

<b>Office of Administrative Hearings (OAH) Procedures Transmittal</b>			<b>Transmittal Number:</b> 09-01
			<b>Date:</b> January 7, 2009
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			<b>Subject:</b>
ALB OAH Staff <input checked="" type="checkbox"/>	UPS ALJs <input checked="" type="checkbox"/>	Upstate LDSS <input type="checkbox"/>	Procedures for Scheduling BEV aka EVR Issues Job Center 37 and 71 vs. All Others
	SUP ALJs <input checked="" type="checkbox"/>		
NYC OAH Staff <input checked="" type="checkbox"/>	NYC ALJs <input checked="" type="checkbox"/>	NYC Agencies <input checked="" type="checkbox"/>	
	SUP ALJs <input checked="" type="checkbox"/>	HRA/ NEVR Only	

Since April 2008, the Office of Administrative Hearing (OAH) practice regarding the scheduling of fair hearings involving the NYC Bureau of Eligibility Review (BEV aka EVR) has been as follows:

If the client requests a hearing to review a CNS (Client Notice System) notice, the fair hearing should be scheduled against the appropriate agency indicated as the CTR (Center) on the CNS notice detail screen, that is, the agency that generated the notice. If the notice indicates BEV or OQA, the hearing should be scheduled on the NEVR (New York City Eligibility Verification Review) calendar. The FHIS/CNS interface should pull NEVR over to the Fair Hearing Information system (FHIS) as the primary agency. The client's temporary assistance center should be listed in the secondary agency field. If a center itself is listed as the CTR, those hearings should be on that center's calendar.

For manual notices, whichever agency (BEV or the Center) sent the notice should be listed as the primary agency in FHIS.

For any issues involving BEV without a notice, the agency against which the hearing should be scheduled would be determined by checking the ORG (originating) center on the WMS case action screen, or if sufficient information is not available there, against NEVR. The NYC BEV may request a correction to the agency, if necessary.

Non-related issues should not be added to NEVR hearings.

Effective immediately, there is a slight change in the above instructions, that is, all BEV-related issues involving clients from **Job Center 37, Riverview, and Job Center 71, Intensive Services Center**, are to be scheduled on their respective calendars *regardless* of whether CNS indicates BEV as the CTR on the CNS notice detail screen.

**Hearings involving Centers 37 and 71 should not be adjourned to the  
NEVR calendar.**

If there are any questions with respect to this transmittal, you may contact your supervisor or Susan Fiehl at (518) 473-4779 or via email [susan.fiehl@otda.state.ny.us](mailto:susan.fiehl@otda.state.ny.us).



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