

Office of Administrative Hearings (OAH)

Procedures Transmittal

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Distribution:

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Subject: Flagging NYS6
Fair Hearing Cases
to Retain for the
Varshavsky Litigation

Effective immediately, the following changes have been made in handling the fair hearing files designated as Varshavsky (NYS6) cases:

- 1. Administrative Support Unit staff will use a blue highlighter marker to place a diagonal line across the label of cases designated as being part of the Varshavsky Litigation (NYS6).
2. Administrative Support Unit staff will forward the Varshavsky (NYS6) fair hearing files (integrated with the regular case files) to the File Management Unit.
3. File Management Unit staff will continue to put the case files in fair hearing number order and will continue to match the fair hearing decision copy to the fair hearing files; however, the case files that have been designated as Varshavsky (NYS6), will be pulled and set aside from the other fair hearing case files.

At such time as staff request files from the File Management Unit, it is important to circle the NYS6 agency designation, or write it clearly on the printout, so that File Management staff will be alert to searching in the appropriate box. To ensure separate storage, files with blue highlighting should be returned directly to the File Management Unit to the attention of Joe Verrastro rather than being placed in the refile box.

Administrative Law Judges Please Note:

For all homebound telephone hearings designated 997 (NYS6) when the appellant appears, it is important that the 997 issue code be deleted from the Fair Hearing Data Sheet (FH-019). Also, a notation, "Delete NYS6," should be made in the "Remarks/Changes" section of the file jacket since appellants who appear at a regularly scheduled hearing are not subject to the Varshavsky protection.

Any questions can be directed to Sue Fiehl at 473-4779 or via E-mail at 90j029.

Mark Lacivita, Director of Administration