

## STATE OF NEW YORK

## DEPARTMENT OF SOCIAL SERVICES

BULLETIN OR CHAPTER TITLE	NUMBER	0
Fair Hearings	128	1
INDEX CLASSIFICATION PUBLIC ASSISTANCE fair hearings	PROGRAMS TO WHICH APPLICABLE PA	2
DISTRIBUTION 3-5(T) Public Assistance Executive and Supervisory Staff		3
FORMS USED		
FORMS NUMBER AND TITLE	CLASSIFICATION - SEE BULLETIN 35A	
DSS-910 (Part 1) Acknowledgment of Fair Hearing Request		4
DSS-910 (Part 2) Request for Report of Adjustment of Fair Hearing		
DSS-910 (Part 3) Report of Adjustment of Fair Hearing		
DSS-911 Request for Withdrawal		
DSS-911 Notice of Withdrawal of Fair Hearing Request		5
DSS-457A Notice of Fair Hearing		
DSS-459A Notice of Failure to Appear at Hearing		
DSS-458A Notice of Closing of Fair Hearing File		6
DSS-417 Transmittal of Fair Hearing Decision - To Appellant		
DSS-417 Transmittal of Fair Hearing Decision - Social Services Agency		
DSS-417 Transmittal of Fair Hearing Decision - Others		7
DSS-470 Report on Disposition of Fair Hearing Decision		
DSS-756 Transmittal Memo - Legal Papers	A: Required and Supplied by the Department	9

Table of Contents

	<u>Page</u>
I. PURPOSE AND SCOPE	4
II. LEGAL BASIS	4
A. Federal - Social Security Act	4
B. State - Social Services Law	4
III. OFFICIAL POLICY	6
A. Definitions Board Rule Section 84.2	5
B. Right to a Fair Hearing	6
1. Right to a fair hearing Board Rule Section 84.3	6
2. Interpretation of right to a fair hearing	7
C. Informing Applicants and Recipients of Right to Fair Hearing Board Rule Section 84.4	8
D. Request for Fair Hearing	8
1. How request for fair hearing is made Board Rule Section 84.5	8
2. Written authorization to represent appellant Department Regulation Section 358.1	9
E. Local Adjustment Procedure	8
1. Local procedure for consideration of complaints Board Rule Section 84.22	8
2. Local review and adjustment procedure	9
a. Required local review and adjustment procedure Department Regulation Section 358.2	9
b. Notification to recipient of proposed discontinuance or suspension of grant and provision for local review on re- quest of recipient	9
(1) Proposed discontinuance or suspension of grant; prior notice to recipient; additional local review and sub- sequent determination Department Regulation Section 351.26	9
(2) Interpretation of required agency action	10

	<u>Page</u>
3. Non-interference with hearing rights	10
4. Action by social services official upon service of legal papers Department Regulation Section 358.8	10
F. Withdrawal or Abandonment of Fair Hearing Request by appellant Department Regulation Section 358.3	12
G. Decision Without Hearing Board Rule Section 84.18	12
H. Conduct of Fair Hearing and Rights of Parties	12
1. Hearing Officer Board Rule Section 84.10	12
2. Powers of Hearing Officer Board Rule Section 84.11	13
3. Examination of documents before hearing Board Rule Section 84.9	13
4. Who may be present at hearing Board Rule Section 84.12	13
5. Conduct of Hearing - Rights of Parties	13
a. Conduct of hearing - rights of parties Board Rule Section 84.13	13
b. Introduction of evidence by Social Services official	14
6. Department of Health as expert witness	14
7. Examination record after hearing Board Rule Section 84.14	14
I. Decision, Follow-up and Use as Precedent	14
1. Decision after hearing Board Rule Section 84.15	14
2. Notification of right to judicial review Board Rule Section 84.16	14
3. Compliance with decision Board Rule Section 84.19	15
4. Direction relative to similar cases Board Rule Section 84.17	15
5. Compliance with direction relative to similar cases Board Rule Section 84.20	15
6. Application of rules to cases for which Department is responsible Board Rule Section 84.23	15

	<u>Page</u>
J. Need for revision of Board Rule and Department Regulation indicated by appeals and fair hearings Board Rule Section 84.21	15
IV. PROCEDURE	16
A. Referral to Action by Social Services Official	16
1. Referral of request to social services official Department Regulation Section 358.4	16
2. Action by social services official upon receipt of request Department Regulation Section 358.5	16
B. Scheduling and Procedures	18
1. When hearing to be held Board Rule Section 84.6	18
2. Time and place of hearing Board Rule Section 84.7	18
3. Notice of hearing Board Rule Section 84.8	18
4. Assistance in providing legal counsel Department Regulation Section 358.6	18
C. Decision without hearing Department Regulation Section 358.7	19
V. Appendix A - Procedures and Forms Used to Carry Out the Fair Hearing Policies and Instructions.	20
Procedures	20
Exhibits	
1. Form DSS 910, (Part 1) Acknowledgment of Fair Hearing Request	24
2. Form DSS 910, (Part 2) Request for Report of Adjustment of Fair Hearing	25
3. Form DSS 910, (Part 3) Report of Adjustment of Fair Hearing	26
4. Form DSS 911, Request for Withdrawal	27
5. Form DSS 911, Notice of Withdrawal of Fair Hearing Request	28
6. Form DSS 457A, Notice of Fair Hearing	29
7. Form DSS 459A, Notice of Failure to Appear at Hearing	30
8. Form DSS 458A, Notice of Closing of Fair Hearing File	31
9. Form DSS 417, Transmittal of Fair Hearing Decision - To Appellant	32
10. Form DSS 417, Transmittal of Fair Hearing Decision - To Social Services Agency	33
11. Form DSS 417, Transmittal of Fair Hearing Decision - Others	34
12. Form DSS 470, Report on Disposition of Fair Hearing Decision	35
13. Form DSS-756, Transmittal Memo - Legal Papers	36

## I. PURPOSE AND SCOPE

Rev.

This Bulletin outlines the right to a fair hearing of applicants for and recipients of AABD, ADC, MA, HR, VA and Food Stamps under specified circumstances. Such persons shall be entitled to a fair hearing on the following grounds: (1) denial of assistance, (2) delay in determining eligibility or to grant assistance within thirty days of application, (3) inadequacy in the amount of manner of payment, (4) discontinuance or suspension of assistance, (5) and dissatisfaction in relation to assignment in an EOA Title V work experience and training program.

The responsibilities of the local social services official, of the applicant for or recipient of assistance or care, and of the State Department of Social Services with respect to fair hearings are specified.

It describes how an applicant or recipient shall be informed of the right to a fair hearing; how such request is made; when, where and how such hearing shall be conducted; and related matters.

It outlines the circumstances and conditions under which a decision may be made without a hearing.

It specifies the responsibility of the local social services official to comply with a decision in a specific case and similar cases.

## II. LEGAL BASIS

### A. Federal - Social Security Act

1. The Social Security Act provides for granting an opportunity for a fair hearing before the State agency to any individual whose claim for public assistance is denied or not acted upon with reasonable promptness, as follows: OAA - Title I, Section (2) (a) (4), ADC - Title IV, Section 402 (a) (4), AB - Title X, Section 1002 (a) (4), AD - Title XIV, Section 1402 (a) (4) and AABD - Title XVI, Section 1602 (a) (4).
2. Title XIX, Section 1902 (a) (3) of the Social Security Act contains similar requirements for medical assistance.

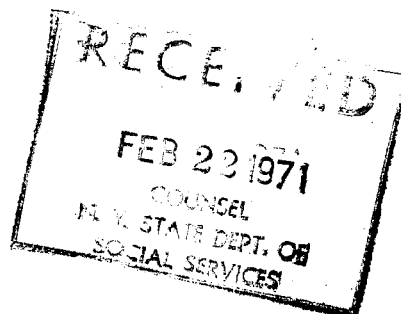
### B. State - Social Services Law

The following sections of the Social Services Law provide the legal basis for the provisions of this bulletin.

1. Section 213 provides that an applicant for or recipient of OAA shall have a fair hearing under specified circumstances.
2. Section 304 provides that an applicant for or a recipient of AD shall have the right to a fair hearing under specified circumstances.
3. Section 350-a provides that when a social services official pays an ADC allowance to an individual other than the eligible relative because such relative is unable to manage the allowance, the relative concerned shall have the right to a fair hearing.

Rev.

4. Section 353 provides that an applicant for or recipient of ADC shall have the right to a fair hearing under specified circumstances.
5. Section 366-a provides that an applicant for or a recipient of MA shall have the right to a fair hearing under specified circumstances.
6. Section 293 provides, by reference, that an applicant for or recipient of AB shall have the right to a fair hearing under specified circumstances.
7. Section 166 provides that an applicant for or a recipient of HR shall have the right to a fair hearing under specified circumstances.
8. Section 400 provides that any person aggrieved by the decision to remove children from foster care shall have the right to a fair hearing.
9. Section 131 provides that an applicant for or recipient of services shall have the right to a fair hearing under specified circumstances.



L

011 071 REV 01/000

### III. OFFICIAL POLICY

#### A. Definitions

##### Board Rule Section 84.2

- (a) Appellant. An applicant or recipient who requests a fair hearing shall be termed an appellant.
- (b) Board. Board means the State Board of Social Welfare.
- (c) Commissioner. Commissioner means the State Commissioner of Social Services.
- (d) Department. Department means the State Department of Social Services.
- (e) Fair Hearing. Fair hearing is the procedure by which an applicant for or recipient of public assistance may appeal to the Commissioner from certain decisions or actions of a social services official and have a hearing thereon.
- (f) Hearing Officer. Hearing officer means an attorney who is employed by the Department exclusively to conduct hearings for the Commissioner.
- (g) Parties. The parties to a fair hearing shall be the appellant and the social services official whose decision or action is being reviewed.
- (h) Social Services Official. Social services official means the county, city or town official responsible for the administration of public assistance and care. The term shall also include the Director of the Bureau of Mental Health Affairs or the head of any other bureau of the Department to which is assigned responsibility for furnishing public assistance and care to persons in Family Care on conditional release from an institution in the State Department of Mental Hygiene in accordance with the provisions of section 138-a of the Social Services Law and responsibility for furnishing medical assistance for the needy to eligible persons who are sixty-five years of age or older who are patients in state hospitals for the mentally disabled or for the treatment of tuberculosis in accordance with the provisions of subdivision 2 of section 365 of the Social Services Law.

#### B. Right to a Fair Hearing

##### 1. Right to a fair hearing Board Rule Section 84.3

The following persons shall be entitled to a fair hearing:

- (a) Applicants for or recipients of aid to dependent children, aid to the aged, blind or disabled, medical assistance for needy persons, home relief or veterans assistance on the following grounds:
  - (1) denial of assistance,
  - (2) failure to determine the applicant's eligibility and, if found eligible, to grant or authorize assistance within thirty days from the date his application therefor was made,

- (3) inadequacy in amount or manner of payment of assistance,
  - (4) discontinuance or suspension of assistance, in whole or in part.
- (b) Applicants for or recipients of aid to dependent children, aid to the aged, blind or disabled, home relief or veterans assistance, and applicants for or recipients of child welfare services, on the following grounds:
- (1) denial of an application for any service required to be provided by a social services official in accordance with applicable provisions of law, rules of the Board or regulations of the Department;
  - (2) discontinuance of any such service;
  - (3) a determination that an applicant or recipient must participate in a service program, or
  - (4) a determination which failed to take account of a recipient's choice of service program.
- (c) Applicants for or participants in the food stamp program on the following grounds:
- (1) denial of authorization for participation,
  - (2) failure to determine the applicant's eligibility and, if found eligible, to authorize participation within 30 days from the date of application therefor was made,
  - (3) inadequacy in the extent or manner of authorization for participation,
  - (4) discontinuance or suspension of authorization, in whole or in part.

2. Interpretation of Right to Fair Hearing

- a. Agency action or failure to act, which gives rise to a right to a fair hearing includes: decisions regarding eligibility for assistance, whether on initial determination or subsequent determination; decisions regarding amount of assistance including a change in payments, whether money payments or vendor payments; decisions relating to the manner or form of payment and conditions of payment; denial of opportunity to make application or reapplication for assistance; undue delay in reaching a decision on eligibility or in making payment; refusal to consider a request for or undue delay in making an adjustment in payment; suspension or discontinuance of assistance in whole or in part; and the quality of medical care or services in M.A.

New

2025 RELEASE UNDER E.O. 14176



- b. The right to a fair hearing does not survive the death of an applicant or recipient. However, in the M.A. program a surviving family member may be granted a fair hearing if non-payment of outstanding medical bills might adversely affect him.
- c. When the issues involved do not entitle the applicant or recipient to a fair hearing, the complaint shall be handled in accordance with the provisions of Bulletin 127.
- d. When a recipient alleges that he has been discriminated against because of race, creed, color or national origin in the matter of housing or access to a public facility or because of age, race, creed, color, national origin or sex in the matter of employment, the procedure specified in Bulletin 178-Protection against Discriminations shall be followed.

C. Informing applicants and recipients of right to fair hearing  
Board Rule Section 84.4

Each social services official shall inform applicants and recipients in writing, and orally whenever practicable, of their rights with reference to fair hearings and the method by which a fair hearing may be obtained. Applicants shall be so informed when they apply for assistance and recipients shall be so informed whenever the social services official makes any decision adversely affecting their receipt of assistance or the amount thereof.

/See Bulletin 17h - Distribution of Informational Pamphlets and Notification to Applicants and Recipients of Public Assistance and Care/

/See Bulletin 74c - Application for Public Assistance or Request for Care/

D. Request for Fair Hearing

1. How request for fair hearing is made  
Board Rule Section 84.5

Any clear written or oral communication made to the Department by or on behalf of an applicant or recipient requesting review of a social services official's decision, action or failure to act shall constitute a request for a fair hearing if made within sixty days after the action or failure to act complained of.

2. Written authorization to represent appellant  
Department Regulation Section 358.1

An individual or organization, other than an attorney, representing an appellant shall have an appropriate written authorization, unless the condition of the appellant makes it impracticable for him to execute such authorization.

E. Local Adjustment Procedure

1. Local procedure for consideration of complaints  
Board Rule Section 84.22

Nothing in these Rules shall be construed to restrict or limit the right of any social services official to establish and maintain a local, internal procedure for consideration and disposition of complaints by applicants for or recipients of public assistance or other benefits, provided that such procedure shall not be conducted or used so as to inhibit the exercise of any of the rights to a fair hearing granted under these Rules.

2. Local Review and Adjustment Procedure

a. Required local review and adjustment procedure  
Department Regulation Section 358.2

Effective complaint and adjustment procedures, by means of which corrective action may be obtained within the local department of social services without the need for a fair hearing, are essential and shall be established by each social services official.

b. Notification to Recipient of Proposed Discontinuance, Suspension or Reduction of Grant and Provision for Local Review on Request of Recipient

(a) Proposed discontinuance, suspension or reduction of grant; prior notice to recipient; additional local review and subsequent determination  
Department Regulation Section 351.26

When a social services official proposes to discontinue, suspend or reduce a grant of public assistance he shall notify the recipient in writing of his intention to discontinue, suspend or reduce the grant at least seven days prior to the proposed effective date of the discontinuance, suspension or reduction together with the reasons for his intended action, unless such discontinuance, suspension or reduction is in response to the request of the recipient or is due to: the death of the recipient who is an unattached person; the recipient's admission to an institution wherein his assistance may not be continued; the recipient's whereabouts being unknown to the social services official because the recipient moved from his last known address without notifying the social services official and without leaving a forwarding address; the recipient's moving from the State and establishing his permanent home elsewhere; the recipient's case having been reclassified as to category. Such notification shall further advise the recipient; that if he makes a request therefor, he may appear at the time and place indicated in the notice before the person identified therein who will review his case with him; that at such review he will be afforded an opportunity to question any persons who appear at the review and present evidence against him, that he will be afforded an opportunity to present written and oral relevant evidence and argument to demonstrate why his grant should not be discontinued, suspended or reduced; and that he may appear and present such evidence and argument, and ask questions by himself or by an attorney or other representative. Only the social services official or an employee of his social services department who occupies a position superior to that of the supervisor who approved the proposed discontinuance, suspension or reduction, and who had not participated in making the proposed determination under review shall be designated to make such review. When a recipient requests such review, the designated

Rev.

Rev.

reviewer shall, at the time and place indicated in the notice to the recipient, review with the recipient and his representative, if any, the evidence and reasons supporting the proposed action shall afford the recipient an opportunity to question any persons who appear and present evidence against him; and shall afford the recipient an opportunity to present relevant evidence and argument why the proposed discontinuance, suspension or reduction should not be made. Upon the basis of the evidence and argument submitted at the review, the reviewer shall promptly make an appropriate written recommendation to the social services official, together with his reasons therefor, including reference to applicable provisions of law, board rule, department regulation, and approved local policy. The social services official shall expeditiously determine, upon the basis of the recommendation and the evidence and arguments submitted at the review, whether the proposed discontinuance, suspension or reduction shall or shall not be made effective as proposed and shall send an appropriate written notice of his decision to the recipient and his representative, if any, including the reasons for his determination. Assistance shall not be discontinued, suspended or reduced prior to the date such notice of decision is sent to the recipient and his representative, if any, or prior to the proposed effective date of discontinuance, suspension or reduction, whichever occurs later.

New

- (b) The provisions of subdivision (a) of this section shall also apply where a social services official proposes to discontinue, suspend, or reduce the extent of authorization for participation in the Food Stamp Program. Notification in such cases shall be given to the head of the household authorized to participate in the Food Stamp Program. The provisions of this subdivision shall also apply in cases in which an application for continued participation in the Food Stamp Program is denied, or such application for authorization is allowed in a reduced amount.

NOTE: Interpretation of required agency action

In the event there is less than seven calendar days between the date of notice to the recipient of proposed discontinuance suspension or reduction and the date of issuance of the next regular recurrent grant, the social services official should continue assistance for an additional period as may be required to fulfill the seven day requirement. (For example, notification of proposed change is sent on March 29th and the normal issuance date of recurrent grant is April 1st; assistance should be provided for April 1 through April 5 to meet the 7-day requirement.)

3. Non-interference With Hearing Rights

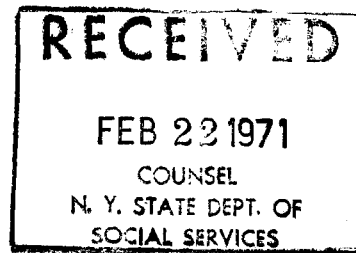
The applicant's or recipient's freedom to request a fair hearing, whenever he believes that proper consideration has not been given

to his situation, is a fundamental right and is not to be limited or interfered with in any way. The social services official may amend or reverse his decision at any time, but local adjustment procedures cannot be allowed to interfere in any way with the hearing process.

4. Action by social services official upon service of legal papers  
Department Regulation Section 358.8

When any legal action or proceeding relating to the administration of public assistance is commenced against a social services official by one or more applicants for or recipients of public assistance and care by the service of papers upon him or otherwise on his behalf, such official shall take such steps as may be necessary to assure that the office of counsel of the state department of social services is notified promptly by telephone of the service of such papers and for sending copies of such papers with an appropriate communication to such office of counsel not later than the day following the service thereof upon him or on his behalf.

NOTE: Form DSS-756, Transmittal Memo-Legal Papers, is to be used in transmitting any legal papers to the Office of Counsel. See Exhibit 137



Note: This requirement does not affect administrative fair hearing procedure, and applies only to legal actions and proceedings.

F. Withdrawal or abandonment of fair hearing request by appellant  
Department Regulation Section 358.3

- (a) A request for a hearing shall be considered as withdrawn only upon receipt of a written statement from the appellant or his representative, or upon a statement on the record at the hearing.
- (b) A request for a hearing may be considered abandoned if neither the appellant nor his representative appears at the time and place agreed upon for the hearing, and if, within ten calendar days after the mailing of an inquiry by Office of Counsel of the Department as to whether the appellant or his representative wishes any further action taken on his request for a hearing, no reply is received by Office of Counsel of the Department.
- (c) In the event the appellant informs the social services official that he is satisfied and no longer wishes to pursue his request for a fair hearing, he shall be advised that he must address a written withdrawal to the department in Albany.

G. Decision without hearing  
Board Rule Section 84.18

- (a) The appellant shall have the option to request that his appeal from a social services official's determination, action, or failure to act be decided by the Commissioner without a hearing. In such cases, opportunity shall be afforded each party to submit written evidence and to review and comment on the evidence submitted by the other party.
- (b) If at any stage of an appeal from a social services official's action or failure to act, it clearly appears to the Commissioner that the social services official's action or failure to act is contrary to law, Board Rule, Department Regulation or the social services official's own State approved policy, he may issue a decision directing the social services official to perform specific actions for the benefit of the appellant.

H. Conduct of Fair Hearing and Rights of Parties

1. Hearing officer  
Board Rule Section 84.10

The hearing shall be conducted by an impartial Hearing Officer.

2. Powers of hearing officer  
Board Rule Section 84.11

The Hearing Officer shall have all the powers conferred by law and regulations of the Department to require attendance of witnesses and the production of books and records, and to administer oaths and to take testimony.

3. Examination of documents before hearing  
Board Rule Section 84.9

Opportunity shall be afforded the appellant or his attorney, on five working days' written request, to examine copies of documentary evidence in the possession of the social services official which the social services official plans to introduce at the hearing, but such documentary evidence need not be produced more than five working days prior to the hearing.

4. Who may be present at hearing  
Board Rule Section 84.12

The appellant, his representative (who may be an attorney or other person representing him), counsel or other representatives of the social services official, witnesses of both parties and any who may be called by the hearing officer, and representatives of the Department may be present at the hearing, together with such other persons as may be admitted by the Hearing Officer in his discretion with the consent of the appellant.

5. Conduct of Hearing - Rights of Parties

a. Conduct of hearing - Rights of parties  
Board Rule Section 84.13

- (a) The Hearing Officer shall preside. He shall make an opening statement describing the nature of the proceeding, the issues and the manner in which the hearing will be conducted.
- (b) Technical rules of evidence followed in a court of law shall not apply, but evidence must be relevant and material.
- (c) Each party has a right to be represented by counsel, or other representative, to testify, to produce witnesses to testify, to offer documentary evidence, to cross-examine opposing witnesses, to offer evidence in rebuttal and to examine any documentary evidence offered by the other party.
- (d) The hearing may be adjourned by the Hearing Officer for good cause on his own motion or at the request of either party.
- (e) A verbatim record of the hearing shall be made.

b. Introduction of Evidence by Social Services Official

Since the State Commissioner's decision will be based on the hearing record, which will include all the testimony taken at the hearing and all the documents introduced at the hearing and made part of the record, the local social services official must introduce into the record of the hearing all evidence considered by him in making his decisions which are in issue and which evidence he claims supports those decisions. Failure to introduce all such evidence may result in an adverse decision to the social services official if the evidence he does present is inadequate to support his decisions.

6. Department of Health as Expert Witness

Under a written agreement with the Department, the State Department of Health has agreed to participate as advisor and expert witness in fair hearings relating to the necessity for, the quality or quantity of medical care, health services or supplies or the local method or procedure for supplying same.

7. Examination of record after hearing  
Board Rule Section 84.14

The record of the hearing shall be confidential, but it may be examined by either party.

I. Decision, Follow-up and Use as Precedent

1. Decision after hearing  
Board Rule Section 84.15

(a) The fair hearing decision shall be made and issued by the commissioner on the basis of the hearing record. It shall be issued as promptly as feasible and within 60 days from the date the request for a fair hearing is received by the department, except that in cases involving discontinuance or suspension of assistance the decision shall be issued not later than 12 working days from the close of the hearing. However, such time may be extended with the consent of the parties. The decision shall describe the issues, recite the relevant facts, the pertinent provisions of law, board rule, department regulation and State approved local policy provisions, make appropriate findings, determine the issues, state the reasons for the determinations, and, when appropriate, direct specific action by the social services official.

7

Rev.

(b) A copy of the decision shall be sent to each of the parties.

2. Notification of right to judicial review  
Board Rule Section 84.16

In the letter transmitting the decision, clear reference shall be made to availability of judicial review.



3. Compliance with decision  
Board Rule Section 84.19

When a decision of the Commissioner (whether made after or without a hearing) directs a social services official to perform specific actions, such official shall comply promptly with such directions and make a report thereof to the Department within thirty days after receipt of the decision.

[NOTE: Such report shall be made by the social services official to the Department's Area Office.]

4. Direction relative to similar cases  
Board Rule Section 84.17

When a fair hearing decision indicates that the social services official has misapplied provisions of law, Board Rule, Department Regulation, or such official's own State approved policy, the Commissioner's letter transmitting such decision to such official shall contain a direction to such official to review other cases with similar facts for conformity with the principles and findings in the decision.

5. Compliance with direction relative to similar cases  
Board Rule Section 84.20

When a direction has been given to a social services official to correct misapplication of law, Board Rule, Department Regulation or such official's own State approved policy in all cases similar to the one in which a decision has been issued, such official shall report the actions he has taken to comply with such direction to the Department within thirty days after receipt of the direction. The social services official shall make such additional reports as the Department may require.

[NOTE: Such report shall be made by the social services official to the Department's Area Office.]

6. Application of rules to cases for which Department is responsible  
Board Rule Section 84.23

These rules shall apply to cases for which the Department is responsible for furnishing public assistance and care pursuant to the provisions of section 138-a and subdivision 2 of section 365 of the Social Services Law. In such cases the reports required to be made to the Department by sections 84.19 and 84.20 of these rules shall be made to the Commissioner or any Deputy Commissioner designated by him.

J. Need for revision of Board Rule and Department Regulation indicated by  
appeals and fair hearings  
Board Rule Section 84.21

When, as a result of appeals and fair hearings, there are indications that provisions of Board Rule or Department Regulation or both may be inadequate, review of such provisions shall be promptly initiated by the Department, which shall make appropriate periodic reports to the Board on the issues raised by hearings and the results thereof.

IV. PROCEDURE

A. Referral to and Action by Social Services Official

1. Referral of request to social services official  
Department Regulation Section 358.4

The department shall send promptly a copy of the request for a fair hearing to the social services official of the appropriate county, city or town and request that the matter be reviewed, that the social services official make such adjustments as may be indicated, and that he provide the department in Albany with a report within 10 working days from the date of his receipt of the request in all cases other than those involving discontinuance or suspension of assistance.

2. Action by social services official upon receipt of request  
Department Regulation Section 358.5

Rev.

When a social services official receives the notice of a request for a fair hearing from the Department, he or an employee of his department who occupies a position superior to that of the supervisor who approved the disputed action and who did not participate in making the decision shall:

- (a) review the action or failure to act which has been appealed and determine what additional steps should be taken to resolve the issues;
- (b) consider that an appeal of a denial or discontinuance made within sixty days obviates the requirement of a reapplication by the appellant;
- (c) interview the appellant with respect to his appeal and advise him what the social services district plans to do to resolve the issues;
- (d) arrange for such additional investigation as the circumstances require;
- (e) take appropriate action with respect to the issues and notify the appellant (and his representative) thereof, simultaneously advising him that his right to the fair hearing which he had requested is in no way impaired if he is still dissatisfied.
- (f) submit a report on the matter to the department in Albany on forms provided by the department within the time required therefor. Such report shall include the following:
  - (1) that the appellant is or is not willing to withdraw his request for a fair hearing;

- (2) That the agency has no record of the case;
  - (3) that the appellant's request for a fair hearing was, or was not made within the required 60 days of the agency's determination or action appealed from.
- (g) if the request for fair hearing has not been withdrawn, send not less than 48 hours prior to the date set for the hearing to the Office of Counsel of the Department and to the appellant and his representative, if any, a concise summary of the case stating: the appropriate case number and the applicable category or categories of public assistance or care; the names, addresses, relationships and ages of the persons affected; the decision or action which prompted the request for the fair hearing; a brief description of the facts, evidence and reasons allegedly supporting such decision or action, including identification of the specific provisions of law, Board Rules, Department Regulations and approved local policies which allegedly support the local decision or action; the relevant budget or budgets prepared by the social services district for the person or family. A copy of the social services official's written decision which was sent to the person or family affected and which prompted the request for a fair hearing shall be appended to such summary. Such summary, though concise, shall nevertheless be prepared so as to describe adequately the social services official's case and so that the issue or issues may be easily identified at the commencement of the fair hearing so that the hearing may thereafter proceed in an expeditious and orderly fashion.

B. Scheduling and Procedures

1. When hearing to be held  
Board Rule Section 84.6

The hearing shall be held promptly and in any event within ten working days from the date the request is received by the Department in cases involving discontinuance or suspension of assistance and within thirty-three working days from the date the request is received by the Department in all other cases.

2. Time and place of hearing  
Board Rule Section 84.7

The hearing shall be held at a time and place convenient to the parties as far as practicable, and, if requested, necessary transportation for the appellant and his representative and witnesses, and other costs and expenditures reasonably related to the hearing, shall be provided by the social services official.

3. Notice of hearing  
Board Rule Section 84.8

At least five working days prior to the date of the hearing in cases involving discontinuance or suspension of assistance and at least ten working days prior to the date of the hearing in all other cases, written notice thereof shall be sent to the parties and their representatives. The notice to the parties shall inform them:

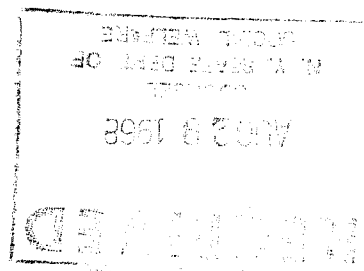
- (a) Of the date and place of the hearing;
- (b) Of the appellant's rights with respect to transportation and other costs and expenditures;
- (c) Of the name and address of the hearing officer who will conduct the hearing;
- (d) Of the issues which are to be the subject of the hearing;
- (e) Of the manner in which the hearing will be conducted;
- (f) Of the right of each party to be represented, to testify, to produce witnesses, to present documentary evidence and to examine opposing witnesses and evidence;
- (g) That the time and place of the hearing are subject to change if inconvenient.

4. Assistance in providing legal counsel  
Department Regulation Section 358.6

The social services official and/or Department's Area Office, upon the request of the appellant for legal counsel to assist him in the fair hearing, shall refer the appellant to community legal services available for such purpose.

C. Decision Without Hearing  
Department Regulation Section 358.7

- (a) When an appellant elects that his appeal be decided by the Commissioner without hearing as provided by Board Rule 84.18 (a), the Department's Area Office shall:
- (1) Notify the appellant and responsible social services official of the county, city or town to submit in writing to the Area Office all pertinent information relating to the appeal within ten working days and shall inform each that such material is subject to the review and comment of the other party;
  - (2) On receipt of such information, furnish copies of the information furnished by each party to the other and shall invite comment thereon within ten working days.
- (b) When the appellant has emergency needs resulting from a county, city or town social services official's action or failure to act for the reasons specified in Board Rule 84.18 (b), the Department's Area Director shall recommend to the Commissioner that a decision be issued for the benefit of the appellant.



V. Appendix A - Procedures and Forms Used to Carry Out the Fair Hearing Policies and Instructions

1. PURPOSE

The purpose of this appendix is to outline the procedures and forms used by the Department to carry out the fair hearing policies and instructions. The Appendix covers only forms and procedures which directly concern the local social services agency.

2. FAIR HEARING CALENDAR

<u>Discontinuance or Suspension</u>		<u>Other</u>	
<u>Action</u>	<u>Working Days</u>	<u>Action</u>	<u>Working Days</u>
Request received -- must be within 60 calendar days of the protested action (Rule 84.5).	1	Request received -- must be within 60 calendar days of the protested action (Rule 84.5).	1
Request for record must be made at least 5 days before scheduled hearing; social services official need not give such record more than 5 days before hearing (Rule 84.9).	5	Acknowledgment by Counsel's Office -- no more than 72 hours after receipt in Department.	3
Notice of hearing must be given at least 5 days before hearing (Rule 84.8).	5	Deadline date for attempted adjustment by the social services official -- 10 days after acknowledgment (Regulation 358.4).	13
Summary by social services official to Counsel's Office and appellant -- 48 hours before hearing (Regulation 358.5).	8	Deadline date for attempt at confirmation of withdrawal by Counsel's Office -- 5 days after deadline for attempted adjustment.	18
Hearing must be held within 10 working days after receipt of request by the Department (Rule 84.6).	10	Hearing scheduled.	18
Decision on hearing must be rendered within 12 days after hearing (Rule 84.15).	22	Notice given at least 10 days prior to the hearing (Rule 84.8).	23
Report of compliance must be made within 30 calendar days of decision (Rule 84.19).	44+	Request for record must be made at least 5 days before scheduled hearing; social services official need not give such record more than 5 days before hearing (Rule 84.9).	29
		Summary by social services official to Counsel's Office and appellant -- 48 hours before hearing (Regulation 358.5).	31
		Hearing must be held within 33 days after receipt of request by the Department (Rule 84.6).	33
		Decision on hearing must be rendered within 12 days after hearing (Rule 84.15).	45
		Report of compliance must be made within 30 calendar days of decision (Rule 84.19).	66+

+ Approximately

### 3. RECEIPT

- a. Sources of Fair Hearing Requests. Requests for fair hearings are received by the Area Office or the Counsel's Office, the Inquiry and Adjustment Unit, or from sources outside the Department. All such requests are forwarded to the Fair Hearing Section of the Counsel's Office for action.
- b. Emergencies. All requests are examined by the office receiving them for indications that an emergency exists. If so, the local social services agency is notified immediately by telephone.
- c. Examination for Completeness. A fair hearing request is considered to be complete if the appellant's name and address are indicated. It is not necessary to know the appellant's case number to process a fair hearing request. If the request is incomplete, the Fair Hearing Section will attempt to secure the needed data.

### 4. DISCONTINUANCE OR SUSPENSION OF ASSISTANCE

If the request for a fair hearing relates to the discontinuance or suspension of assistance, the case is immediately scheduled for a hearing (see Section 6). The deadline period for hearings for such cases (10 working days) precludes the formal adjustment attempt described in Section 5. However, the agency should attempt to adjust the complaint if it is possible.

### 5. ACKNOWLEDGMENT AND ADJUSTMENT

- a. Applicability. This section applies to all fair hearing requests which are not related to discontinuance of assistance (for discontinuance cases, see Section 4).
- b. Acknowledgment and Notification. The Fair Hearing Section prepares an Acknowledgment and Report of Fair Hearing (DSS-910), Exhibits 1, 2, and 3. in six copies and distributes them:

<u>Original</u>	(DSS-910, Part 1) - to appellant
<u>Second</u>	(DSS-910, Part 1) - to Representative, or destroyed
<u>Third</u>	(DSS-910, Part 1) - Fair Hearing files
<u>Fourth</u>	(DSS-910, Part 2) - Fair Hearing files
<u>Fifth</u>	(DSS-910, Part 2) - (to Social Services Agency with a
<u>Sixth</u>	(DSS-910, Part 3) - (Photocopy of the request.

- c. Adjustment Report. Part 3 of form DSS-910, Exhibit 3, is completed by the social services official and returned to the Fair Hearing Section as soon as the answer is known but no later than the deadline date specified on the form.
- d. Action Taken on Report. The Fair Hearing Section will take one of the following actions when the Report is received or on the deadline date:
- (1) Report not received by deadline date. A fair hearing is scheduled, see Section 6.
  - (2) Appellant is willing to withdraw. A letter (DSS-911), Exhibit 4, is sent to the appellant by the Fair Hearing Section, requesting that he confirm or deny his intent to withdraw.

If the appellant confirms the withdrawal, the Fair Hearing Section will send a Notice of Withdrawal of Fair Hearing Request (DSS-911), Exhibit 5, to the social services agency and the case is considered closed.

If the appellant doesn't answer the letter or does not withdraw his request, a fair hearing will be scheduled.

- (3) Appellant is unwilling to withdraw. If the agency reports that the appellant is unwilling to withdraw, a fair hearing is scheduled as soon as possible.

## 6. FAIR HEARING

- a. Applicability. Fair Hearings are scheduled: (i) for discontinuance cases as soon as the appeal is received (Section 4), or, (ii) for cases in which the appellant did not withdraw (Section 5, paragraph d).
- b. Notice of Hearing. At least 10 days before the hearing is scheduled, the Fair Hearing Section notifies the appellant, his representative, and the agency of the place, date and time of hearing. The Notice of Fair Hearing (DSS-457A), Exhibit 6, is used for that purpose. The agency is given a photocopy of the request for fair hearing.
- c. Disposition of Hearing
  - (1) Hearing held. A decision is issued and transmitted (see Section 7).
  - (2) Hearing adjourned. The Hearing Officer may adjourn the case during the course of the hearing for any good reason. In such case, a new Notice of Hearing (DSS-457A), Exhibit 6, will be sent to each party involved when the hearing is rescheduled.



- (3) Hearing defaulted. If the appellant or his representative fails to appear at a scheduled hearing, the Fair Hearing Section will confirm such default by Notice of Failure to Appear at Hearing (DSS-459A), Exhibit 7.

d. Closing the Fair Hearing File

- a. Reasons for closing. Fair hearing files will be closed by the Fair Hearing Section under the following circumstances:
- (1) Request for fair hearing withdrawn in writing or on record.
  - (2) Abandoned hearings, where appellant defaults in appearance at hearing and does not explain default (see paragraph c3 above).
- b. Form used. The Fair Hearing Section will send each party to the appeal a copy of Notice of Closing of Fair Hearing (DSS-458A), Exhibit 8.

7. DECISION AND COMPLIANCE

- a. Preparation of Decision. After the hearing has been held, the decision is drafted, cleared and reproduced.
- b. Distribution of Decision. Copies of the decision are distributed to the appellant, his representative, if any, the local agency, area office and other interested individuals or agencies. The Transmittal of Fair Hearing Decision (DSS-417), Exhibits 9, 10, and 11, is used to transmit the decision.
- c. Compliance Report. If the decision requires formal action on the local agency's part, the agency must submit a Report on Disposition of Fair Hearing Decision (DSS-470), Exhibit 12, in accordance with the instructions printed on the form. The Report must be submitted to the Area Office within 30 days of receipt of the decision.

The Area Office reviews the decision and the Report and determines whether the agency has complied. They record their decision on the bottom of the Report form and send it to the Fair Hearing Section.

**Exhibit 1**

**Form DSS-910 (Part 1) - Acknowledgment of Fair Hearing Request**

STATE OF NEW YORK  
**DEPARTMENT OF SOCIAL SERVICES**  
GEORGE K. WYMAN, COMMISSIONER  
OFFICE OF COUNSEL  
**FAIR HEARING SECTION**

DATE  
ACKNOWLEDGED  
DATE OF  
REQUEST  
CASE NUMBER,  
IF KNOWN

NAME OF REPRESENTATIVE, IF ANY →

This will acknowledge your request for a Fair Hearing. The enclosed pamphlet explains the Fair Hearing procedure.

A copy of your request is being sent to the Social Services Agency involved for their information and for possible adjustment.

If the Social Services Agency doesn't adjust the matter to your satisfaction within two weeks, a Fair Hearing will be scheduled.

Meanwhile, if you have any questions about the Fair Hearing procedure, or if we've made a mistake in your name or address, please contact:

State Department of Social Services  
Fair Hearing Section  
112 State Street  
Albany, New York 12201

State Department of Social Services  
Fair Hearing Section  
117 Liberty Street  
New York, New York 10006

OFFICE OF COUNSEL  
Fair Hearing Section

Exhibit 2

Form DSS-910 (Part 2) - Request for Report of Adjustment of Fair Hearing

FORM DSS-910 (PART 2) (REV. 9/68)

REQUEST FOR REPORT OF ADJUSTMENT OF FAIR HEARING

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

APPELLANT'S NAME AND ADDRESS	REPORT DUE ON OR BEFORE THIS DATE	
	DATE ACKNOWLEDGED	
	DATE OF REQUEST	
	CASE NUMBER, IF KNOWN	
NAME OF REPRESENTATIVE, IF ANY →		

Attached is a photocopy of a request for a Fair Hearing on the above case.

In accordance with Department Regulation 358.4, we request that you furnish us with a report of the results of your efforts to adjust the matter with the appellant.

PLEASE USE THE ATTACHED REPORT FORM (PART 4) AND RETURN IN THE ENCLOSED SELF-ADDRESSED ENVELOPE BY THE REPORT DATE INDICATED ABOVE.

If your report indicates that the appellant is willing to withdraw, we will write to him requesting that he sign a statement to that effect. If the appellant confirms the withdrawal within 5 days, no hearing will be scheduled; if the appellant does not confirm the withdrawal, a Fair Hearing will be scheduled.

If the report indicates no withdrawal, or if we do not hear from you by the above deadline date, a Fair Hearing will be scheduled. You will be notified of each hearing at least 10 working days in advance as required by Board rule.

Please address all communications concerning this case to:

State Department of Social Services  
 Fair Hearing Section  
 112 State Street  
 Albany, New York 12201

State Department of Social Services  
 Fair Hearing Section  
 117 Liberty Street  
 New York, New York 10006

OFFICE OF COUNSEL  
 Fair Hearing Section

**Exhibit 3**

**Form DSS-910 (Part 3) - Report of Adjustment of Fair Hearing**

FORM **DSS-910 (PART 3) (REV. 9/68)**

**REPORT OF ADJUSTMENT OF FAIR HEARING**

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

APPELLANT'S NAME AND ADDRESS		<b>REPORT DUE ON OR BEFORE THIS DATE</b>	
		DATE ACKNOWLEDGED	
		DATE OF REQUEST	
		CASE NUMBER, IF KNOWN	
NAME OF REPRESENTATIVE, IF ANY →			

This *Report* is required by Department Regulation 358.4 to indicate the outcome of your efforts to adjust the appellant's request for a Fair Hearing. Instructions on the adjustment procedure and forms will be found in the *Request for Adjustment* form which accompanied this *Report*.

Please send this *Report* on or before the deadline date to the FAIR HEARING SECTION, using the self-addressed envelope which was included with the material sent you.

**REPORT BY SOCIAL SERVICES OFFICIAL**

The following report summarizes the results of our effort to adjust the appellant's request for a Fair Hearing:

- Appellant is willing to withdraw his request.
- Appellant is *NOT* willing to withdraw his request.
- No record of this case.

Is the appellant's request for a Fair Hearing made within the required 60 days?  Yes  No

Please furnish us with the following information:

Case Number *	Representative *	Reason for Request (check one)	<input type="checkbox"/> Inadequacy	<input type="checkbox"/> Denial	<input type="checkbox"/> Discontinued or Suspended
			<input type="checkbox"/> Failure to Act	<input type="checkbox"/> Other	

• IF NOT SHOWN ABOVE OR IF INCORRECT

For Social Services Official: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Exhibit 4

Form DSS-911 - Request for Withdrawal

STATE OF NEW YORK  
DEPARTMENT OF SOCIAL SERVICES  
GEORGE K. WYMAN, COMMISSIONER  
OFFICE OF COUNSEL  
FAIR HEARING SECTION

DATE  
ACKNOWLEDGED  
DATE OF  
REQUEST  
CASE NUMBER,  
IF KNOWN

NAME OF REPRESENTATIVE, IF ANY →

We understand that you wish to withdraw your request for a Fair Hearing. In order for us to do this, we must have a statement from you in writing.

We would appreciate if you would indicate what you wish to do. Please check one of the statements below, sign it and return this form in the attached postage-free, self-addressed envelope.

If we do not hear from you within a week, we will schedule the Fair Hearing you requested.

OFFICE OF COUNSEL  
Fair Hearing Section

THE SPACE BELOW IS FOR YOUR ANSWER

I wish to withdraw my request for a Fair Hearing.

Your signature \_\_\_\_\_

I do not wish to withdraw my request for a Fair Hearing. Please schedule my Fair Hearing as soon as possible.

Your signature \_\_\_\_\_

PLEASE LEAVE BLANK

Part 4:  Not sent  Sent on \_\_\_\_\_

Form DSS-911 (Parts 1-3) (7/68)

Exhibit 5

Form DSS-911 - Notice of Withdrawal of Fair Hearing Request

FORM DSS-911 (PART 4) (7/68)

**NOTICE OF WITHDRAWAL OF FAIR HEARING REQUEST**

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

APPELLANT'S NAME AND ADDRESS		REPORT DUE ON OR BEFORE THIS DATE	
		DATE ACKNOWLEDGED	
		DATE OF REQUEST	
		CASE NUMBER, IF KNOWN	
NAME OF REPRESENTATIVE, IF ANY →			

We have a signed statement from the above appellant withdrawing his request for a Fair Hearing, and we have closed our Fair Hearing file. If you have received a *Notice of Fair Hearing*, please disregard it.

OFFICE OF COUNSEL  
Fair Hearing Section

Exhibit 6

Form DSS-457A - Notice of Fair Hearing

FORM DSS-457A

**NOTICE OF FAIR HEARING**

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

Appellant's Name and Address

Nombre y dirección del apelante

Scheduled Hearing Date

Fecha fijada para el juicio  
Date of Notice

Fecha del aviso

New  Reached.  
Nueva refijado

Case Number and Program <i>Numero del caso y programa</i>	Welfare Center or Agency <i>Centro de Welfare o Agencia</i>	Group <i>Asociación</i>	Representative <i>Representante</i>
Issue in Case: <i>Motivos del caso</i>			
<input type="checkbox"/> Inadequacy <input type="checkbox"/> Denial <input type="checkbox"/> Failure to Act <input type="checkbox"/> Discontinuance <input type="checkbox"/> Other <i>Inadecuación Negación Falta de actuación Descontinuación Otro Motivo</i>			
Reply to:  <i>Responder a:</i>			Telephone  <i>Numero de teléfono</i>

**PLEASE BRING THIS NOTICE WITH YOU**

**POR FAVOR TRAIGA ÉSTA NOTIFICACIÓN CON UD.**

Please be advised that a hearing in the above matter has been scheduled as indicated.

Por favor note, que el juicio arriba señalado a sido fijado para la fecha indicada.

**Instructions to all parties.**

**Intrucciones a los participantes.**

1. You must bring to this hearing the following:
  - This notice
  - Witnesses if any
  - All evidence that has a bearing on this case including all books, records and other forms of written evidence.
2. The Appellant may be represented by an attorney or other representative.

- 1.. Ud. debe traer a éste juicio lo siguiente:
  - Esta notificación
  - Testigos, si es que tiene algunos
  - Todas las pruebas que tengan relación con éste caso, incluyendo todos los libros, registros y otras formas de pruebas escritas.
2. El Apelante puede ser representado por un abogado o por otra clase de representante.

**Notice to Appellant**

**Aviso al Apelante**

In the event that you no longer wish to have a fair hearing, please sign the statement below and return this notice to the New York State Department of Social Services at the above address.

Si acaso ud., ya no desea tener un juicio imparcial, por favor firme la declaración más abajo escrita y devuelva ésta notificación al Departamento de Servicios Sociales del Estado de Nueva York a la dirección arriba indicada.

I wish to withdraw my request for a fair hearing.

Yo deseo retirar mi petición por un juicio imparcial.

Signed \_\_\_\_\_

Firma \_\_\_\_\_

**COPIES TO:**

- Social Services Agency with photo copy of the request       Action Group       Representative       Other:

Exhibit 7

Form DSS-459A - Notice of Failure to Appear at Fair Hearing

FORM DSS-459A(3/68)

NOTICE OF FAILURE TO APPEAR AT HEARING

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

Appellant's Name and Address

Empty box for Appellant's Name and Address

Scheduled Hearing Date
Fecha fijada para el juicio
Date of Notice
Fecha del aviso
New Resched.
Nuevo reafijado

Table with columns: Case Number and Program, Welfare Center or Agency, Group, Representative, Issue in Case, Reply to, Responder, Telephone

The fair hearing you requested was scheduled to be held as above indicated.

El juicio imparcial que ud. pidió fue señalado para ser sostenido en la fecha arriba indicada.

- We have been advised that you wish to withdraw your request for a fair hearing.
You failed to appear and we have not received any notification from you as to why you failed to appear.

- Nos ha notificado por Ud. que Ud. desea retirar su petición por un juicio imparcial.
Ud. faltó de presentarse y no hemos recibido ninguna notificación suya explicando el porqué faltó a la cita.

Please check one of the boxes below to tell us what you wish to do. If we do not hear from you within ten days, we will assume that you no longer wish to have a fair hearing and we will close the hearing file. NO POSTAGE IS REQUIRED on the enclosed self-addressed envelope.

Por favor indique en una de las casillas de abajo lo que ud. desea hacer. Si no recibimos noticias dentro de los proximos diez días, daremos por supuesto que ud. ya no desea tener un juicio imparcial, y daremos el caso por cerrado. No es necesario usar sellos en el sobre incluido.

PLEASE CHECK ONE OF THE FOLLOWING BOXES

- I wish to withdraw my request for a Fair Hearing.
Please reschedule my Fair Hearing.

POR FAVOR MARQUE UNA DE LAS SIGUIENTES CASILLAS

- Deseo retirar mi petición por un juicio imparcial.
Por favor vuelvan a fijar nueva fecha para mi juicio imparcial.

Signed \_\_\_\_\_

Firma \_\_\_\_\_

COPIES TO:

- Social Services Agency
Action Group
Representative
Other:



**Exhibit 8**

**Form DSS-458A - Notice of Closing of Fair Hearing File**

FORM DSS-458A

**NOTICE OF CLOSING OF FAIR HEARING FILE**

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

Appellant's Name and Address  
Nombre y dirección del apelante

Scheduled Hearing Date <i>Fecha fijada para el juicio</i>
Date of Notice <i>Fecha del aviso</i>
<input type="checkbox"/> New <input type="checkbox"/> Reopened. <i>Nueva reafijado</i>

Case Number and Program <i>Numero del caso y programa</i>	Welfare Center or Agency <i>Centro de Welfare o Agencia</i>	Group <i>Asociación</i>	Representative <i>Representante</i>
Issue in Case: <i>Motivos del caso</i>			
<input type="checkbox"/> Inadequacy <input type="checkbox"/> Denial <input type="checkbox"/> Failure to Act <input type="checkbox"/> Discontinuance <input type="checkbox"/> Other <i>Insuficiencia Negación Falta de actuación Descontinuación Otro Motivo</i>			
Reply to:  <i>Responder a:</i>	New York State Department of Social Services Office of Counsel Fair Hearing Section 112 State Street Albany, New York 12201	Departamento de servicios sociales del Estado de Nueva York Oficina del Abogado Consultor Sección de Juicio Imparcial 112 State Street Albany, New York 12201	Telephone Area Code 518 474-7615 <i>Numero de teléfono</i>

The fair hearing in the above case is closed for the following reason:

*El juicio imparcial arriba señalado se cierra por la siguiente razón:*

- You have submitted a written withdrawal of your request for a fair hearing.
- You failed to appear at the adjourned hearing as scheduled above and we have not received any communication from you as to your reason for failing to appear.

- Ud. ha presentado una declaración escrita retirando su petición por un juicio imparcial.*
- Ud. no se presentó al juicio pospuesto como fue fijado el día arriba señalado y no hemos recibido ninguna comunicación suya explicando su razón por no presentarse.*

**COPIES TO:**

- Social Services Agency
- Action Group
- Representative
- Other:

Exhibit 9

**Form DSS-417 - Transmittal of Fair Hearing Decision -- To Appellant**

FORM DSS-417 Pages 1, 2 (1/68)

**TRANSMITTAL OF FAIR HEARING DECISION -- TO APPELLANT**

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

Appellant's  
Name  
and  
Address

Date Transmitted
Date of Decision
Date of Hearing

— FOLD

FOLD —

Case No. and Program	Social Services Center or Agency	Group	Representative	Date of Request

Enclosed is the decision rendered in the above fair hearing.

Please be advised that if you feel aggrieved by this decision you may file a petition for judicial review pursuant to the provisions of Article 78 of the Civil Practice Law and Rules.

OFFICE OF COUNSEL  
Fair Hearing Section

By: Robert B. Keyes, Director

Exhibit 10

Form DSS-417 - Transmittal of Fair Hearing Decision -- Social Services Agency

FORM DSS-417 Page 3 (1/68)

TRANSMITTAL OF FAIR HEARING DECISION -- SOCIAL SERVICES AGENCY

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

Appellant's  
Name  
and  
Address

Date Transmitted
Date of Decision
Date of Hearing

— FOLD —

— FOLD —

Case No. and Program	Welfare Center or Agency	Group	Representative	Date of Request

Enclosed is the decision rendered in the above fair hearing.

If this decision requires that you grant assistance, or investigate the need for granting assistance, please submit a formal report of action taken to the Area Office within 30 days of this Notice. Form DSS-470, *Report on Disposition of Fair Hearing Decision*, must be used for this purpose.

As you know, if you disagree with the decision, you have recourse to judicial review under Article 78 of the Civil Practice Law and Rules.

OFFICE OF COUNSEL  
Fair Hearing Section

By: Robert B. Keyes, Director

Exhibit 11

Form DSS-417 - Transmittal of Fair Hearing Decision -- Others

FORM DSS-417 Pages 4, 5, 6, 7 (1/68)

TRANSMITTAL OF FAIR HEARING DECISION -- OTHERS

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

Appellant's  
Name  
and  
Address

[Empty box for Appellant's Name and Address]

Date Transmitted
Date of Decision
Date of Hearing

— FOLD

FOLD —

Case No. and Program	Welfare Center or Agency	Group	Representative	Date of Request

Enclosed is the decision rendered in the above fair hearing.

The parties to this fair hearing have been advised of their rights to a judicial review of this decision under Article 78 of the Civil Practice Law and Rules.

If the decision is in favor of the appellant, the local social services department will have been requested to submit a *Report of Disposition of Fair Hearing Decision* (Form DSS-470), within 30 days of the date of this *Notice*.

OFFICE OF COUNSEL  
Fair Hearing Section

By: Robert B. Keyes, Director

Exhibit 12

Form DSS-470 - Report on Disposition of Fair Hearing Decision

FORM DSS-470 (3/68)		CASE NUMBER	CASE NAME		
<b>REPORT ON DISPOSITION OF FAIR HEARING DECISION</b>		ADDRESS			
STATE OF NEW YORK DEPARTMENT OF SOCIAL SERVICES					
WELFARE CENTER OR AGENCY		SIGNED BY	DATE SIGNED	HEARING DATE	DECISION DATE
Decision Item Number	<b>DISPOSITION (Complete One)</b>				
	<b>GIVE DETAILS</b>	Reason item was not granted (If verification was made, indicate the source and date of verification and the facts)			
	Regular Grant Issued or Changed		<input type="checkbox"/> Client has adequate item or substitute in serviceable condition <input type="checkbox"/> Expenditure, or need thereof, not verified <input type="checkbox"/> Other (Specify) _____		
	Effective Date	Amount From To			
	Special Grant Issued		VERIFICATION: _____ _____		
	Sched. Delivery Date of Check	Amount			
	Regular Grant Issued or Changed		<input type="checkbox"/> Client has adequate item or substitute in serviceable condition <input type="checkbox"/> Expenditure, or need thereof, not verified <input type="checkbox"/> Other (Specify) _____		
	Effective Date	Amount From To			
	Special Grant Issued		VERIFICATION: _____ _____		
	Sched. Delivery Date of Check	Amount			
	Regular Grant Issued or Changed		<input type="checkbox"/> Client has adequate item or substitute in serviceable condition <input type="checkbox"/> Expenditure, or need thereof, not verified <input type="checkbox"/> Other (Specify) _____		
	Effective Date	Amount From To			
	Special Grant Issued		VERIFICATION: _____ _____		
	Sched. Delivery Date of Check	Amount			
	Regular Grant Issued or Changed		<input type="checkbox"/> Client has adequate item or substitute in serviceable condition <input type="checkbox"/> Expenditure, or need thereof, not verified <input type="checkbox"/> Other (Specify) _____		
	Effective Date	Amount From To			
	Special Grant Issued		VERIFICATION: _____ _____		
	Sched. Delivery Date of Check	Amount			
For use in MA, or where "Decision Item" is not related to the grant					
<b>LEAVE BLANK - FOR AREA OFFICE USE ONLY</b>					
<input type="checkbox"/> REPORT NOT ACCEPTED. see attached material		<input type="checkbox"/> ABOVE REPORT ACCEPTED - Agency has fully complied		<input type="checkbox"/> ABOVE REPORT ACCEPTED AS PARTIAL COMPLIANCE	
Signature of Area Office Representative _____		Date Signed _____	Date Sent to Central Office _____		
<b>INSTRUCTIONS TO LOCAL SOCIAL SERVICES AGENCY</b>					
1. This form must be prepared whenever the State Department of Social Services has ordered, as the result of a fair hearing, the Social Services Agency to issue a grant. 2. Prepare the form in four copies. Retain one copy for your files and send the original and two copies to the Area Office.					

Exhibit 13

Form DSS-756 - Transmittal Memo-Legal Papers

FORM DSS-756 (REV. 2/69)		<b>TO</b>		OFFICE OF COUNSEL, ALBANY	
<b>TRANSMITTAL MEMO -- LEGAL PAPERS</b>				ATTENTION: BUREAU OF GENERAL LAWS	
STATE OF NEW YORK		DEPARTMENT OF SOCIAL SERVICES			
FROM			DATE TRANSMITTED		
FIRST-NAMED PLAINTIFF OR PETITIONER			INSERT RETURN DATE OF SUMMONS NOTICE OR ORDER, IF ANY:		
<b>PAPERS RECEIVED</b>	ADDRESS AT WHICH RECEIVED	DATE AND HOUR	NAME AND TITLE OF PERSON SERVED		
<b>PAPERS DELIVERED</b>	DEPARTMENT, AGENCY OR PERSON TO WHICH DELIVERED	COPIES	DATE DELIVERED	ADDRESS	
	STATE DEPARTMENT OF LAW (Attorney General)	Original and one photocopy			
	DEPARTMENT OF SOCIAL SERVICES OFFICE OF COUNSEL	Two photocopies		ALBANY, NEW YORK	
	Other (Specify)				
<b>INSTRUCTIONS:</b>					
1. Prepare this form in two copies.					
2. Send the original of this form with two photocopies of the papers to Office of Counsel in Albany.					
3. The second copy is for your files.					