

Office of Administrative Hearings (OAH)	Transmittal Number: 99-35
Procedures Transmittal	Date: October 7, 1999
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Distribution:	
ALB OAH Staff [x]    UPS ALJs/ [ ]    Upstate LDSS [ ]	Subject:
SUP ALJs [ ]	HRA Mandatory Dispute Resolution Update (Subcategory MDR)
NYC OAH Staff [x]    NYC ALJs/ [x]    NYC Agencies [x]	
SUP ALJs [x]    NYC HRA Only	

Effective August 2, 1999, the New York City Human Resources Administration (HRA) has expanded the Mandatory Dispute Resolution (MDR) project to include Income Support Centers 51 and 53. As indicated in OAH Transmittal 99-26, the MDR process was developed to identify clients who have made a request for a hearing and notify them to appear at the agency prior to the hearing to discuss the requested issues. The MDR process was initially piloted and is still in place at Income Support Center 99.

Effective September 13, 1999, issue code 139 (Discontinuance for Failure to Report to Mandatory Dispute Resolution) has been designated for use when it is determined at the time of the hearing that a decision must be issued with respect to an agency action to discontinue assistance based on the appellant's failure to appear at an MDR conference. However, issue code 139 will only be added to the Fair Hearing Data Sheet (FH-019) by the Administrative Law Judge once the hearing has been held, as appropriate.

Therefore, coding of the MDR issue in the Fair Hearing Information System (FHIS) will ultimately reflect the following:

Agency:            N099, N051, N053, or appropriate center #  
Category:          ADC or HR  
Subcategory:      MDR    (To be added by Scheduling Unit staff)  
Issue Code:       139    (To be added to FH-019 by the ALJ only)  
Action:            DISC   (To be added to FH-019 by the ALJ only)

The following information represents the procedures which are to be followed when processing MDR requests. Procedures appearing in bold type indicate that they were not included or have been revised since they appeared in OAH Transmittal 99-26. Also, certain steps have been eliminated entirely since there is no longer a need to segregate MDR files.

Subcategory MDR was created to identify these requests. There will be no special scheduling considerations at this time.

An edit is in place which prevents the entry of SP02 in the Subcategory field when the Income Support Center is 51, 53, or 99. This allows the entry of "MDR" in the Subcategory field, if appropriate.

On the hearing date, HRA provides a list of names and fair hearing numbers of cases identified for Mandatory Dispute Resolution to staff located at 80 Centre Street. This list is forwarded to the Scheduling Unit in Albany, at which time "MDR" is entered in the Subcategory field.

On the hearing date, the Administrative Law Judge determines whether an issue must be addressed in the decision as to an action taken by the agency as a result of the appellant's failure to appear at an MDR conference. If so, the Fair Hearing Hearing Data Sheet (FH-019) is appropriately noted with Category, Action, Issue 139, Aid Status, Outcome Code, and Reason Code.

Previous instructions required that all MDR files (Issued, Withdrawn and Defaulted) be kept separately from all other files for easy retrieval. It is no longer necessary to maintain MDR files separately or to identify MDR status on the file by the use of pink highlighter on the file label.

You should be aware that the MDR process is under continuing discussion and is subject to modification at any time. These procedures will remain in effect until further notice. If you have any questions regarding this transmittal, please contact your supervisor or Sue Fiehl at (518) 473-4779 or via email at 90J029.

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Mark Lacivita, Director of Administration  
Office of Administrative Hearings