

Office of Administrative Hearings (OAH)	Transmittal Number: 97-10
Procedures Transmittal	Date: March 21, 1997
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Distribution:	
ALB OAH Staff [X] UPS ALJs/ [] Upstate LDSS [] SUP ALJs []	Subject: Document Retention
NYC OAH Staff [X] NYC ALJs/ [] NYC Agencies [] SUP ALJs []	

In an effort to increase the efficiency of our filing system in view of staffing shortages and in conjunction with enhanced electronic capability, an effort will be made to curtail the number of documents which are required to be placed in the fair hearing file by staff in the Scheduling and Administrative Support Units.

We have identified categories of documents that do not have to be retained in the individual fair hearing file once the relevant information is entered into the Fair Hearing Information System (FHIS). We may add or subtract from these categories as we assess the impact; however, it should be noted that these refinements in records management is preliminary to planning for future anticipated changes in the way we would handle documents should this office adopt an "electronic imaging" format for maintaining incoming paper documents "on line." Staff whose responsibility it is to discern those documents which must be retained from those that do not (primarily Correspondence Unit and NYC Intake Unit who handle walkins) should be aware that individual judgment is encouraged in determining what documents should be sent "TO FILE." Although these broad categories may be used as a guide for assessing what material should be sent TO FILE, any document can and should be retained in the file which is not of a routine nature and/or which may serve to explain facts which cannot be easily and fully documented on FHIS. All material which is deemed unnecessary to be placed in the individual hearing file will be retained in a separate filing location for future reference.

The following categories of documents should continue to be retained and sent to the proper unit to insert in the individual hearing file:

Varshavsky v. Perales Material

All Homebound Telephone (999) and Home Hearing (900)-related correspondence and documents MUST be brought to the attention of the Homebound Unit (currently Pat Keays) to be retained in the individual hearing file. This includes all tear-off forms indicating that the homebound appellant has no documents to submit, medicals, signed appellant withdrawals, etc. These materials must remain with the homebound hearing files in compliance with directives contained in the Varshavsky litigation.

Assignments

All correspondence for which a response must be generated, including Pink Slip, Blue Slip, and other assignments. The original correspondence must be retained to assist in the review process.

Complaints

Any complaint received from an appellant, elected official, or representative as to perceived ill-treatment and requiring a written response.

Correspondence Containing Relevant Documents

Any routine inquiry or request which contains relevant documents that must be produced at the hearing, such as rent receipts, birth certificates, electric/gas/utility bills, medical documentation, etc. including photocopies of these documents

The following categories of documents do not need to be placed in the individual hearing file upon proper entry on FHIS (PFHREQ Request Entry) with appropriate notation in the Comment field (PFREQ3):

Routine Requests

Once the request is entered onto FHIS, unless it is determined that there is a specific reason to retain the correspondence or faxed request (such as the appellant being a frequent requester, or that the issues are of a complex nature), there is no need to send the request TO FILE.

Confirmation Letters

Once it is confirmed by checking FHIS that there are no additional issues to be added, there is no need to enter in the Comments receipt of a confirming letter verifying a prior request, adjournment request, or any other transaction, or to send the confirmation letter TO FILE.

Routine Requests Received from Elected Officials

Once it is entered that the request was scheduled at the request of the elected official and documented as to any action taken (such as putting the hearing on the next available calendar), there is no need to send the request TO FILE.

Notice Requests

There is no need to send TO FILE notices of intent on which the appellant has "filled in" his/her reason for requiring a hearing or which have been construed as a hearing request because of vague information provided by the appellant. This includes requests received on the "second page" of the notice (usually from NMAP or NOES). It is important that all relevant information provided by the appellant is documented in the Comments, and reference should be made in the Comments if the information is being taken from the second page of the notice.

CNS Tearoff Notices

There is no need to send TO FILE any CNS Tearoff Notice requests that have been pulled over onto the FHIS. They should be identified with issue code 950.

Signed Appellant Withdrawals

Appellant withdrawals should continue to be sorted by staff in the Administrative Support Unit and provided to staff in the Scheduling Unit (currently Karen Giminiani) who will enter the withdrawals on the PFHCAL Calendar screen by noting the disposition as 82. An 82 disposition will, therefore, signify that a signed appellant withdrawal was received with no need to further document the withdrawal on the Comment screen. The signed withdrawals will be filed in the back of the file box designated for the particular fair hearing date from which the appellant withdrew, rather than being inserted in the individual fair hearing file, by staff in the Administrative Support Unit (currently Herb Nembaware) All appellant withdrawals received on March 17, 1997 and beyond will be filed in this new manner. Those dated prior to March 17, 1997 will be in the individual file.

Please Note: This does not pertain to signed appellant withdrawals from homebound appellants, which should continue to be forwarded to the Homebound Unit by Ms. Giminiani, as described above pursuant to Varshavsky.)

NYC Calendar Management and Intake staff who process on-line adjournments, modifications or requests received from walk-ins or via correspondence should use the same guidelines established above in determining the need for sending any documents to be filed in individual hearing files. Self-Notice (Self-N) Requests received from walk-in appellants, should be photocopied and the original returned to the appellant with instructions to bring the notice to the hearing. The request can then be processed on-line, as before. For the most part, all transactions should be completed on-line with little need to send printouts or documents to either the Multi-Task Unit or the Scheduling Unit in Albany for further processing or filing. Any material sent to these units should be clearly identified as to what further action is required. All material identified as requiring that it NOT be retained in the individual hearing file, should be given to either Vicki Shuster or Bill Garren for appropriate handling.

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

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Office of Administrative Hearings