 Office of Administrative Hearings (OAH)	Transmittal Number: 97-41
Procedures Transmittal	Date: October 24, 1997
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Distribution:	
ALB OAH Staff [x] UPS ALJs/ [] Upstate LDSS [] SUP ALJs [] !	Subject: Elimination of Dummy Files for Cases Withdrawn Prior to
NYC OAH Staff [x] NYC ALJs/ [] NYC Agencies [] SUP ALJs []	Being Scheduled

Effective Monday, October 27, 1997, dummy files will not be created for fair hearing requests that have been withdrawn prior to being scheduled. This does not, however, pertain to requests for homebound telephone hearings for which files will continue to be created at the time of request and for which all withdrawals must continue to be processed through the Homebound Telephone Hearing Unit.

In instances where there is a request to have a withdrawn fair hearing reopened, Intake Unit staff must determine whether the fair hearing request was previously scheduled. If the fair hearing had a prior scheduling date, the Intake Unit worker must retrieve the file and process the reopen request pursuant to existing procedures. If the fair hearing was not scheduled previously, the Intake worker will process the reopen request pursuant to existing procedures except there will be no need to look for a file. A file will be created in the Scheduling Unit at such time as the reopen request is scheduled.

Documents that Intake Unit staff would have included in the withdrawn file, should be bundled together with their regular "day's work" to be filed in accordance with the date noted on the FHIS system. These documents will, therefore, be retrievable by referring to the date of processing and the worker's initials.

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

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Mark Lacivita, Director of Administration Office of Administrative Hearings