

Office of Administrative Hearings (OAH) Procedures Transmittal		Transmittal Number: 09-06 (Amended)
		Date: April 10, 2009
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Distribution:		Subject:
ALB OAH Staff <input checked="" type="checkbox"/>	UPS ALJs <input checked="" type="checkbox"/>	Revised Redaction Procedures
	Upstate LDSS <input type="checkbox"/>	
	SUP ALJs <input checked="" type="checkbox"/>	
NYC OAH Staff <input checked="" type="checkbox"/>	NYC ALJs <input checked="" type="checkbox"/>	
	NYC Agencies <input type="checkbox"/>	
	SUP ALJs <input checked="" type="checkbox"/>	

This transmittal, OAH Transmittal 09-06, originally issued on March 13, 2009 has been amended to take into consideration the outcome of litigation which addressed the identification of the agency as set forth in Legal Aid Society of Northeastern New York v. NYS Department of Social Services, 195 AD2d 150, 605 N.Y.S.2d 785 (3d Dept. 1993).

This transmittal is intended to clarify and standardize the process for redacting fair hearing decisions distributed to persons other than appellants and/or their authorized representatives. Effective immediately, the following standards will be applied when redacting decisions in response to requests for decisions after hearing from third-party sources. Requests from the appellant, the appellant's representative, or the agency should continue to be provided without redaction.

When redacting third-party requests for decisions, the following items, and only these items, are to be fully redacted from the decision:

- Case number
- Appellant's name
- Hearing location
- Appellant's representative's name
- Appellant's witness' name
- Other unique identifiers such as bank and insurance company names/ account numbers; and any other information that could identify the appellant or other household member, for example, a name, address, date of birth, telephone number, or other financial account information, usually found in the Fact Findings and Discussion, and Decision and Order.

The request date, fair hearing number, hearing date, center number, local social services district's name, hearing officer's name, agency's representative's name, agency's witness' name, and decision date must not be redacted.

If there are any questions with respect to this transmittal, you may contact your supervisor or Susan Fiehl at (518) 473-4779 or via email susan.fiehl@otda.state.ny.us.

Mark Lacivita

Mark Lacivita, Director of Administration
Office of Administrative Hearings