

State of New York

Department of Social Services

MEMORANDUM

DSS-524EL

TO: All Supervising ALJ's
All ALJ's

DATE: July 22, 1993

FROM: Russell Hanks

SUBJECT: Telephone Hearing Documents

Pursuant to a Memorandum of Understanding submitted to the Appellate Division in the Varshavsky case, this is to remind you of the necessity to make sure that the appellant has received a copy of the documents presented by the agency before proceeding with a telephone hearing. The appellant should also be asked if he or she requested any other documents from the agency, and whether they were received. This is especially important in light of our representations to the Court in arguing that the statutory stay of the preliminary injunction in Varshavsky should not be vacated.

If an appellant has not received any of the documents presented by the agency at a hearing, or other relevant documents requested from the case record prior to the hearing, the matter should be adjourned, generally or to a date certain as appropriate.