Office of Administrative Hearings (OAH)	Transmittal Number: 96-08
Procedures Transmittal	Date: April 30, 1996 Reissued: May 13, 1996
Distribution:	
ALB OAH Staff [X] UPS ALJs/ [X] Upstate LDSS [ ]    SUP ALJs [ ]	Subject: Change in Procedure for Taking A New Request on a
NYC OAH Staff [X] NYC ALJs/ [] NYC Agencies []	<b>-</b>

## AMENDED

To fully utilize the capabilities of electronic processing, which allows staff complete access to the fair hearing request information, the procedure for taking a new fair hearing request on a "reopen denied" case has changed.

Effective immediately, it is no longer necessary to retrieve the original fair hearing file of a defaulted, "reopen denied" case to attach to the new file. In lieu of retrieving the original fair hearing file, the NYC Reviewers and Albany Intake staff must include the following information on the Comment Information Screen (PFREQ 3) of the new fair hearing request:

- the fair hearing number of the original request
- the original request date of the defaulted, "reopen denied" case. (Request date is the day the request was date stamped as received in the office.)
- an indication that the original request was defaulted, reopen denied, and in instances where a reopen denied letter has been generated, the type of denial letter sent and the date it was mailed.
- a brief but clear explanation why the client failed to appear at the original fair hearing
- an indication that this is a new fair hearing request

Example: "FH#0000000Z, requested 12/24/95; defaulted 1/10/96; reop denied 2/15/96 "forgot the date"; new hearing request 2/20/96.

It is important that the above information be included on the Comment Information Screen to enable the Administrative Law Judge to make a Statute of Limitation determination based on the original fair hearing request date. The FHIS system serves as an electronic file of information that tracks the history of a fair hearing request. The accuracy of information in the electronic file depends on the input of Intake staff. It is, therefore, imperative that all staff who handle reopen requests adhere to the procedures set forth for reopen denied cases. The reopen denial procedure must be followed even in circumstances where the appellant is denied having the hearing reopened and a new fair hearing request is taken simultaneously. For instructions on reopen denial procedures, New York City staff should refer to OAH Transmittal 95-22 and Albany staff can refer to the July 28, 1994 memorandum to CIU staff referenced as "Requests for Reopens".

If you have any questions regarding this new procedure, please contact Sue Fiehl at 473-4779 or e-mail 90j029.

&f0s554y3x1S

Mark Lacivita, Director of Administration
Office of Administrative Hearings