

Office of Administrative Hearings (OAH)	Transmittal Number: 00-08
Procedures Transmittal	Date: March 2, 2000
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ALB OAH Staff [x] UPS ALJs/ [] Upstate LDSS []	Subject: New Procedures For Requesting and Returning Fair Hearing Files
SUP ALJs []	
NYC OAH Staff [x] NYC ALJs/ [] NYC Agencies []	
Info only SUP ALJs []	

As you know, File Management Unit (FMU) staff have been phasing out the current file storage procedures and have begun to utilize scanning equipment installed to "document image" the contents of all closed fair hearing files for on-line storage and retrieval. In an effort to make this transition as easy and efficient as possible, several changes have been made when requesting and returning fair hearing files. Certain procedures which have remained unchanged during this phase of document-imaging implementation are being restated in this transmittal to clarify any confusion and to request your cooperation in carrying them out.

Requests for Retrieval of a Heard-Issued Fair Hearing File

Heard-issued fair hearing files should only be retrieved by File Management staff. Requests for the retrieval of a heard-issued fair hearing file can be made through the FMU by submitting a FHS PFHINQ1 printout with the fair hearing number, subcategory (if any), hearing date, and issue date highlighted. The requestor's first name initial, full last name, and the date of the request must be included on the printout. Your assistance in ensuring that the requested information is highlighted will help the File Management Unit in identifying where the particular file is stored and will therefore, expedite the retrieval process. To eliminate the chance of lost paperwork, nothing should be attached to the printout. As determined by the issue date of the decision, the request should be placed in one of the two baskets located in the FMU labelled "All Requests." The File Management Unit will access FHS and log out the file to the person who is requesting the file as indicated on the FHS printout. If a file is transferred from one party to another, outside of the File Management Unit, a record of the person who is being given physical possession of the file must be entered on FHS via the PFHCNG Screen (selection 08) in the Message field by the individual who originally requested the file.

Usually, a file physically located in the building will be retrieved by File Management staff and given to the requestor within 24 hours. Circumstances such as a missing file or when a file is currently signed out to another person may cause some delay in processing a request for a file. File Management staff will make every effort to locate a missing file or to track down a file that has been signed out to another person. Your assistance in promptly returning a file to FMU when you no longer need it and your diligence in recording any transfer of the file will reduce the incidence of lost files.

Files that have been sent for storage to the warehouse in Menands will be retrieved the next scheduled time that File Management staff are at Menands. Currently, staff from File Management go to Menands twice a week, on Tuesdays and Thursdays. On rare occasion, a situation may arise when a requestor needs a file retrieved "immediately." In these instances, the situation should be directly communicated to Edward McCarthy. It should be noted, that the File

Management Unit handles a variety of tasks under strict time constraints. Therefore, files that need to be retrieved "immediately" should be limited and only as absolutely essential.

Returning a Heard-Issued Fair Hearing File

Generally, all returned files are to be placed in the basket labelled "All Refiles" which is located in the File Management Unit. File Management staff will "log these files back in" by indicating on FHIS that these files have been returned to the unit. Failure to return files to this basket may result in the file being lost, as FHIS will continue to indicate that the file is still in the requestor's possession.

For Systems and Resources staff (reporting to Sharon Silversmith), a refile basket is located alongside the unit's fax machine. These files will be picked up at least once daily by File Management Unit staff. Systems and Resources staff will log the file back to the File Management Unit by accessing the FHIS PFHCNG Screen (selection #08) and indicating "logged in," the date, and the staff member's initials in the Message field. Following review, Systems and Resources staff will indicate whether or not the case is being reopened, and any other relevant information, in the Message and Comment fields. Systems and Resources staff should only log the file back in on FHIS when they physically have possession of the file and return it to the unit's refile basket or the FMU.

Retrieving Withdrawn and Defaulted Fair Hearing Case Files

Effective February 22, 2000 only the previous two month's Withdrawal and Defaulted fair hearing files will be physically located on the fifth-floor work location. These cases can be accessed and retrieved by Office of Administrative Hearings staff as needed. Any difficulties in locating specific files should be brought to Ed McCarthy's attention. If it has been determined before the file is retrieved that the fair hearing will be reopened, it is not necessary to log out the case file. However, if at the time of retrieval it has not been determined that the fair hearing will be reopened or if the case has been retrieved for a reason other than to reopen it, the file must be signed out on the log located in the front of each file drawer using your full name, fair hearing number, and the date retrieved. If the file that you need is not physically located on the floor, please follow the instructions for requesting a heard-issued file, as detailed on Page 1 of this transmittal, and place the print-out in the basket located on top of the Default/Withdrawal file cabinets within the File Management Unit.

Returning Withdrawn and Defaulted Fair Hearing Case Files

If a Withdrawn/Defaulted fair hearing file requires no further action and is to be refiled, the file should be placed in the "All Refiles" basket located within the File Management Unit.

"To File" Documents

Communications Intake Unit (CIU) staff will continue to place "To File" documents in the basket labelled "NYC and Upstate To Files" located within the Communications Intake Unit. Scheduling Unit staff will pick up the "To File" documents from the Communications Intake Unit daily and will sort and place them into the appropriate basket located in the File Management Unit.

All other OAH staff should place "To File" documents in the appropriately labelled basket located in the File Management Unit. The three "To File" baskets are labelled by issue date to differentiate documents going to files that are physically located on the floor, documents going to files that are not physically located on the floor, and documents for which the case file has been imaged. Placing your files in the appropriate basket will assist in ensuring effective file maintenance.

If you have any questions regarding this transmittal, please contact either Ed McCarthy at (518) 473-8920 or via e-mail LA0088 or Sue Fiehl at (518) 473-4779 or via e-mail 90J029.

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Mark Lacivita, Director of Administration
Office of Administrative Hearings