

Office of Administrative Hearings (OAH)	Transmittal Number: 94-09
Procedures Transmittal	Subject: SOS Decisions
Distribution:	
ALB OAH Staff +-+ UPS ALJs/ +-+ Upstate LDSS +-+ +x+ SUP ALJs +x+ +x+	Date: January 24, 1994
NYC OAH Staff +-+ NYC ALJs/ +-+ NYC Agencies +-+ +-+ SUP ALJs +-+ +-+	

This is to advise you of a change in the way the Office of Administrative Hearings (OAH) will issue decisions after Fair Hearing (FH) for those cases where the local district withdraws its adverse action notice and/or stipulates to take specific action in settlement of the FH request.

Currently the OAH issues a typed FH decision captioned "DECISION ON STIPULATION AFTER FAIR HEARING". That decision is signed by the Commissioner's designee with a issuance date stamped next to the signature block.

The OAH will no longer utilize this form.. In its place a "STIPULATION OF SETTLEMENT" form will be used. (copy attached) This form will be hand written by the Administrative Law Judge (ALJ) at the FH and will be signed and dated by the ALJ and the local district representative. Copies of this form will then be handed to the appellant and to the local district representative.

While the format of the process has changed, the Stipulation of Settlement will have the same force and effect as the predecessor form. It is important that you know that the issuance date will be the date that the ALJ signs the Stipulation of Settlement. Compliance time frames will run from that date.

There are several benefits associated with using this new format. The new format will be administratively efficient for the OAH by removing the need for typing the Stipulation of Settlement and for mailing to local districts and appellants. In addition it should speed up local district compliance with the stipulation. Lastly the new format will assure the local district that the issued Stipulation of Settlement properly reflects the statements made by the local district representative at the FH since the local district representative must read and sign the document.

I do not expect that this change will adversely effect local district operations. Please feel free to call our local district liaison at (518) 474-8787 should you have any questions. Thank you for your anticipated cooperation.

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