

9. Enter on the Comment Information Screen of the hearing that was defaulted:
 - The date that the appellant requested the reopening of the defaulted fair hearing
 - A brief but clear reason why the request to reopen was denied
 - The date the new fair hearing request was processed
 - The new fair hearing number and your initials. Example:
"Reopening requested 11/29/97; reopen denied 11/30/97 "forgot the date"; new FH#1111111Z processed 11/30/97. "/Initials.
10. Enter "X" in Update Complete? field.
11. Transmit.

All the above information is required to enable the Administrative Law Judge to make a Statute of Limitations determination based on the original fair hearing request inasmuch as the original fair hearing file will not be retrieved and attached to the new file.

As before, Intake staff should provide sufficient information in the Comments as to what the appellant offers as an explanation for failing to appear at the originally scheduled fair hearing, keeping in mind the criteria that is acceptable for reopening a hearing (within 15 days when good cause has been established or within 45 days when claiming no notice). This will be helpful to the reviewers in determining whether or not the hearing can be reopened or must be "reopen denied." Appellants can continue to be informed that a determination will be made and notification will be sent via mail as to the status of the reopen request. If the reopen request is denied, the appellant can expect to receive both a computer-generated letter informing of the basis for the denial and a DSS 4420, Acknowledgment of Fair Hearing Request and Confirmation of Aid Status, advising of the processing of a new request. If the reopen request is approved, only a DSS-4420 will be sent to the appellant advising of the processing of the reopened request.

As outlined in step #7 above, the reviewer can now generate the appellant's copy of the reopen-denial letter directly from PFHMOD. This procedural enhancement replaces the steps outlined in Transmittal #95-22 for electronic generation of the reopen-denial letter. Typically, letter selections 2, 3, and 4 will be used in response to telephone or walk-in requests for reopens that have been denied. (Letter #1 is generally used for restricting adjournments in response to written requests for adjournments.) The following information is an explanation of the letter types to be used to deny a request for reopening:

- Letter #2 - Advises appellant and/or any representative that because they failed to contact this office within the allotted 15-day period, we are unable to reschedule the hearing. This transaction automatically enters a comment stating "Letter #2 to app/rep advising reopen denied."
- Letter #3 - Advises appellant and/or any representative that we are unable to reschedule your hearing because you did not contact us within the 45-day period. A comment will appear stating "Letter #3 to app/rep advising reopen denied."

Letter #4 - Advises appellant and/or any representative that their reason for not appearing is insufficient to establish good cause. A comment is automatically added stating "Letter #4 to app/rep advising reopen denied."

It is imperative that all staff who handle reopen requests adhere to the procedures set forth for reopen denied cases. Since the FHIS system serves as an electronic file of information that tracks the history of a fair hearing request, all the steps outlined above must be followed to ensure accurate on-line information.

If you have any questions regarding this transmittal, please contact your supervisor 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