

Office of Administrative Hearings (OAH) Procedures Transmittal			Transmittal Number: 01-47
			Date: October 16, 2001
Distribution:			Page: 1 of 1
ALB OAH Staff <input checked="" type="checkbox"/>	UPS ALJs <input checked="" type="checkbox"/>	Upstate LDSS <input checked="" type="checkbox"/>	Subject:
	SUP ALJs <input checked="" type="checkbox"/>		Executive Order 113.28
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"/>		

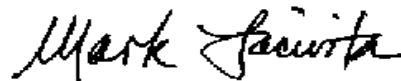
As you were previously advised, the Governor issued an Order on September 12, 2001 (Executive Order 113.7), suspending from September 11 until further notice is given, "any other statute, local law, ordinance, order, rule or regulation or part thereof, establishing limitations or time for the filing 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 [Sept. 11] . . . until further notice."

On October 4, 2001, the Governor issued Executive Order 113.28. This Order provides that Executive Order 113.7 "shall be extended until October 12, 2001, at 11:59 p.m. and shall then terminate..." There are certain exceptions where the termination date is extended to November 8 for disaster victims, but these exceptions are limited to specified litigation-related time frames.

We have interpreted the October 12, 2001 termination date as applying to those 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 between September 11 and October 12, 2001. Therefore, if the last day for requesting a fair hearing, or for receiving aid-continuing occurred between these dates, the request is subject to review, or considered timely, up through and including October 12, 2001, after which date the time-limit suspension order no longer applies. **Where the last date for timely request falls after October 12, normal rules apply.**

For example, where the last day for requesting a hearing normally would be October 5, the last day for a timely request would be October 12. Where the last day for a timely request normally would be October 15, the last day for a timely request would be October 15.

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