Office of Administrative Hearings (OAH)	Transmittal Number: 94-59
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Distribution:	! ! !
ALB OAH Staff [X] UPS ALJs/ [] Upstate LDSS [] SUP ALJs []	Subject: Albany Reopen Procedures
NYC OAH Staff [] NYC ALJs/ [] NYC Agencies [] SUP ALJs []	1 -

Pursuant to 18 NYCRR 358-5.5, a defaulted fair hearing can be restored to the calendar (reopened) if the appellant or the appellant's authorized representative has:

o contacted the department within 15 days of the scheduled date of the fair hearing to request that the fair hearing be rescheduled; and provided the department with a good cause reason for failing to appear at the fair hearing on the scheduled date;

Or;

o contacted the department within 45 days of the scheduled date of the hearing and has established that the appellant did not receive the notice of fair hearing prior to the scheduled hearing date.

After consulting with an intake supervisor and determining that a reopen request meets the criteria cited above, the following procedures should be followed when processing the reopen request:

- 1. Retrieve and sign-out the defaulted file. Indicate in the sign-out book next to your initials that the case is being reopened.
- 2. Complete the DSS-2846, Modification Form, with "REOP" and the appropriate reason code (see attached list of reason codes) entered in the disposition field. The form should be given to an intake supervisor who will determine the correct aid status and will approve the reopen by initialing the form.
- 3. Enter the fair hearing number at the PFHREQ selection (Calls the Request Entry Program) of the FHIS menu which will bring you to the PFREQ1, Request Information Screen. Enter "REOP", aid status and the date in the message field located on the PFREQ1 screen.
- 4. Advance to the PFREQ3, Comment Information Screen and enter "REOP", aid status, a brief description of the reason why the case is being reopened, the date and your initials.

- 5. For Upstate cases, the file, if available, and the white copy of the DSS-2846 should be put in the "Upstate Basket" located in the Intake Unit for data entry. If the case is being opened with aid continuing, the yellow copy of the DSS-2846 should be put in the Upstate liaison's basket so that the liaison can contact the agency. If the reopened case is non-aid continuing, the yellow copy of the DSS-2846 should be discarded.
- 6. For New York City cases, the file, if available, along with the white and yellow copy of the DSS-2846 should be put in the "NYC Basket" located in the Intake Unit for data entry.

Mark Lacivita, Director of Administration Office of Administrative Hearing

Attachment

DISPOSITION CODES

ADJOURNMENT/REOPEN RELATED

- 01 Administrative Calendar Rolled
- 02 Administrative Overloaded Calendar
- 03 Hearing Officer Initiated at Hearing and or Personalized
- 04 Administrative Combine Files/Add Issues
- 05 ADH Unclaimed Certified Mail
- 06
- 07 ADH Waiver Withdrawn by Recipient
- 08 ADH Case Resubmitted by Agency
- 09 Administrative Error in Name, Address, etc.
- 10 Administrative Awaiting Outcome of Litigation
- 46 Administrative Agency Change (Add/Delete/Location)
- 19 Awaiting Written Confirmation of Withdrawal from Agency
- 20 Appellant Incarcerated
- 21 Lack of Child Care
- 22 Educational (Class/Exams)
- 23 Employment Conflicts
- 24 Interpreter Needed
- 25 Medical AC Pending Medical
- 26 Medical Appellant/Children are ill
- 27 Medical Appellant Homebound
- 28 Preparation Time Appellant
- 29 Preparation Time Representative Recently Retained
- 30 Preparation Time Awaiting Documents
- 31 Pending Outcome of Lawsuit (Appellant/Representative) 54 Appellant Mistook the
- 32 Witness Not Available
- 33 Representative Not Available
- 34 Representative Not Retained
- 35 Representative Lost Contact with Appellant
- 36 Scheduling Conflict (Appellant/Representative)
- 37 Time Change
- 38 Lack of Transportation/Funds
- 39 Car Trouble
- 49 Transportation Delays
- 40 Out of Town (Family Illness/Emergency)
- 41 Funeral
- 42 Inclement Weather
- 43 Arrived Late at Hearing
- 44 Had to Leave Before Hearing was Called
- 45 Religious Holiday/Observance
- 47 Possible Resolution
- 48 Other Appellant/Representative Reason
- 60 Agency Representative Witness Not Available
- 61 Agency Facility Not Available
- 62 Agency Needs Time to Prepare
- 63 Other Agency Reason
- 70 Telephone Hearing Appellant Not Home, Not Available
- 71 Telephone Hearing Appellant Deceased and Family Awaiting Authorization to Pursue Hearing
- 72 Telephone Hearing Telephone Disconnected/Wrong Number

73 Telephone Hearing-Aw
74 Telephone Hearing-App
Homebound Telephone He
adjourning to a regula

WITHDRAWAL RELATED

- 80 Telephone Hearing Abandoned/Returned/Unc
- 81 Appellant Deceased
- 82 Signed Withdrawal Rec
- 83 Issue Resolved
- 84 Appellant No Longer W:
- 85 Appellant Withdrew at
- 86 Administrative Duj
- 87 Administrative No
- 88 Administrative Aba

DEFAULT RELATED

- 90 Client Appeared Late
- 91 Client Appeared Late
- 50 Non-Receipt or Late Ro
- 51 Administrative Notice
- 52 Appellant Thought Issi
- 53 Unable to Contact Adj