

Office of Administrative Hearings (OAH) Procedures Transmittal			Transmittal Number: 01-24
Distribution:			Date: May 1, 2001
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ALB OAH Staff <input checked="" type="checkbox"/>	UPS ALJs <input type="checkbox"/>	Upstate LDSS <input type="checkbox"/>	Subject: Imaging of Withdrawn and Defaulted Fair Hearing Files and Resulting Changes in Reopen Procedures
	SUP ALJs <input type="checkbox"/>		
NYC OAH Staff <input checked="" type="checkbox"/>	NYC ALJs <input type="checkbox"/>	NYC Agencies <input type="checkbox"/>	
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Beginning with cases scheduled on May 1, 2001, the File Management Unit will begin utilizing the Imaging equipment to image Withdrawn and Defaulted fair hearing files. File contents for cases scheduled May 1 and later will, therefore, be available on the Panagon system and the original files will eventually no longer be available. Based on a need to restructure the responsibilities of staff in various units and to take advantage of the file retrieval capability afforded by the Panagon system, a new procedure has been established for completing the Reopen process. Completion of the actual reopen request on the Fair Hearing Information System (FHIS) Schedule Modification Screen (PFMOD1) remains basically the same as before with the following changes:

For all cases withdrawn or defaulted subsequent to May 1, 2001, and for which a request to reopen the hearing has been approved, Communications Intake staff should reopen the case to Hold status by putting "HOLD" in the Subcategory field. If the Subcategory field was in use prior to replacing it with HOLD, Intake staff should indicate the prior subcategory in the Comments. There is no longer a need for Communications Intake staff to pull the file prior to processing the reopen request.

The following day, a report (Daily Report of Reopened Fair Hearings) will be generated of all reopened fair hearing cases. This report will be utilized by Scheduling Unit staff to retrieve file contents from the original file via Panagon and print out those documents that are relevant to the reopened hearing to be included in the new file. When processing the reopen request, Scheduling Unit staff will remove the Hold and restore any Subcategory noted in the Comments.

For a short period of time, to allow the opportunity to catch up on those cases that have not been imaged, File Management Unit staff will have the responsibility for retrieving the file, removing the Hold, and restoring the original Subcategory. Once all of the default and withdrawn cases are imaged and available on Panagon, Scheduling Unit staff will assume full responsibility for retrieval of documents pertinent to the reopened case, removal of the Hold in the Subcategory field, and restoration of the original Subcategory information.

Homebound Telephone Hearing Requests

For reopens to either a Telephone Hearing (“T” scheduling status) or Telephone Pending Medical (“M” scheduling status), the same basic procedure applies: Communications Intake staff should reopen the case to Hold status by putting “HOLD” in the Subcategory field. If the Subcategory field was in use prior to replacing it with HOLD, Intake staff should indicate the prior subcategory in the Comments. However, Homebound Hearing Unit staff will have responsibility for processing the Reopens by utilizing the Daily Report of Reopened Fair Hearings. Homebound Hearing Unit staff will retrieve file contents from the original file via Panagon and print out those documents that are relevant to the reopened hearing to be included in the new file. When processing the reopen request, Homebound Hearing Unit staff will remove the Hold and restore any Subcategory noted in the Comments.

Reopen Requests to a Date Certain:

For **Upstate cases reopened to a Date Certain**, the Communications Intake Unit (CIU) liaison staff will retrieve file contents from the original file via Panagon and print out those documents that are relevant to the reopened hearing to be included in the new file. When processing the reopen request to a date certain, CIU liaison staff will remove the Hold and restore any Subcategory noted in the Comments. For **NYC Emergency Assistance Reopen Requests to a Date Certain**, Multiple Task Unit (MTU) staff will retrieve file contents from the original file via Panagon and print out those documents that are relevant to the reopened hearing to be included in the new file. MTU staff will remove the Hold and restore any Subcategory noted in the Comments.

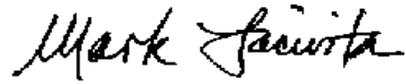
In all of the above situations in which staff other than Scheduling Unit staff are assigned responsibility for retrieval of file contents and related reopen processing, the printed file contents must be forwarded to the supervisor of the Scheduling Unit to complete the file creation process.

Defaults Requiring Correction to an Adjournment

This procedure does not pertain to those cases that are folder received as a Default and must be corrected to an Adjournment. However, there is a change in the Correction procedure, as follows: The previous procedure required that the individual handling the correction pull the file from the File Management Unit and provide the file to the Scheduling Unit. File retrieval will no longer be necessary, as a report will now be generated to allow Scheduling Unit staff the ability to process these cases by accessing the necessary information on Panagon directly.

Please note: With reliance on the Daily Report of Reopened Fair Hearings and the Panagon system for document retrieval, there should no longer be a need for staff, other than File Management Unit staff, to retrieve defaulted or withdrawn files.

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.

A handwritten signature in black ink that reads "Mark Lacivita". The signature is written in a cursive, flowing style.

Mark Lacivita, Director of Administration
Office of Administrative Hearings