

<b>Office of Administrative Hearings (OAH) Procedures Transmittal</b>	<b>Transmittal Number:</b>	01-51
<b>Distribution:</b>	<b>Date:</b>	December 14, 2001
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	<b>Subject:</b>	Review of OAH Procedures for Upstate Emergency Fair Hearings
	ALB OAH Staff <input checked="" type="checkbox"/> UPS ALJs <input checked="" type="checkbox"/> Upstate LDSS <input checked="" type="checkbox"/> SUP ALJs <input checked="" type="checkbox"/> NYC OAH Staff <input checked="" type="checkbox"/> NYC ALJs <input type="checkbox"/> NYC Agencies <input type="checkbox"/> SUP ALJs <input type="checkbox"/>	

During the winter months, the number of requests for expedited hearings generally increases. It is, therefore, an opportune time to review procedures used by the Office of Administrative Hearings (OAH) in determining the need for expedited hearings as well as timeframes for scheduling as mandated in 18 NYCRR Section 358-5.2. These procedures apply only to Upstate emergency assistance requests.

When the OAH receives a request pertaining to a discontinuance or denial of emergency assistance, the Communications Intake worker reviews the case facts with the Upstate liaison or the liaison supervisor to first determine the need for expedited scheduling. The urgency of the situation is then reviewed taking into consideration any date before which the decision must be issued to allow for meaningful resolution of the issue under review. Upon determining these factors, the liaison reviews the established Upstate calendars to arrange scheduling. In general, the liaison will make every effort to allow sufficient time for the local district to adequately prepare for these hearings. In the event, however, the client is already homeless or without utilities, it is imperative that these hearings are scheduled at the first available opportunity.

Although the OAH realizes there are times when a resolution of these hearings is a possibility, it is not feasible to wait for the local districts' feedback in view of the emergency nature of these requests and the need to schedule these hearings expeditiously. Should the local district resolve the emergency situation to the satisfaction of the appellant, a withdrawal signed by the appellant can be submitted to this office prior to the fair hearing date. As always, the OAH will assess any local district objections to expedited scheduling or emergency coding and make adjustments, as appropriate.

If there are any questions with respect to this transmittal, you may contact your supervisor or Sue Fiehl at (518) 473-4779 or via email [90J029@dfa.state.ny.us](mailto:90J029@dfa.state.ny.us).




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Office of Administrative Hearings