

referencing an actual notice/effective date and the case is in "S" scheduling status, or if the action pertains to certain non-notice-based INADEQUACY issues whereby the agency documents issuance of specific benefits that the client has requested and the case is in "S" scheduling status, the case will be given a subcategory of "NYCR" which interrupts the scheduling of the hearing and initiates the process that will generate a Disposition of Fair Hearing Request.

The input of subcategory "NYCR" onto FHIS triggers the automatic "scheduling" of the case, calendaring as "heard," and foldering as "file received," although a decision is rendered absent any hearing being held. The Scheduling Unit will prepare the files the day following input of the "NYCR." Based on the issue set forth on the resolution form, a script will be input on the Office Automation (OA) system to generate a Disposition of Fair Hearing Request. The Dispositions will then proceed through the regular issuance process and will be coded as Outcome Reason Code 24, "Agency Resolved Issue to Client Satisfaction. No Hearing Held." On the issuance screen, information as to whether the agency appeared and whether there is a case record, should be coded "Y."

If, after receiving a Disposition of Hearing, the appellant is dissatisfied or feels that any part of the agreement has failed to be implemented by the agency, the appellant's remedy is to pursue compliance with the Disposition through the OAH compliance process.

Any questions with respect to the NYCR process for cases administered by the NYC Medical Assistance Program should be brought to the attention of your supervisor or to Sue Fiehl at 518-473-4779 or via e-mail 90j029.

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Mark Lacivita, Director of Administration
Office of Administrative Hearings

Attachment