Office of Administrative Hearings (OAH)	Transmittal Number: 95-43
Procedures Transmittal	Date: December 1, 1995
Distribution:	
ALB OAH Staff [X] UPS ALJs/ [] Upstate LDSS [] SUP ALJs []	Subject: Disposition of Fair Hearing Request (DISP)
NYC OAH Staff [X] NYC ALJs/ [] NYC Agencies [X] SUP ALJs [] (NOHC only)	

A new procedure has been established on a pilot basis for hearing requests on Services-related issues against the Office of Home Care (NOHC) where the agency has stipulated to withdraw its intended action. The procedure is as follows:

The Office of Home Care (Maurice Fleischmann's office) will fax to this office a list of names, fair hearing numbers, and dates of request for cases on which they intend to withdraw the proposed reduction of services. Upon receipt of the faxed list, staff in the Homebound Unit will place the pending fair hearing request on hold by keying in DISP (for disposition) in the subcategory field for each individual appellant, indicating the pending withdrawal of the intended action. The DISP in the subcategory field will function as a HOLD and will preclude scheduling the hearing while awaiting confirmation details from the agency. Staff in the Homebound Unit will review the DSS 1891 to determine if the issue being withdrawn is reflective of the issue requested by the appellant and will schedule any that are questionable or those with multiple issues. Otherwise, upon receipt of a confirmation letter (Withdrawal of Agency Action) indicating precisely what action the agency will not implement, a decision will be issued which will stipulate the agency's intention to restore the Homecare Services to the original level.

These cases can be identified on FHIS by the subcategory DISP. Files will be located in the Homebound Unit until issuance. The decisions will be generated the same day that the case is scheduled and issued on FHIS for the following day. The disposition will be HRD since these cases will be counted among agency withdrawals which are considered Heard cases. Closed files will be filed in the appropriate lektriever.

It is important for Intake Staff to realize that appellants may have questions or compliance inquiries about these decisions but will not have participated in an actual hearing since the decision is being issued on documents rather than subsequent to a hearing. Any complaints of non-compliance should be referred routinely to the Compliance Unit.

This procedure is intended to reduce the backlog of pending homebound or telephone hearings. Any questions can be directed to Sue Fiehl at (518) 473-4779 or via e-mail at 90j029.