

Office of Administrative Hearings (OAH)	Transmittal Number: 97-09
Procedures Transmittal	Date: March 25, 1997
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Distribution:	Subject:
ALB OAH Staff [x]    UPS ALJs/ [x]    Upstate LDSS [x] SUP ALJs    [x]	<u>Vera &amp; Velez v. Dowling</u> <u>and Claudio v. Dowling</u> Foster Parent Standing in Foster Care Reim- bursement Issues and Foster Care Denials
NYC OAH Staff [x]    NYC ALJs/ [x]    NYC Agencies [x] SUP ALJs    [x]    NDAR Only	

Pursuant to the recent decisions in Vera and Velez v. Dowling and Claudio v. Dowling, we will be reopening hearings in foster care reimbursement cases where foster parents were denied standing. The Court of Appeals has held that the Office of Administrative Hearings must schedule hearings regarding the rate of foster care reimbursement, as well as the denial of foster care benefits, and grant standing to foster parents, regardless of whether the subject foster children still live with the foster parent requesting the hearing.

We have identified approximately 290 such cases which fall into this class and may need to be reopened de novo. However, we anticipate that there will be additional requests made on behalf of clients whose fair hearing numbers have been purged from the Fair Hearing Information System (FHIS). These may be requested via telephone, letter, etc. and should be brought to the attention of your supervisor for special processing as set forth below:

Cases which require reopening to grant standing to fosterparents will be assigned a special tracking code of 913 to be used in addition to the issue codes 313 or 315. After entering the request and adding the 913 tracking code, a printout should be given to supervisory staff to forward to designated staff to process the reopening. The reopening will be processed by staff as yet to be assigned. Coding is as follows:

- Agency:            NDAR (NYC) or LDSS (Upstate)
- Category:          SERV
- Subcategory:      None
- Action:            INAD/DEN
- Issue Code:        313 or 315  
                          plus 913

Any questions can be directed to your supervisor or Sue Fiehl at (518) 473-4779 or via e-mail 90j029.

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Mark Lacivita, Director of Administration  
Office of Administrative Hearings