

Office of Administrative Hearings (OAH) Procedures Transmittal		Transmittal Number: 05-26
Distribution:		Date: November 22, 2005
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ALB OAH Staff <input checked="" type="checkbox"/>	UPS ALJs <input checked="" type="checkbox"/>	Upstate LDSS <input type="checkbox"/>
	SUP ALJs <input checked="" type="checkbox"/>	
NYC OAH Staff <input checked="" type="checkbox"/>	NYC ALJs <input checked="" type="checkbox"/>	NYC Agencies <input type="checkbox"/>
	SUP ALJs <input checked="" type="checkbox"/>	
		Subject: Procedure for Handling OAH Inquiries and Complaints

This will review the proper procedure for handling non-routine complaints received by the Office of Administrative Hearings. These complaints received from clients and their representatives, although hearing-related, are not the routine inquiries received in the Communications Intake Unit (CIU) about failure to receive a scheduling notice, aid-continuing, fair hearing decision, etc. but may consist of, for example, a request for further review due to a failure on the part of the ALJ to consider some evidence or testimony or a report of misconduct on the part of the local district or agency staff, the intake worker, ALJ, etc. or a failure to properly apply current rules, regulations, or laws in the consideration of a fair hearing matter. This transmittal also updates and replaces information contained in OAH Transmittal 01-15, issued on April 13, 2001 as to procedural handling and referral of non-hearing-related inquiries and complaints received from clients and their representatives.

A hearing-related complaint received in written form or on the telephone or in person from a client or representative can generally be categorized as one of the following and should be referred as indicated:

Complaint Regarding Hearing Officer/Decision/Other Legal Matter

Complaint must be in writing and ultimately it will be responded to by the OAH Deputy General Counsel. Staff should provide the written complaint to Kathy Rourke in Systems for appropriate assignment.

Complaint Regarding Administrative Staff/Other Administrative Matter

Refer to immediate supervisor for ultimate referral to Director of Administration.

Complaint Regarding Local District or Local Agency

Refer to OAH Liaison Desk Supervisor, who should, after consultation with an LAS III, if appropriate, forward the complaint to either the local district liaison or local Commissioner, or in NYC, to the Job Center or Agency Director. Appropriate action may, in addition warrant referral to the responsible OTDA program area, (e.g. to the attention of Russell Sykes, Deputy Commissioner, Division of Employment and Transitional Support.)

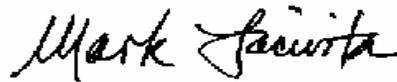
Occasionally, appellants appear at hearings or contact the Communications Intake Unit and present an inquiry or complaint other than one that is within the jurisdiction of the Office of Administrative Hearings (OAH). The following procedures have been established to ensure that such appellants are properly assisted.

New York City appellants who, in the course of a hearing, bring up an issue outside the purview of the OAH, can be directed to the Reception staff at 14 Boerum Place or 330 West 34th street to obtain a listing of appropriate agencies to whom to address their issues. This Referral Guide is attached for informational purposes. The Referral Guide consists of agencies that appellants may be directed to contact, including the director of their Job Center or Food Stamp Center or Medical Assistance or Services agency.

Upstate appellants who, in the course of a hearing, bring up an issue outside the purview of the OAH, can be referred to any of the numbers on the Upstate version of the Referral Guide or may be provided with the form itself. Upstate appellants can also be directed to contact the Commissioner of the local district, as appropriate.

Communications Intake Unit staff can refer appellants who access the OAH by telephone, written communication, or in person to the phone numbers and addresses provided on the Referral Guide, as well. Commonly requested inquiries/complaints include those handled by the Social Security Administration, The Family Court, the NYC Housing Authority, the State Child Support Enforcement Unit or Pass-through Unit, and the Office of Family and Children's Services.

If there are any questions with respect to this transmittal, you may contact your supervisor or Susan Fiehl at (518) 473-4779 or via email susan.fiehl@otda.state.ny.us.



Mark Lacivita, Director of Administration
Office of Administrative Hearings

REFERRAL GUIDE

New York City

Appellants with issues other than those reviewed by the Administrative Hearings process can access the following addresses and phone numbers for appropriate assistance, depending on the program area:

Program Area	Complaint Handled By	Phone Number
TANF (SNA/FA) PA FS HEAP Employment Issues (Formerly handled by DOL)	NYS OTDA Division of Employment and Transitional Supports 40 North Pearl Street Albany, NY 12243	(518) 474-9222
Medicaid Helpline	NYS Department of Health	1-877-873-7283 or 1-800-541-2831
Child Support Enforcement	NYS OTDA Child Support Enforcement 40 North Pearl Street, Rm 13C Albany, NY 12243	(518) 474-9081
Pass-Through Program	NYS OTDA Child Support Desk Review 40 North Pearl Street, Rm 13C Albany, NY 12243	1-800-342-3009
Family and Children's Services	NYS Office of Family and Children's Services 52 Washington Street Rensselaer, NY 12144	(518) 473-7793
NYC Housing Issues and Section 8	NYC Housing Authority 250 Broadway New York, NY 10007	(212) 306-3000
Social Security Issues	Social Security Administration	1-800-772-1213 (call toll-free number for address of nearest office)
Family Court Issues	Family Court Administration	(212) 374-3700

Please Note: Clients wishing to have a caseworker changed and who are unsuccessful after talking to their caseworker's supervisor should request referral to the Director of the Job Center, Food Stamp Center, or Medical Assistance or Services Agency.

Lista de contacto para asuntos que no son relacionados con el proceso de audiencias imparciales

Ciudad de Nueva York

Area de Programa	Quejas Manejadas Por	Número de Teléfono
TANF (SNA/FA) PA FS HEAP Employment Issues (Asuntos de Empleo) (Previamente manejada por DOL)	NYS OTDA Division of Employment and Transitional Supports 40 North Pearl Street Albany, NY 12243	(518) 474-9222
Medicaid Helpline (Linea de Ayuda de Medicaid)	NYS Department of Health	1-877-873-7283 or 1-800-541-2831
Child Support Enforcement (Complimiento de Manutención-de Niños)	NYS OTDA Child Support Enforcement 40 North Pearl Street, Rm 13C Albany, NY 12243	(518) 474-9081
Pass-Through Program (Programa de Pago Traspasado)	NYS OTDA Child Support Desk Review 40 North Pearl Street, Rm 13C Albany, NY 12243	1-800-342-3009
Family and Children's Services (Servicios de Familia y Ninos)	NYS Office of Family and Children's Services 52 Washington Street Rensselaer, NY 12144	(518) 473-7793
NYC Housing Issues and Section 8 (Asuntos de Vivienda de NYC & Sección 8)	NYC Housing Authority 250 Broadway New York, NY 10007	(212) 306-3000
Social Security Issues (Asuntos de Seguro Social)	Social Security Administration	1-800-772-1213 (call toll-free number for address of nearest office) (Llame gratis al número telefónico para la dirección de la oficina má cerca)
Family Court Issues (Asuntos del Tribunal de la Familia)	Family Court Administration	(212) 374-3700

Por Favor Notar: Los clientes que deseen cambiar su trabajador social y que no hayan tenido éxito después de haber hablado con el supervisor de su trabajador, deben ser referidos al Director del Centro de Empleo, Centro de Cupones de Alimentos, o la Agencia de Asistencia Medica, o la Agencia de Servicios.

REFERRAL GUIDE

Upstate
(Includes All Counties Other Than NYC Boroughs)

Appellants with issues other than those reviewed by the administrative hearing process can access the following addresses and phone numbers for appropriate assistance, depending on the program areas:

Program Area	Complaint Handled By	Phone Number
TANF (SNA/FA) PA FS HEAP Employment Issues (Formerly handled by DOL)	NYS OTDA Division of Employment and Transitional Supports 40 North Pearl Street Albany, NY 12243	(518) 474-9222
Medicaid Helpline	NYS Department of Health	1-877-873-7283 or 1-800-541-2831
Child Support Enforcement	NYS OTDA Child Support Enforcement 40 North Pearl Street, Rm 13C Albany, NY 12243	(518) 474-9081
Pass-Through Program	NYS OTDA Child Support Desk Review 40 North Pearl Street, Rm 13C Albany, NY 12243	1-800-342-3009
Family and Children's Services	NYS Office of Family and Children's Services 52 Washington Street Rensselaer, NY 12144	(518) 473-7793
Social Security Issues	Social Security Administration	1-800-772-1213 (call toll-free number for address of nearest office)
Family Court Issues	Family Court Administration	Varies by county; look in local telephone directory under "County Offices— Family Court"

Please Note: Clients wishing to have a caseworker changed and who are unsuccessful after talking to the ir caseworker's supervisor should request referral to the local Commissioner's office.

Lista de contacto para asuntos que no son relacionados con el proceso de audiencias imparciales

Afuera de la ciudad de Nueva York (Upstate)
(Incluye Todos los Condados con Excepcion de los Distritos de NYC)

Area de Programa	Quejas Manejadas Por	Número de Teléfono
TANF (SNA/FA) PA FS HEAP Employment Issues (Asuntos de Empleo) (Previamente manejada por DOL)	NYS OTDA Division of Employment and Transitional Supports 40 North Pearl Street Albany, NY 12243	(518) 474-9222
Medicaid Helpline (Linea de Ayuda de Medicaid)	NYS Department of Health	1-877-873-7283 or 1-800-541-2831
Child Support Enforcement (Cumplimiento de Manutención-de Niños)	NYS OTDA Child Support Enforcement 40 North Pearl Street, Rm 13C Albany, NY 12243	(518) 474-9081
Pass-Through Program (Programa de Pago Traspasado)	NYS OTDA Child Support Desk Review 40 North Pearl Street, Rm 13C Albany, NY 12243	1-800-342-3009
Family and Children's Services (Servicios de Familia y Ninos)	NYS Office of Family and Children's Services 52 Washington Street Rensselaer, NY 12144	(518) 473-7793
Social Security Issues (Asuntos de Seguro Social)	Social Security Administration	1-800-772-1213 (call toll-free number for address of nearest office) (Llame gratis al número telefónico para la dirección de la oficina má cerca)
Family Court Issues (Asuntos del Tribunal de la Familia)	Family Court Administration	Varies by county; look in local telephone directory under "County Offices— Family Court" (Varia por condado chequee en la guía telefónica local debajo de "County Offices—Family Court")

Por Favor Notar: Los clientes que deseen cambiar su trabajador social y que no han tenido éxito después de haber hablado con el supervisor de su trabajador, deben ser referidos a la oficina del Comisionado local.