NEW YORK STATE | Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

Transmittal:	26DC023/Office of Administrative Hearings Transmittal 26-02
Date:	April 14, 2026
To:	Subscribers, Office of Administrative Hearings, State Supplement Program, Social Services Districts, Managed Care and Long-Term Managed Care Organizations, New York State Department of Health, Office of Children and Family Services, Office for People With Developmental Disabilities, and Office of Mental Health
Suggested Distribution:	Fair Hearing Workers
From:	Samuel L. Spitzberg, Associate Deputy Commissioner Office of Administrative Hearings
Subject:	Demonstration Project to Increase Appellant Scheduling Control
Effective Date:	April 20, 2026
Contact Information:	OAH Transmittals@otda.ny.gov

Section 2

Background:

The Office of Temporary and Disability Assistance (OTDA) Office of Administrative Hearings (OAH) started a demonstration project (OAH Transmittal 20-02) to evaluate the viability of conducting fair hearings utilizing telephone, video, and other means of communication, to the greatest extent possible, on March 12, 2020. The demonstration project was updated and continued under OAH Transmittals 20-03, 20-04, 20-05, 21-01, 22-01, 23-01, 24-01, 25-01, and 26-01.

Section 3

Demonstration Project Effective TBD:

In accordance with Social Services Law §§ 36-a and 113 and 18 NYCRR § 300.11, the OTDA Office of Administrative Hearings (OAH), through OAH Transmittal 26-02, will start a demonstration project designed to offer appellants and their representatives increased fair hearing scheduling control.

This demonstration project expands OAH's authority under OAH Transmittal 26-01 to schedule and adjudicate fair hearings utilizing "call in" and "call out" methods. The demonstration project will pilot technological advances and utilize prerecorded information, in multiple languages, explaining how a hearing will be conducted and determine whether the information is understood.

"Call in" hearings will start in two counties[1] and expand over several months to all or nearly all New York State counties. OAH intends to transition from "call out" to "call in" for nearly all telephonic hearings by early 2027.

All social services agencies, including social services districts, Managed Care Organizations, Long-Term Managed Care Organizations, and other respondents and agents must cooperate in this demonstration project and comply with decisions and directives.

Section 4

Hearing officers will continue calling social services agency representatives to participate in fair hearings even when scheduled as "call in."

Section 5

Piloting New Technology:

OAH conducts most fair hearings with hearing officers calling ("call out") appellants, representatives, interpreters, and other participants. Technological advances now allow OAH to schedule hearings with appellants and their representatives calling in ("call in") to a virtual call center (VCC). Through the VCC, appellants and their representatives can individually follow touchtone prompts, receive important information about the hearing process, and enter a virtual hearing room with a hearing officer.

Before entering the virtual hearing room, appellants and their representatives will be in a virtual waiting room where prerecorded information prepared by a hearing officer describing the hearing processes, appellant rights, and what will happen in the virtual hearing room is explained in a person's preferred language[2].

Participants may make themselves "unavailable" for up to five (5) minutes, wait for their representative (a representative may also wait for the appellant), and connect with an OAH staff member to assist with problems. Appellants or their authorized representatives may request to proceed without the appellant or the authorized representative. Hearing officers will determine whether to grant such requests.

Scheduling notices will direct appellants and their representatives to:

- report to a specific address to participate in the hearing,

[1] Tentative schedule attached.
[2] English, Spanish, Russian, Chinese, Arabic, Urdu, Bengali, Korean, Polish, Italian, French, Haitian Creole, and Yiddish.

- “call in” to participate in the hearing, or
- wait for the hearing officer to “call out” to the appellant and the appellant’s representative to participate in the hearing at any point within the scheduling window.

Section 6

Appellants and their authorized representatives should generally not appear at a physical address unless the appellant and/or the authorized representatives require(s) a private location and telephone. In such circumstances, appellants and their authorized representatives should notify OAH at least two (2) business days in advance of the scheduled hearing date to ensure the location is prepared for appellants and their authorized representatives.

OAH recognizes some individuals do not have telephone service. Appellants and their authorized representatives without access to a telephone and/or a private place to participate in a hearing or who lose access to a telephone should notify OAH at the earliest possible time so an alternate appearance method can be coordinated.

Section 7

Scheduling Times:

Hearings will generally be scheduled between 9:00 am and 1:00 pm for morning calendars and 1:00 pm and 5:00 pm for afternoon calendars.

Appellants and their authorized representatives directed to “call in” for a hearing must call 518-560-4126 or 844-337-9205 no earlier than ten (10) minutes before and no later than thirty (30) minutes after the scheduled time or the fair hearing request may be considered abandoned.

Section 8

Agency Responsibility:

Except for New York City social services districts, all other social services districts must have space and resources available for appellants, their representatives, and/or OAH personnel who may appear for hearings. Required space and resources include confidential space with a door, telephone, internet access, security, printing and scanning capabilities, waiting area, and queuing process.

A computer with a microphone, internet, and video capabilities may also be required when directed by OAH.

Section 9

Appellant Responsibility:

The scheduling notice (OAH Form 457) identifies the hearing modality in Box F and scheduled hearing time in Box H. Hearings may be scheduled with (1) hearing officers calling out to appellants and authorized representatives, (2) appellants and their authorized representatives directed to call in for the hearing, or (3) appellants and/or their authorized representative directed to report to a location.

The scheduling notice (OAH Form 457) identifies the "hearing location" in Box F. Clear directions are provided on a separate sheet included in the same envelope for the scheduled modality.

Telephonic hearings do not require appellants and their authorized representatives to appear at a specific location. Appellants and authorized representatives can participate using a telephone from any location.

Section 10

"CALL OUT" Hearings: Hearing Officers Call Appellants and Authorized Representatives

For hearings scheduled as "call out," morning hearings may be scheduled no earlier than 9:00 am; afternoon hearings may be scheduled to start no earlier than 1:00 pm. Appellants and their authorized representatives must be available to participate between 9:00 am and 1:00 pm for morning calendars and 1:00 pm and 5:00 pm for afternoon calendars.

Appellants and their representatives need to be prepared to accept a call from the assigned hearing officer during the entire morning or afternoon scheduling window.

Hearing officer telephone calls may appear as Blocked Caller, Private, Unknown, or have 212, 718, 646, or 518 area codes. Appellants and their authorized representatives must ensure their phones accept blocked calls and answer calls during the designated hearing window notwithstanding Caller ID.

Hearing officers will make at least two (2) attempts to call appellants and their authorized representatives with at least five (5) minutes between calls.

Section 11

"CALL IN": Appellants Directed to Call In for Hearings:

Hearings scheduled as "call in," require appellants and their authorized representatives to call no earlier than ten (10) minutes before and no later than thirty (30) minutes after the scheduled time. Individuals calling in outside the window will not be placed in the queue and the hearing request may be considered abandoned if more than thirty (30) minutes passed since the scheduled starting time. Hearing officers will generally not call appellants and their authorized representatives when hearings are scheduled as "call in."

Section 12

"IN PERSON": Appellants and Hearing Officers See Each Other in Real Time:

Hearings scheduled as “in-person” require appellants and their authorized representatives to report to a designated location. Hearings scheduled as “in-person” may be conducted via video with the hearing officer in a different location than an appellant and their authorized representative. Hearing officers may accept evidence during an “in-person” hearing regardless of whether it is conducted via video [18 NYCRR 358-5.13].

Section 13

OAH Responsibility:

For “call out” hearings, hearing officers will call the parties at the provided phone numbers. If there is no answer, hearing officers should leave voice messages. Hearing officers will call appellants and their authorized representatives at least two (2) times with at least five (5) minutes between calls and leave messages when able. OAH may deem the request for a fair hearing abandoned when neither the appellant nor the authorized representative answers the calls [18 NYCRR 358-5.5].

For “call in” hearings, OAH will provide basic pre-recorded information about how the hearing will be conducted before a hearing officer joins the appellant and their authorized representative. Hearing officers will confirm all participants understand how the hearing will be conducted. Hearing officers will call social services agency representatives when OAH has not granted an appearance waiver.

Section 14

Direct questions about Transmittal 26-02 to OAHTransmittals@otda.ny.gov. Please refer to https://my.ny.gov/NYgovId/faqs.xhtml for questions about NY.gov.

Urgent questions can be directed to:

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Nigel.Marks@otda.ny.gov 718.923.4210

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Office of Temporary and Disability Assistance

Office of Administrative Hearings

Fair Hearings Telephone Hearing “Call in” Pilot Tentative Schedule

Below is a tentative schedule to roll out the Fair Hearing Telephone Hearing “Call in” Pilot. All categories of assistance will be included except EA/DHS and Expedited Medicaid.

Week beginning:

May 11: Broome, Dutchess

May 25: + Clinton, Genessee, Greene, Franklin, Oswego

June 1: + Monroe, Wyoming, Yates, Schuyler, Tioga

June 8: + Jefferson, Herkimer, Lewis, Livingston, Tompkins, Montgomery

June 15: + Erie, Onondaga, Ontario, Madison, Washington, Schoharie

June 22: + Suffolk, Niagara, Chautauqua, Chenango, Cattaraugus

June 29: + Cayuga, Oneida, Rockland, Orange, Allegany, Essex

July 6: + Westchester, Rensselaer, Saratoga, Warren, Albany

July 13: + Nassau, Chemung, St Lawerence, Seneca, Steuben

July 20: + Columbia, Cortland, Otsego, Orleans

July 27: + Fulton

August 4: + NYC

August 11: + Sullivan, Wayne, Delaware, Putnam, Hamilton