ALB OAH Staff ☒	UPS ALJs ☒	Upstate LDSS ☐	Subject: Disposition Code 99 PEND DELAY BY APPELLANT And Disposition Code 15 ADJOURN DELAY BY APPELLANT (Revised)
	SUP ALJs ☒		
NYC OAH Staff ☒	NYC ALJs ☒	NYC Agencies ☐	
	SUP ALJs ☒		

This transmittal is being released by the Office of Administrative Hearings to document a change in process from instructions contained in Transmittal 11-004. Effective immediately, it is no longer necessary to give printouts to the Scheduling Supervisor. Slight modifications have been made to the process as indicated below.

Disposition Code 99 (PEND DELAY BY APPELLANT) is active in the Fair Hearing Information System (FHIS) for use when an appellant or representative requests a delay in the scheduling of the fair hearing.
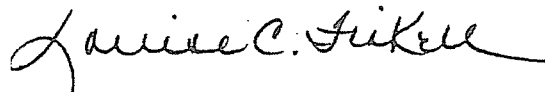
If an appellant/representative requests a delay in scheduling at the time the hearing is first processed, upon establishing "good cause," Communication Intake Unit (CIU) staff should enter Scheduling Status **"D" (Delay)** on the Request Entry (PFHREQ) screen. The request program will put in the PEND 99 disposition. The disposition date will be the request date. CIU staff should enter their own comment, i.e. "delay scheduling at request of appellant, reason for the delay and length of the delay" similar to the process for putting a new request in HOLD.

If an appellant/representative calls subsequent to the initial request but before the hearing is scheduled and requests a delay in scheduling, upon establishing "good cause," CIU staff should enter "PEND" in the Disposition field on the Modification Screen (PFHMOD), the date of appellant contact in the Disposition Date field and Scheduling Status "D." FHIS will automatically add Disposition Code 99 and enter "PEND DELAY BY APPELLANT" and the disposition date in the Comments. CIU staff should enter their own comment, i.e. "delay scheduling at request of appellant, reason for the delay and length of the delay.

Should the appellant/representative contact us before the expiration of the Pend Delay, CIU staff can change the Scheduling Status "D" to "S" (Schedule) or "N" (Next Available), or "T" (Telephone) on the Request Entry (PFHREQ) screen.

If an appellant/representative calls to request a delay in scheduling once the hearing has a scheduled date, upon establishing "good cause," CIU staff should adjourn the hearing, enter HOLD in the Subcategory field, and enter new **Disposition Code 15 (ADJOURN DELAY BY APPELLANT)** to prevent the automatic rescheduling of the hearing and allow for proper tracking of these cases. CIU staff should give a printout to the Scheduling Supervisor indicating the length of time to HOLD before rescheduling so the request can be removed from "HOLD" at the appropriate time.

If you have any questions regarding this transmittal, please contact Victoria A. Fiorino at (518) 473-4717 or via e-mail at victoria.fiorino@otda.ny.gov.

Louise Finkell, Director of Administration
Office of Administrative Hearings