

Office of Administrative Hearings (OAH) Procedures Transmittal	Transmittal Number:	03-24
Distribution: 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"/>	Date:	December 19, 2003
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	Subject: Coding of Upstate Temporary Housing Issues	

This is to review coding procedures for Upstate fair hearings involving temporary housing issues. These issues most often arise in Suffolk and Westchester counties. Clients may be placed in temporary housing by the Local District, and because they have income, may be required to pay a portion of the cost of the housing directly to the housing provider. The clients are entitled to a fair hearing if they disagree with the portion of the costs they have to pay. If a fair hearing is requested to review an Upstate Local District's determination of the client/household contribution toward the cost of temporary housing, staff in the Communications Intake Unit (CIU) will process such hearings with the following coding:

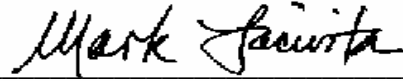
Agency: LDSS (Upstate Only)
Category: SNA or FA
Subcategory: None
Action: INAD or REDU
Issue Code: 657
Aid Status: As appropriate
Scheduling Status: N (Next available calendar)

If the client does not pay the assigned portion and is sent a Notice of Intent to discontinue the shelter placement, a fair hearing can be scheduled to review the discontinuance of temporary shelter. Staff in the CIU should use the following coding:

Agency: LDSS (Upstate Only)
Category: EA
Subcategory: None
Action: DISC
Issue code: 662
Aid status: As appropriate
Scheduling Status: On existing EA Calendar or Adjournment Parts calendar, if available.

Since CIU staff sometimes has limited information regarding the appellant's true situation, occasionally a hearing will be scheduled as an emergency on an existing calendar. If the Administrative Law Judge (ALJ) determines such a case does not warrant emergency handling, s/he may contact CIU staff to have the hearing amended in FHIS to reflect the correct situation. Contact should be made through the ALJ contact line at 518-473-7054 or by email at intakeupstate.hearings@dfa.state.ny.us. Report FH-019, Data Sheet, must, of course, be amended by the Administrative Law Judge to reflect any changes in the Category, Action or Issue Code.

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.

A handwritten signature in black ink, reading "Mark Lacivita". The signature is written in a cursive, flowing style. The first name "Mark" is written with a large, prominent 'M'. The last name "Lacivita" is written in a more compact, cursive script.

Mark Lacivita, Director of Administration
Office of Administrative Hearings