

12/94

Administrative Adjudication Report
of the
New York State Department of Social Services
Division of Legal Affairs
Office of Administrative Hearings

Pursuant to Executive Order No. 131 issued by Governor Mario Cuomo 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.

In the Plan, the Department indicated that it would develop regulations describing the applicable procedures in certain areas as required by the Order, Section III, B, 5. On March 31, 1994, the Department adopted regulations which streamlined the administrative hearing process concerning residential programs for adults. Those regulations became effective on October 1, 1994. In addition, on May 27, 1994, the Department adopted regulations which ensure that hearings conducted by Tier II family shelter operators are conducted in a uniform and appropriate manner, consistent with residents' rights to fair and impartial review of determinations to discharge the residents involuntarily.

The Order (Section V) requires that this 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, 1992 through June 30, 1994:

Cases Opened:	567
Cases Closed:	296

The closed cases resulted in the following outcomes:

Stipulations of Settlement:	136
Decisions Favorable to the Department:	112
Withdrawn or Abandoned by Petitioner:	27
Decisions Adverse to the Department:	21

Reasons for Adverse Decisions:

Mistake of Law as Applied to Facts:	14
Record Deficient:	7