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Office of Administrative Hearings (OAH)	Transmittal Number: 98-11
Procedures Transmittal	Date: April 6, 1998
'   	Page: 1 of 4
Distribution:	
ALB OAH Staff [x] UPS ALJs/ [ ] Upstate LDSS [ ]	Subject: Revised NYC FHIS-Generated Reopen Denial Letters
NYC OAH Staff [x] NYC ALJs/ [ ] NYC Agencies [ ]	Reopen Denial Decters

The NYC Reopen Denial Letters generated by FHIS by selection on the PFHMOD screen were recently revised. Copies of the three revised letters are attached. When processing a reopen denied case, the NYC Reviewer selects the letter number which will generate the appropriate reopen denial letter to the appellant and enters the number 2, 3, or 4 at the prompt: "Letter #?\_" on the PFHMOD screen. The following information provides a brief explanation of the three letter selections:

- Letter #2 Advises appellant and/or any representative that since the appellant failed to contact this office within 15 days, the hearing cannot be reopened. This transaction automatically enters language on the Comment Information Screen (PFREQ3) stating: "Letter #2 to app/rep advising reopen denied."
- Letter #3 Advises appellant and/or any representative that since the appellant failed to contact this office within 45 days of the original hearing date, the hearing cannot be reopened. This transaction automatically enters language on the Comment Information Screen (PFREQ3) stating: "Letter #3 to app/rep advising reopen denied."
- Letter #4 Advises appellant and/or any representative that since the appellant's reason for not appearing at the scheduled fair hearing was insufficient to establish good cause, the hearing cannot be reopened. This transaction automatically enters language on the Comment Information Screen (PFREQ3) stating: "Letter #4 to app/rep advising reopen denied."

Upon entry of one of the above letter numbers, FHIS automatically generates a letter to the appellant which is mailed out the following day from Albany. Letter #1 is generally used for restricting adjournments in response to written requests for adjournments and has not been revised at this time.

More specific information regarding the NYC reopen denial procedures is outlined in OAH Transmittal 98-01. If you have any questions regarding this transmittal, you may contact your supervisor or Sue Fiehl at (518) 473-4779 or via e-mail 90J029.

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Reopen Letter #2 (15 days)

RE:

REQ. DATE:

This letter is in response to your recent request to reopen the above-referenced fair hearing. State Regulations (18 NYCRR 358-5.5) require clients to make a request to reopen a fair hearing within 15 days of the scheduled date of the fair hearing. You did not contact this office within 15 days. We are, therefore, unable to reopen this fair hearing.

We have, however, taken the liberty of processing a new fair hearing request on your behalf to review the issue(s) of your original request. Your new fair hearing request will be assigned a fair hearing number which is different from the previously assigned number. You will receive confirmation of this new request under separate cover.

Sincerely,

Letter #3 (45 days)

RE:

REQ. DATE:

This letter is in response to your recent request to reopen the above-referenced fair hearing. State Regulations (18 NYCRR 358-5.5) require clients to make a request to reopen a fair hearing within 45 days of the original hearing date when they claim that they did not receive a notice telling them the date of the original hearing. You did not contact this office to reschedule your fair hearing within 45 days of the original hearing date. We are, therefore, unable to reopen this fair hearing.

We have, however, taken the liberty of processing a new fair hearing request on your behalf to review the issue(s) of your original request. Your new fair hearing request will be assigned a fair hearing number which is different from the previously assigned number. You will receive confirmation of this request under separate cover.

Sincerely,

Letter #4 (Good Cause)

RE:

REQ. DATE:

This letter is in response to your recent request to reopen the above-referenced fair hearing. State Regulations (18 NYCRR 358-5.5) require clients to provide "good cause" for not appearing at a scheduled hearing. Your reason for not appearing at the scheduled fair hearing is insufficient to establish "good cause." We are, therefore, unable to reopen this fair hearing.

We have, however, taken the liberty of processing a new fair hearing request on your behalf to review the issue(s) of your original request. Your new fair hearing request will be assigned a fair hearing number which is different from the previously assigned number. You will receive confirmation of this request under separate cover.

Sincerely,