written Confirmation of Withdrawal from Agency *see code 47
- 28 Preparation Time – Appellant
- 34 Representative Not Retained
- 39 Car Trouble – Upstate Only – Is public transportation available? (*can consult liaison*)
- 43 Arrived Late at Hearing * use appropriate reason code
- 51 Administrative – Notice Returned by U.S. Postal Service *see code 50
- 53 Unable to Contact Adjournment Phone Number
- 54 Appellant Mistook the Date
- 57 Agency Failed to Provide Summary/Packet
- 60 Agency Facility Not Available
- 61 Agency Needs Time to Prepare
- 63 On Consent
- 73 Telephone Hearing/Awaiting Signed Appellant Withdrawal
- 79 Mandatory Dispute Resolution Withdrawal
- 95 Within 15 Days but Not Good Cause
- 96 Over 15 Days
- 97 97 Within 45 Days but Not Good Cause
- 98 98 Over 45 Days

UPSTATE LIAISON/NYC ADJOURNMENT STAFF	
01	Administrative – Health & Safety
06	Administrative – ALJ Sick
ALJ ONLY	
02	Administrative – Overloaded Calendar (Supervising ALJ Approval Required)
17	Lay Representative Appeared without authorization
18	Representative Appeared, Appellant Did Not – Appellant’s Testimony Needed
19	Representative Appeared without Varshavsky Medical Documentation
29	Preparation Time - Representative Recently Retained or Needs to Obtain
30	Preparation Time /Awaiting Documents
31	Pending Outcome of Lawsuit (Appellant/Representative)
32	Appellant’s Witness Not Available
35	Representative Lost Contact with Appellant
47	Possible Resolution
59	Agency Representative/Witness Not Available (Supervising ALJ Approval Required)
62	Agency Reason – (Supervising ALJ Approval Required)
64	(Shakhnes) Adjournment granted by ALJ per agency request to benefit the client
TELEPHONE/HOME HEARINGS ONLY	
10	Administrative – Varshavsky Litigation
13	Telephone Hearing – Awaiting a Home Hearing
27	Medical – Appellant Verified Homebound
70	Telephone Hearing – Appellant Not Home/Not Available
71	Telephone Hearing – Appellant Deceased and Family Awaiting Authorization to Pursue Hearing (Change to a Regular Hearing)
72	Telephone Hearing – Telephone Disconnected/Wrong Number
74	Telephone Hearing –Appellant no Longer Wishes to Pursue Homebound Telephone Hearing (to be used only when adjourning to a regular hearing)
ADH ONLY	
05	ADH- Unclaimed Certified Mail
07	ADH- Waiver Withdrawn By Recipient
08	ADH- Case Resubmitted By Agency

99	(PEND) Delayed by Appellant. Automated use ONLY
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WITHDRAWAL RELATED

- 80 Telephone Hearing – Abandoned/Returned/
Unclaimed/Undeliverable
- 81 Appellant Deceased
- 82 Signed Withdrawal Received
- 83 Issue Resolved
- 84 Appellant No Longer Wishes to Pursue
- 85 Appellant Withdrew at Hearing
- 86 Administrative – Duplicate Request
- 87 Administrative – Not a Hearable Issue
- 88 Administrative – Abandoned/Cannot Process
- 89 Settled in Conference in Appellant’s Favor

DEFAULT RELATED

- 90 Client Appeared Late – by Office
- 91 Client Appeared Late – by Hearing Officer

FISHMAN ONLY (DESIGNATED STAFF ONLY):

- 75 RPDN 75 FISHMAN HEARING DEFAULT
- 92 RPDN 92 REOPEN DENIED BECAUSE FISHMAN-
DID NOT FOLLOW REQUIREMENTS
- 93 REOP 93 FISHMAN DEFAULT WITHIN 10 DAYS
- 94 RPDN 94 FISHMAN DEFAULT OVER 10 DAYS

**REOPEN DENY- (See Below for Claims of Non-Receipt of
Scheduling Notice)**

- 66 Not good cause
- 67 Over one year

GUIDELINES

- **ESTABLISH GOOD CAUSE**
Why didn’t the client go to the hearing?
Is it good cause? If not, Reopen Deny (RPDN)
using code 66.
- If it is good cause but over one year then
Reopen Deny (RPDN) using code 67.

Claims Non-Receipt of Scheduling Notice

- 66 Not good cause
- 67 Over one year

GUIDELINES

- ESTABLISH GOOD CAUSE FOR NON RECEIPT OF NOTICE
- If the address is correct and the scheduling notice
did not come back to OAH then Reopen Deny
(RPDN) using code 66.

ADJOURNMENT GUIDE

- 11 General Administrative**
Use for issues not covered by any other administrative code.

Use if appellant calls and says they can't go to the hearing because they are homebound. Adjourn and ask for medical verification. Send Letter 15. Adjournment code 27 should only be used by the Homebound Unit.
- 15 Adjourn – Delay by Appellant**
Use this when you are adjourning a hearing because the appellant can't attend the hearing and is requesting a delay in rescheduling for a period longer than the normal adjournment time. Ex: Authorization to Represent, Incarceration, Hospitalization. Put sub-category, HOLD and give a printout to the Scheduling Unit supervisor. Specify reason for the delay and the period it should be in HOLD in the comments.
- 20 Appellant Incarcerated**
How long will they be incarcerated? Can someone else go? If appellant is going to be incarcerated for a period longer than the normal adjournment time use adjournment code 15 instead of adjournment code 20. Put in sub-category, HOLD and give a printout to the Scheduling Unit supervisor. Note in comments when appellant will be released.
- 21 Lack of Childcare**
How many children? How old are the children? Are they in school? Was childcare arranged? Can child be taken to hearing? If child is ill see adjournment code 26.
- 23 Employment Conflicts**
When can client go? Should restrictions be added? If adding restrictions verification is not needed for the first adjournment.
- 24 Interpreter Needed (NYC Spanish and Russian Available Daily)**
Upstate – If there is adequate time before the hearing, talk to the liaisons to see if we could still get an interpreter for the scheduled hearing instead of adjourning.
NYC – If there is adequate time before the hearing talk with your supervisor because we still might be able to get an interpreter. If need be, the supervisor can call Calendar Management supervisor.
- 25 Requesting Verification**
Why can't appellant go? Is verification available? Can appellant submit verification? State in comments the reason the client gave and what verification will be submitted. Provide as much detail as possible. Advise the client to submit verification

to the Verification Unit within 1 year. Verification should be date specific and on official letterhead. For example, a medical should come from a doctor's office or other medical facility. The client should write the fair hearing number on the verification they are submitting and send it to the attention of the Verification Unit.

- 26 **Medical – Appellant/Children are ill**
Nature of illness? Was a doctor seen? Will a doctor be seen?
Duration of illness? If verification is requested don't adjourn,
just note in comments.
- 33 **Representative Not Available/ill (REP'S OFFICE
MUST CALL)**
Legal representative should be told that they will have to have
the person who covers for them or someone from their office
go to the hearing. *Unusual situations should be discussed with
ML or LCF.*

If representative is a family member or someone other than a
legal representative you should ask....Can the hearing proceed
without rep? Can someone else attend with appellant?
- 36 **Scheduling Conflict(Appellant/Representative)**
Must state exact conflict in comments.

Legal representative should be asked...Can the other
appointment be changed? If not, they should be told that they
will have to have the person who covers for them or someone
from their office go to the hearing. *Unusual situations should
be discussed with ML or LCF.*

If representative is a family member or someone other than a
legal representative you should ask.... Can hearing proceed
without rep? Can someone else attend with appellant?
- 40 **Out of Town (Family Illness/Emergency)**
Where? When? Who? How long? When returning?
- 48 **Other Appellant/Representative Reason**
Reason must meet good cause criteria and be specifically
documented in comments.
- 50 **Non-Receipt/Late Receipt of Scheduling Notice**
What is the postmark on the envelope? Is the address correct?
Did the notice come back to us? Problem with mailbox?
- 56 **Waiting for Administrative Authorization to
Represent/Guardianship/ Letters of Administration**
Letters of Admin may take up to 3 months. Adjournment may
be put in HOLD for up to 3 months. (Use adjournment code 15
if you are putting in HOLD for more than the normal
adjournment time). For subsequent adjournments they may be
required to request adjournment from the Hearing Officer.