

PRESENT: Hon. David Saxe, Justice
-----X

JENNY RIVERA, BILEEN TYLER, OLGA LAKER,
IDA KRAVITZ, AND PATRICIA TAYLOR,
individually and on behalf
of all others similarly situated,

Petitioners,

against-

MARY JO BANE, as Commissioner of the
New York State Department of Social
Services, and BARBARA SABOL, as
Administrator of the New York City
Human Resources Administration,

Respondents.

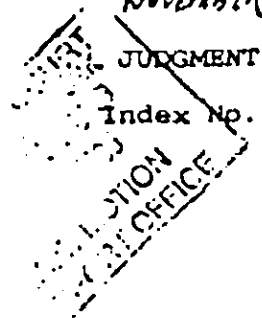
-----X

The petitioners, by their attorneys, Yisroel Schulman, Esq.
and Marti Copleman, Esq., having duly moved for an order pursuant
to CPLR § 4403 to confirm the report and recommendation of Referee
Frank B. Lewis dated October 12, 1994, and the motion having
regularly come on to be heard,

NOW, upon reading and filing the Notice of Motion dated
October 25, 1994, the affidavit of Yisroel Schulman in support of
the motion, sworn to on October 24, 1994; the Referee's Report,
dated October 12, 1994, annexed thereto; the Affidavit in Support
of Motion to Reject the Findings of the Referee of Carmen R.
Torrent, sworn to on December 21, 1994; the Notice of Motion for an
Enlargement of Time of Respondent Sabol, dated November 3, 1994,
with its accompanying Affirmation of Blanche Greenfield in Support
of Respondent Sabol's Motion for an Enlargement of Time, affirmed
November 3, 1994; ~~the Affidavit of Blanche Greenfield in Support
of the Motion to Reject the Findings of the Referee of Carmen R. Torrent
dated December 21, 1994; the Affidavit of Yisroel Schulman in Support
of the Motion to Enlarge the Time of the Referee's Report dated October 12, 1994;~~

At IAS Part 18 of
the Supreme Court of
the State of New York,
held in and for the
County of New York,
at 60 Centre Street,
New York, New York,
on the 14th day of
~~November~~, 1995

NOV 14 1995



JUDGMENT

Index No. 45305/92

~~NY, 1994, was the report of the Hearing Officer dated December 12, 1994 and the decision of the Supreme Court to confirm the referee's report dated February 22, 1995 and having issued a decision thereon dated July 25, 1995 (a copy of which is annexed hereto as Exhibit A); and~~

WHEREAS, petitioners' motion to confirm the referee's report is granted with respect to issues 5, 6, 7 and 8 and denied with respect to issues 1, 2, 3 and 4; and

WHEREAS, petitioners have demonstrated their entitlement to permanent injunctive relief requiring respondents to provide all fair hearing appellants with: (a) the right to timely receive, at no charge and by mail, a copy of the evidence package; (b) the right to timely receive, at no charge and by mail, copies of any other specifically identified documents from the case record that are requested to prepare for the fair hearing; and (c) notices that adequately set forth these rights regarding access to case records and obtaining copies of documents and include an address and a working telephone number where appellants can obtain additional information about gaining access to case records and obtaining copies of documents; and

WHEREAS, petitioners are entitled to an award of attorneys' fees pursuant to CPLR Article 86 upon submission of the appropriate application;

NOW THEREFORE, upon motion of Yisroel Schulman and Marti Copleman, attorneys for petitioners, it is

ORDERED AND ADJUDGED that respondent New York City Human Resources Administration is permanently enjoined to

(1) Provide within three business days, at no charge and by first class mail, to all public assistance fair hearing appellants or their authorized representatives, upon request, either by telephone or in writing, a copy of the evidence package and copies of any other specifically identified documents from the appellants' case record that are requested to prepare for the fair hearing. If any such request for evidence packages or specifically identified documents is made less than five business days before the scheduled New York State Department of Social Services administrative fair hearing, respondent New York City Human Resources Administration shall provide fair hearing appellants or their authorized representatives with such documents within three business days of the request or at the time of the scheduled hearing;

(2) Provide individuals who have or who may in the future have fair hearings pending before respondent New York State Department of Social Services to appeal a determination of the New York City Human Resources Administration, with an adequate notice that sets forth (a) each individual's right to obtain, at no cost and by mail if so requested, copies of documents that the New York City Human Resources Administration will present into evidence at the fair hearing, and any other specifically identified documents from their case records which are requested in order to prepare for their respective fair hearings, and (b) an address and working telephone number where individuals can obtain additional information about access to their case record and obtain mailed copies of documents;

(3) Withdraw the New York City Human Resources

Administration's notice whenever it fails to provide any individual or her representative, upon request and at no charge, with copies of documents that the HRA will present into evidence at the fair hearing, and any other specifically identified documents from an individual's case record within three business days of the request when the request is made more than five days before the fair hearing; and it is further

ORDERED AND ADJUDGED that respondent New York State Department of Social Services is permanently enjoined to:


(1) Supervise respondent New York City Human Resources Administration and enforce its regulations relating to an individual's right to obtain copies of his or her evidence package and other specifically identified requested documents from his or her case record;

(2) Supervise and ensure that all notices issued by the New York City Human Resources Administration to all public assistance applicants and recipients advising such individuals of the New York City Human Resource Administration's determination to deny terminate, reduce, restrict or suspend their benefits, contain (a) language which sets forth each individual's right to obtain, at no cost and by mail if so requested, copies of documents that the New York City Human Resources Administration will present into evidence at the fair hearing, and any other specifically identified requested documents, and (b) an address and working telephone number where individuals can obtain additional information about access to their case record and obtaining mailed copies of

documents; and it is further

ORDERED AND ADJUDGED that petitioners shall be entitled to an award of attorneys' fees pursuant to Article 86 of the CPLR upon submission of an appropriate application therefor.

ENTER



J. S. C.
Justice David B. Saxe
Supreme Court of the State of NY, 1st JD

Norman Goodman
Clerk

FILED

DEC 22 1995

COUNTY CLERKS OFFICE
NEW YORK