Office of Administrative Hearings (OAH)	Transmittal Number: 96-30
Procedures Transmittal	Date: July 26, 1996
Distribution:	
ALB OAH Staff [x] UPS ALJs/ [ ] SUP ALJs [ ] Upstate LDSS [ ]	Subject: Personal Care Services Cases Pursuant to Mayer et al. v. Wing et al.
NYC OAH Staff [x] NYC ALJs/ [ ] NYC MA SUP ALJs [x] NYC Agencies [X] NOHC Only.	

On April 3, 1996, a preliminary injunction was issued in Mayer et al. v.Wing, in which a class of personal care services recipients alleges that the Human Resources Administration (HRA) has arbitrarily reduced or terminated their personal care services.

One mandate of the preliminary injunction was that a telephone line be established for exclusive use in processing NYC hearing requests regarding cases that fall into the Mayer v. Wing class. In compliance with the injunction, the telephone number (212) 344-0055 has been set up for the sole purpose of handling these requests. The telephone number will appear on the reverse side of the notice (see attached example) issued by the Office of Home Care.

This telephone line is being answered by designated staff in the Albany Communication Intake Unit, on a rotating basis. Appellants contacting this office via the designated phone number will have gotten proper notice. Incoming calls to this line that do not pertain to Mayer v. Wing will not be transferred to the queue in an effort to avoid tying up the line. The caller will, instead, be given the regular fair hearing request number to redial.

Any cases that are adjourned "pending resolution of Mayer" should be placed in Hold status and noted in the Comments that the adjournment is "pending resolution of Mayer" which will alert the Scheduling Unit to maintain the file in a hold drawer until further notice. If the case is aid continuing, the case should remain aid continuing. The Office of Home Care has agreed to review roughly 591 Personal Care Services notices issued between January, 1995 and January, 1996 to ensure that they comport with the court order. Upon notification from the Office of Home Care that the agency does not intend to withdraw the notice but will instead pursue the action indicated on the original notice, Henry Pedicone will notify the Scheduling Unit to put the case on the calendar. Any questions can be brought to the attention of 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

Attachment