



NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
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George E. Pataki
Governor

Robert Doar
Commissioner
(518) 473-4775

September 29, 2006

Mr. Eugene Doyle
P.O.O.R.
102-12 164th Street
Hamilton Beach, NY 11414

Re: Written Authorization of Representative

Dear Mr. Doyle:

This is in response to your letter of July 28, 2006, in which you asked for clarification of this agency's policy concerning the durational validity of written authorizations of representation by non-attorneys. After reviewing your letter, as well as relevant legal and analytical sources, I conclude that no fixed durational limitation should be imposed automatically, particularly where the authorization in question specifically states that it will remain effective until revoked.

While the amount of time elapsed from the time of execution of the authorization may, indeed, be a reasonable basis for an inquiry by the ALJ into its current status, the age of the document should not, in general, be the sole basis for concluding that the authorization is no longer valid. In the absence of evidence to the contrary, a sworn statement or affidavit from the representative that the authorization has not been revoked, the appellant is alive, and that there is no knowledge of any present incapacity of the appellant, may be sufficient to allow a hearing to proceed. This position is consistent with that taken in the two fair hearing decisions which you referenced in your letter (FHs #3911014P and 3521896L).

I trust that this is responsive to your concerns.

Sincerely,

Russell J. Hanks
Deputy General Counsel
Office of Administrative Hearings

cc: S. Addamo