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Office of Administrative Hearings (OAH)	Transmittal     Number: 97-35
Procedures Transmittal	Date: October 9, 1997
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Distribution:	i
ALB OAH Staff [x] UPS ALJs/ [x] Upstate LDSS [x]	Subject: New Issue Codes
SUP ALJs [x]	190, 191, 192, and 193;
1	Child Support Unit
NYC OAH Staff [x] NYC ALJs/ [] NYC Agencies [x]	Hearings to Review NYS
SUP ALJs [ ]	Tax/Finance Referral
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Effective immediately, four new issue codes have been established to code fair hearing requests challenging the New York State Child Support Enforcement Unit's intention to report overdue child support payments to the New York State Department of Taxation and Finance for collection. These hearings are not related to an appellant's public assistance benefits; the target population will most likely be individuals who are self-employed and not on public assistance. The only hearable issue is whether the case should be referred to the NYS Department of Taxation and Finance. The requests are being coded with a category of ADC until such time as a new category can be created on FHIS.

The original notice will be generated by the State. If the individual challenges the action to refer the case to the Department of Taxation and Finance, the local district's Child Support Unit (CSU) will review the reasons for the objection. If the local district denies the challenge, the individual will be so notified of his/her hearing right and the procedure for requesting review. The Office of Administrative Hearings will request documentation from all parties and will render a Decision Without Hearing. Therefore, a DSS-4420 (Acknowledgment of Fair Hearing Request) or a DSS-457 (Scheduling Notice) will not be generated. A DSS-1891 (Fair Hearing Request) will be sent to the appropriate agencies and a calendar page will be produced for tracking purposes. The Administrative Law Judge currently assigned to review and draft these decisions is Mary Beth Dunne.

These fair hearing requests must be submitted in writing and will be processed by the Office of Administrative Hearings' Multiple Task Unit (MTU). All such requests received in either NYC or the Albany office should, therefore, be forwarded to the attention of Joanne Gerber in the Multiple Task Unit in Albany. All coding for processing the anticipated 200 requests per year will be handled by the MTU.

The new issue codes are as follows:

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190 - Child Support Unit - Incorrect Person
191 - Child Support Unit - Incorrect Amount
192 - Child Support Unit - Financially Exempt
193 - Child Support Unit - No Underlying Court Order
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The coding for these hearings is as follows:

NYC	Upstat	<u>e</u>	
NCSU	LDSS		
ADC	ADC		
None	CSU		
DENY	DENY		
190,	191, 192,	or	193
	NCSU ADC None DENY	NCSU LDSS ADC ADC None CSU DENY DENY	NCSU LDSS ADC ADC None CSU

If you have any questions regarding this transmittal, please contact Sue Fiehl at (518) 473-4779 or via e-mail 90J029.

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Mark Lacivita, Director of Administration Office of Administrative Hearings