

Office of Administrative Hearings (OAH) Procedures Transmittal			Transmittal Number: 04-15
Distribution:			Date: December 23, 2004
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ALB OAH Staff <input checked="" type="checkbox"/>	UPS ALJs <input type="checkbox"/>	Upstate LDSS <input type="checkbox"/>	Subject: FHIS Coding Procedures Pursuant to <u>Roberson v. Giuliani</u> Litigation
	SUP ALJs <input type="checkbox"/>		
NYC OAH Staff <input checked="" type="checkbox"/>	NYC ALJs <input checked="" type="checkbox"/>	NYC Agencies <input checked="" type="checkbox"/>	
	SUP ALJs <input checked="" type="checkbox"/>	NHRA/NEVR Only	

In compliance with the settlement of the Roberson v. Giuliani litigation, the New York City Human Resources Administration (NYC HRA) will mail notices on or about December 30, 2004 to clients who had received a Bureau of Eligibility Verification (BEV also known as EVR) notice between October, 2003 and November 30, 2004. In November, 2003, a similar notice was mailed to approximately 1,000 NYC clients. That notice/letter (form EXP-75W, 11/20/03) was dated November 24, 2003.

The November 24, 2003 notice indicated that either the client had previously been denied Temporary Assistance (TA) or TA was discontinued because the Bureau of Eligibility Verification determined that the appellant failed to provide truthful and complete information. The client may or may not have requested a fair hearing on the initial notice. As the original BEV notices allegedly lacked sufficient explanation of the reason for the action, the November 24 notice was sent giving the client an additional 30 days to request a fair hearing on the initial notice if s/he had not previously requested one.

In coding requests pursuant to this year's notice, Communications Intake Unit (CIU) staff will follow the same coding procedures with the December 30, 2004 notice as was followed with the November, 2003 notice.

CIU staff should review any Fair Hearing Information System (FHIS) duplicate matches when processing these requests. If a previous hearing was held on the initial EVR action, the Fair Hearing Number of the previous hearing should be noted in the Comments of the new hearing.

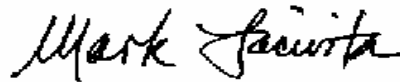
Standard procedures should be followed regarding reopening or rescheduling previously defaulted or withdrawn fair hearings if the appellant had requested a fair hearing on the original notice. If the original fair hearing is reopened, the new December, 2004 notice should be added as a supplemental issue. CIU staff should indicate "Roberson" in the Comments when dealing with reopened or rescheduled requests pursuant to these notices.

The new December, 2004 notices are not themselves subject to AC. If the appellant makes a timely request on the original BEV discontinuance notice at the same time as receiving the December 30, 2004 notice, AC may be directed on the original issue, and the issue based on the December 30, 2004 notice should be added as an INAD 129 NA. CIU staff should indicate "Roberson" in the Comments when coding requests pursuant to these notices.

However, if the request for a fair hearing to review the December, 2004 notice is the first such request from the appellant and the ONLY issue for review, the fair hearing should be set up as follows:

Agency: NEVR/NO__
Category: FA or SNA
Issue: 129
Action: DENY or INAD (If the case is currently open)
Aid Status: NA
Comments: "Roberson" should be noted in the Comments
Hearing Location: 14 Boerum Place (FHIS will designate hearing location)

If there are any questions with respect to this transmittal, you may contact your supervisor or Sue Fiehl at (518) 473-4779 or via email 90J029@dfa.state.ny.us.



Mark Lacivita, Director of Administration
Office of Administrative Hearings