

Office of Administrative Hearings (OAH) Procedures Transmittal			Transmittal Number: 09-02
Distribution:			Date: March 12, 2009
			Page: 1 of 1 plus Attach.
ALB OAH Staff <input checked="" type="checkbox"/>	UPS ALJs <input checked="" type="checkbox"/>	Upstate LDSS <input checked="" type="checkbox"/>	Subject: Appearances at Upstate Hearings (Procedures for Local Districts)
	SUP ALJs <input checked="" type="checkbox"/>		
NYC OAH Staff <input type="checkbox"/>	NYC ALJs <input type="checkbox"/>	NYC Agencies <input type="checkbox"/>	
	SUP ALJs <input type="checkbox"/>		

The attached is forwarded for your use in informing appellants of procedures incident to their attendance at fair hearings. This information is to be provided to every appellant appearing for a fair hearing.

Every appellant appearing for a fair hearing must be seen by the Hearing Officer. The determination to default the appellant or to grant an adjournment is solely within the discretion of the Hearing Officer.

Appellants who appear late for their appointed time should be advised that they must remain until such time as the Hearing Officer advises them as to the disposition of their hearing.

Should appellants elect to leave before their case is called, it is incumbent on Agency staff to alert the Hearing Officer of the need to afford such appellants an opportunity to explain any urgent situations. It is solely the judgment of the Hearing Officer as to whether the hearing can be held, whether the situation warrants an adjournment, or whether the disposition will be noted as a default.

If there are any questions with respect to this transmittal, you may contact your supervisor or Susan Fiehl at (518) 473-4779 or via email susan.fiehl@otda.state.ny.us.



Mark Lacivita, Director of Administration
Office of Administrative Hearings

**New York State
Office of Temporary and Disability Assistance**

OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 1930
ALBANY, NEW YORK 12201-1930
800-342-3334



**INFORMATION FOR PERSONS ATTENDING
FAIR HEARINGS**

- **YOU WILL BE CALLED FOR YOUR HEARING IN THE ORDER THAT YOU SIGNED IN.** There may be more than one Hearing Officer holding hearings today, so people who came after you may be called first by the other Hearing Officer.
- **PLEASE STAY IN THE WAITING AREA SO THAT YOU CAN HEAR YOUR NUMBER OR NAME CALLED.**
- **NOTIFY THE AGENCY REPRESENTATIVE OR RECEPTIONIST OF ANY SCHEDULING PROBLEMS SO THAT THE HEARING OFFICER WILL BE MADE AWARE OF THEM.**
- **IF YOU MUST LEAVE BEFORE YOUR HEARING, YOU MUST FIRST SPEAK WITH THE HEARING OFFICER.**
 - (1) NOTIFY THE AGENCY REPRESENTATIVE OR RECEPTIONIST THAT YOU MUST LEAVE AND**
 - (2) WAIT FOR THE HEARING OFFICER TO SPEAK WITH YOU.**

IF YOU LEAVE, FOR ANY REASON, WITHOUT SPEAKING TO THE HEARING OFFICER, YOU MAY BE CONSIDERED TO HAVE DEFAULTED THE HEARING.

**New York State
Office of Temporary and Disability Assistance**

OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 1930
ALBANY, NEW YORK 12201-1930
800-342-3334



**ATENCIÓN PERSONAS QUE ASISTEN A UNA
VISTA IMPARCIAL**

- **SE LE LLAMARÁ EN EL ORDEN EN EL QUE SE ANOTÓ AL LLEGAR.** Dado que puede haber más de un juez administrativo de vista imparcial el día de hoy, quizás el otro juez administrativo de vista imparcial llame primero a las personas que llegaron después de usted.
- **FAVOR DE ESPERAR EN LA SALA DE ESPERA PARA QUE PUEDA OÍR SU NÚMERO O NOMBRE CUANDO SE LE LLAME.**
- **NOTIFÍQUELE AL REPRESENTANTE DE LA AGENCIA O DE LA RECEPCIÓN SI TIENE UN CONFLICTO CON LA CITA PROGRAMADA PARA QUE EL JUEZ ADMINISTRATIVO DE VISTA IMPARCIAL ESTÉ AL TANTO.**
- **DEBE REUNIRSE CON EL JUEZ ADMINISTRATIVO DE VISTA IMPARCIAL ANTES DE IRSE, AUNQUE NO HAYA TENIDO LA VISTA IMPARCIAL TODAVÍA.**
 - (1) **NOTIFÍQUELE PRIMERAMENTE AL REPRESENTANTE DE LA AGENCIA O A LA RECEPCIONISTA QUE USTED DEBE MARCHARSE Y**
 - (2) **LUEGO ESPERE HASTA QUE EL JUEZ ADMINISTRATIVO DE VISTA IMPARCIAL HABLE CON USTED.**

SI POR ALGÚN MOTIVO SE VA SIN HABLAR CON EL JUEZ ADMINISTRATIVO DE VISTA IMPARCIAL, QUERRÁ DECIR QUE USTED NO COMPARECIÓ A LA CITA DE LA VISTA IMPARCIAL.