

<b>Office of Administrative Hearings (OAH) Procedures Transmittal</b>	<b>Transmittal Number:</b>	03-02
<b>Distribution:</b>  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 checked="" type="checkbox"/> NYC Agencies <input checked="" type="checkbox"/> SUP ALJs <input checked="" type="checkbox"/>	<b>Date:</b>	March 5, 2003
	<b>Page:</b>	1 of 1
	<b>Subject:</b>	Use of Outcome Reason Codes W-21 and W-24 New Outcome Reason Code O-35

Effective immediately, new Outcome Reason Codes W-24 (for NYC cases only) and O-35 (for NYC and Upstate cases) will be in use. The W-24 code was created to enable the New York City Human Resources Administration (NYCHRA) to facilitate compliance with Agency Withdrawals. In addition, new Outcome Reason Code O-35 was created for statewide use to deal with issues identified at request but subsequently dropped or amended at the hearing. The following summarizes appropriate use of Outcome Reason Codes W-21, W-24, and O-35.

W-21 (Agency Reevaluated Its Position and/or Settled the Issue With the Appellant)

This Outcome Reason Code is available for statewide use when the agency has already resolved the situation with the appellant before the hearing. In NYC, these withdrawals are generally a result of MDR (Mandatory Dispute Resolution) or other resolution work at the center and have essentially already been complied with prior to the hearing. NYCHRA should not have to refer these to their Fair Hearing Compliance Unit, as they are already resolved. Code W-21 would also be used in NYC when the agency has committed to complete resolution within five days. This would occur at the hearing location on the day of the hearing as a result of ADR (Alternate Dispute Resolution). This ADR subset will require NYC Fair Hearing Compliance Unit follow-up.

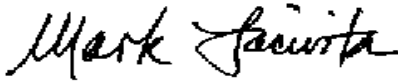
W-24 (Agency Resolved Issues to Client's Satisfaction)

This Outcome Reason Code is to be used only for NYC cases and refers to Agency Withdrawals decided prior to the hearing but where no resolution work was completed or documented. This outcome code will indicate to NYCHRA that these cases will need to be forwarded for follow-up to their Fair Hearing Compliance Unit.

O-35 (Issue is Moot)

This Outcome Reason Code has been created for statewide use to identify issues that may have existed at the time of request but which have subsequently been dropped or amended. Previously, these issue codes would be deleted from the record with no explanation as to the outcome of the issue. Outcome Reason Code O-35 should now be used in those instances where the issue no longer exists and an Appellant Withdrawal would be inappropriate. Administrative Law Judges should no longer cross off issues dropped or amended, but should instead use O-35 as an outcome for the incorrect code and then add, if appropriate, the correct issue code to the Report FH-019, Fair Hearing Data Sheet, and note its appropriate Outcome Reason code.

If there are any questions with respect to this transmittal, you may contact your supervisor or Jackie Donovan at (518) 473-4989 or via email at [LA0021@dfa.state.ny.us](mailto:LA0021@dfa.state.ny.us).

Handwritten signature of Mark Lacivita in black ink.

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Mark Lacivita, Director of Administration  
Office of Administrative Hearings