

Office of Administrative Hearings (OAH)	Transmittal Number: 95-41
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Distribution:	
ALB OAH Staff [X] UPS ALJs/ [] Upstate LDSS []	Subject: Denials of Emergency Assistance Due to Employment Sanctions
SUP ALJs []	
NYC OAH Staff [X] NYC ALJs/ [X] NYC Agencies []	
SUP ALJs [X]	

The denial of an EA request involving an individual sanctioned from receipt of assistance by NOES (New York City Office of Employment Services) requires that two hearings be scheduled--the first against OES at 109 E. 16th Street to review the sanction issue, and the second on the EA calendar at 80 Centre Street to review the EA denial. Therefore, a procedure has been established for handling denials of emergency assistance due to employment sanctions, as follows:

To Set Up the OES Sanction Issue:

The designated EA worker (currently Lucille Virola) calls the OES intake supervisor (currently Nelly Liranzo) at (212) 529-3647, 109 E. 16th St. to obtain the date and to provide the Fair Hearing number. Upon consultation with the Supervising Hearing Officer at the OES site, the OES intake supervisor provides the date and ALJ number to the EA worker. The OES intake supervisor utilizes the FH number to prepare a dummy file.

(If, upon checking the system it is determined that the appellant has already requested a hearing on the sanction issue, obviously, it is not necessary to set up an additional hearing on the OES sanction issue; however, it is important to cross reference the Comment section of both the EA and OES hearing requests, as outlined below).

To Set Up the EA Issue:

The EA worker schedules an emergency hearing on the EA calendar following established procedure. The date should be approximately one week following the OES hearing.

In setting up both hearings, the Comment section should be appropriately noted to describe the related hearing so that the ALJ is notified that there is another hearing (i.e., the EA 1891 should indicate that an OES hearing is being separately scheduled and the OES 1891 should refer to the separate scheduling of the EA hearing). The EA ALJ will be able to obtain the OES decision through GETFH and thus have sufficient information to make a determination on the EA issue. If the EA ALJ finds that the OES decision is only pending issuance, s/he must notify Jackie Donovan in the Albany office at (518) 473-4989 or email a request to her at LA0021 to have it expedited and issued on FHIS prior to referencing it in the EA decision.

The EA worker should list both hearings on the EA list for the Scheduling Supervisor, Nancy Irving. For the OES hearing, "OES" and the ALJ number should be noted in the margin. In the event no ALJ number is available, the Scheduling Supervisor will continue to use 132. This list and the 1891s are then forwarded to the Calendar Management Unit as usual. Since the dummy file for the OES hearing is prepared by the OES Intake Supervisor, Calendar Management Unit staff need not prepare a dummy file for those cases marked OES. The OES 1891 should be given to the Master Calendar Clerk to add the expedited hearing to the OES calendar. The disposition can then be recorded as usual.

All correspondence requests taken in the Albany office relating to an EA denial due to an employment sanction should be referred to the attention of William Garren to provide to the designated EA worker for processing. Telephone requests received in the Albany office, at 330 West 34th St. or 109 E. 16th St. should not be processed but should be referred to one of the following emergency assistance lines at 80 Centre Street: (212) 417-3614 or 417-4639.

Any questions should be referred to Sue Fiehl at 518-473-4779 or via e-mail 90j029.

Mark Lacivita, Director of Administration
Office of Administrative Hearings