+	Transmittal   Number: 98-20
Procedures Transmittal	Date: May 5, 1998
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Distribution:	
ALB OAH Staff [X] UPS ALJs/ [X] Upstate LDSS [ ]	Subject: Outcome Reason Code 34
NYC OAH Staff [X] NYC ALJs/ [X] NYC Agencies [ ]	

Outcome Reason Code 34, Appellant Withdrew on Issue at Hearing, will be added to the Fair Hearing Data Sheet (Report FH-019) for each individual issue withdrawn at the hearing by the appellant. This code will be useful to distinguish issues that may have been included in the original fair hearing request but, for whatever reason, the appellant no longer wishes to have reviewed upon appearing at the hearing. Previously, these issues were eliminated on FHIS at the time the fair hearing decision was issued. Subsequent to the issuance of the fair hearing decision, there was no way to tell from the electronic record whether these issues had been scheduled, whether they had been eliminated, and why, or by whom.

A copy of the revised Outcome Reason Codes is attached for your reference. Any questions can be directed to your supervisor or to Sue Fiehl at (518) 473-4779 or via email 90j029.

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Mark Lacivita, Director of Administration Office of Administrative Hearings

## OUTCOME REASON CODES

## REVERSAL CODES (01 - 07)

- 01 AGENCY NOTICE DEFECTIVE
- 02 AGENCY VERIFICATION AND/OR ELIGIBILITY DETERMINATION PROCEDURE DEFECTIVE
- AGENCY HEARING PRESENTATION DEFICIENT (INSUFFICIENT DOCUMENTS, TESTIMONY ETC., BUT ALL OR PART OF THE CASE RECORD WAS PRESENT)
- 04 AGENCY EITHER MISAPPLIED LAW, REGULATION OR POLICY OR THERE WAS NO AUTHORITY FOR THEIR ACTION
- 05 AGENCY FAILED TO PRODUCE APPELLANT'S CASE RECORD
- 06 FACTUAL ISSUES FOUND IN FAVOR OF APPELLANT
- 07 AGENCY FAILED TO SEND REQUESTED DOCUMENTS TO APPELLANT

## REMAND CODES (41 - 47)

- 41 AGENCY NOTICE DEFECTIVE
- 42 AGENCY VERIFICATION AND/OR ELIGIBILITY DETERMINATION PROCEDURE DEFECTIVE
- 43 AGENCY HEARING PRESENTATION DEFICIENT (INSUFFICIENT DOCUMENTS, TESTIMONY ETC., BUT ALL OR PART OF THE CASE RECORD WAS PRESENT)
- 44 AGENCY EITHER MISAPPLIED LAW, REGULATION OR POLICY OR THERE WAS NO AUTHORITY FOR THEIR ACTION
- 45 AGENCY FAILED TO PRODUCE APPELLANT'S CASE RECORD
- 46 FACTUAL ISSUES FOUND IN FAVOR OF APPELLANT
- 47 AGENCY FAILED TO SEND REQUESTED DOCUMENTS TO APPELLANT

## AFFIRMANCE CODES (10 - 19) (RESERVED)

# WITHDRAWAL CODES (20 - 29)

- 20 AGENCY IS NOT PREPARED TO PROCESS AND/OR DOES NOT HAVE APPELLANT'S CASE RECORD
- 21 AGENCY RE-EVALUATED ITS POSITION AND/OR SETTLED THE ISSUE WITH THE APPELLANT (INCLUDING CASES SETTLED AT MEDIATION)
- 22 APPELLANT SUBMITTED VERIFICATION/DOCUMENTATION FOLLOWING AGENCY DETERMINATION BUT BEFORE OR AT FAIR HEARING, ACCEPTED BY AGENCY
- 23 AGENCY FAILURE TO SEND REQUESTED DOCUMENTS TO APPELLANT
- 24 AGENCY RESOLVED ISSUES TO CLIENT SATISFACTION. NO HEARING HELD

#### OTHER (30 - 39)

- 30 APPELLANT HAS NO STANDING TO REQUEST A HEARING
- COMMISSIONER HAS NO JURISDICTION TO HEAR ISSUE (EITHER SUBJECT MATTER OF 60 DAY STATUTE OF LIMITATIONS)
- COMMISSIONER HAS NO AUTHORITY TO GRANT RELIEF REQUESTED (PAYMENT ON CLOSED CASE, DETERMINATION OF VALIDITY OF AGENCY LIEN, ETC.)
- IMPROPER REQUEST BY APPELLANT FOR FAIR HEARING (REQUEST FOR HEARING PREMATURE NO AGENCY ACTION YET TAKEN, PREVIOUS HEARING DECISION ON SAME ISSUE, NO CHANGE IN CIRCUMSTANCES)
- 34 CLIENT WITHDREW ON ISSUE AT HEARING