NEW YORK STATE OF OPPORTUNITY.
Office of Temporary and Disability Assistance

**ANDREW M. CUOMO**
Governor

**MICHAEL P. HEIN**
Commissioner

**BARBARA C. GUINN**
Executive Deputy Commissioner

# General Information System (GIS) Message

| | |
|---|---|
| **Transmittal:** | Office of Administrative Hearings Transmittal 21-01 |
| **Date:** | March 15, 2021 |
| **To:** | Office of Administrative Hearings, All Social Services Districts, Managed Care and Long-Term Managed Care Organizations, New York State Department of Health, State Supplement Program |
| **Suggested Distribution:** | All Fair Hearings Workers |
| **From:** | Roy A. Esnard, Deputy Commissioner<br>Office of Administrative Hearings |
| **Subject:** | Demonstration Project – Conducting Hearings by Telephone, Video, and Other Means of Communication |
| **Effective Date:** | Immediately |
| **Contact Information:** | Deputy Commissioner Roy A. Esnard<br>Roy.Esnard@otda.ny.gov; 718.923.4334<br><br>or<br><br>Director Samuel Spitzberg<br>Samuel.Spitzberg@otda.ny.gov; 518.486.9570 |

On March 12, 2020, and in accordance with Social Services Law § 36-a and 18 NYCRR § 300.11, the OTDA Office of Administrative Hearings (OAH) initiated a demonstration project to ascertain the viability of conducting fair hearings to the greatest extent possible utilizing telephone, video, and other means of communication. These alternatives to conducting hearings in-person should improve timeliness and reduce unnecessary travel for all the hearing participants, while protecting the parties respective due process rights. These alternative methods of conducting hearings also reduce the number of individuals at OAH's main hearing site at 14 Boerum Place in Brooklyn, where hearings had commonly been held in-person.

As detailed in OAH transmittal 20-04, dated July 12, 2020, OAH offices at 14 Boerum Place in Brooklyn reduced density significantly. That trend continues. Additionally, the number of appellant appearances at hearings has increased.

The demonstration (currently expected to expire on or about March 12, 2021), will be extended through March 12, 2022. The conditions and expectations outlined in transmittals 20-01, 20-02, 20-03, and 20-04, remain in effect.

Local social services districts and their agents are reminded of their responsibility to cooperate in this demonstration project.

Questions about this demonstration project should be directed to OAH Deputy Commissioner Roy A. Esnard at Roy.Esnard@otda.ny.gov and 718.923.4334 or Director Samuel Spitzberg at Samuel.Spitzberg@otda.ny.gov and 518.486.9570.

OTDA appreciates the on-going cooperation and new initiatives tried during the demonstration project. Together, we are providing impartial fair hearings in a timely and fair manner notwithstanding the public health emergency.