

<b>Office of Administrative Hearings (OAH) Procedures Transmittal</b>			<b>Transmittal Number:</b> 01-44
			<b>Date:</b> September 24, 2001
<b>Distribution:</b>			<b>Page:</b> 1 of 1
<b>ALB OAH Staff</b> <input checked="" type="checkbox"/>	<b>UPS ALJs</b> <input checked="" type="checkbox"/>	<b>Upstate LDSS</b> <input checked="" type="checkbox"/>	<b>Subject:</b>
	<b>SUP ALJs</b> <input checked="" type="checkbox"/>		Executive Order 113
<b>NYC OAH Staff</b> <input checked="" type="checkbox"/>	<b>NYC ALJs</b> <input checked="" type="checkbox"/>	<b>NYC Agencies</b> <input checked="" type="checkbox"/>	
	<b>SUP ALJs</b> <input checked="" type="checkbox"/>		

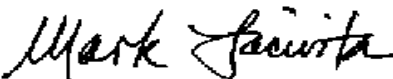
On September 11, 2001, Governor Pataki issued Executive Order Number 113 declaring a disaster emergency in the State of New York. On September 12, 2001, the Governor issued an Order continuing and amending Executive Order Number 113 (Number 113.7), suspending Civil and Criminal Statutes of Limitations where the limitation period concludes during the time period beginning September 11, 2001, until further notice.

Additionally, the Governor temporarily suspended, from September 11, 2001 until further notice is given, "any other statute, local law, ordinance, order, rule or regulation or part thereof, establishing limitations or time for the filing or service of any legal action, notice or other process or proceeding that the courts lack authority to extend through the exercise of discretion, where any limitation of time concludes during the period commencing from the date that the disaster emergency was declared [September 11] . . . until further notice."

We have interpreted this Order as applying to situations, **statewide**, in which the 60-day time limit for requesting a hearing, or the timely notice period for requesting a hearing with aid-continuing, ended on or after September 11, 2001. Therefore, if the last day for requesting a fair hearing occurred on or after September 11, 2001, the request is subject to review even if the request would normally be considered late. Likewise, if the last day for requesting a fair hearing with aid-continuing ordinarily would be on or after September 11, 2001, aid-continuing must be directed even if the request is received late.

As the Order indicates, the suspension of the time limits will be until further notice. You will be advised when we receive notification of an ending date for this provision, or if further direction is received from the Governor's Office.

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](mailto:90J029@dfa.state.ny.us).

  
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 Mark Lacivita, Director of Administration  
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