

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243-0001

BRIAN J. WING
Acting Commissioner



December 18, 1996

State Register
Publications Bureau
Department of State
41 State Street, 3rd Floor
Albany, New York 12207

Dear Sir or Madam:

Enclosed herewith for publication in the State Register is a copy of this Department's Administrative Adjudication Report for 1996. This Department is required to prepare the Report pursuant to Executive Order No. 131.

If you have any questions on the above matter, please do not hesitate to contact me at 474-9502.

Very truly yours,

Anne Grace for
John E. Robitzek

Enclosure

Department of Social Services
Office of Legal Affairs
Office of Administrative Hearings

Pursuant to Executive Order No. 131 that was issued on December 4, 1989, each agency is required to publish a report that sets forth the steps taken by the agency to comply with the Order. The report for the period ending November 30, 1990, detailed the initial steps taken to comply with the Order, including changes in organizational structure, Department regulations and practices, and in hearing procedures. Those provisions remain in effect.

The Order (Section V) requires that the report include "statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination." The following statistics on Article 78 proceedings are from the period commencing July 1, 1994 through June 30, 1996:

Cases Opened:	724
Cases Closed:	214

The closed cases resulted in the following outcomes:

Stipulations of settlement:	102
Decisions favorable to the Department:	66
Withdrawn or abandoned by petitioner:	29

Decisions adverse to
the Department: 17

Reasons for adverse decisions:

Mistake of law as applied
to facts: 8
Record deficient: 9