

State of New York

Department of Social Services

MEMORANDUM
DSS-524XL

TO: All Hearing Officers
and Professional Staff

DATE: March 17, 1995

FROM: Robert D. Mc Dougall

SUBJECT: Off-the-Record Conversations

This is to remind you again that all conversations occurring between hearing officers and appellants and/or their representatives and/or the agency's representatives must take place on the record. There can be no ex-parte conversations with any party off-the-record concerning the subject matter of the hearing. This also includes an off-the-record review of the agency's evidence prior to the hearing.

A complete record of all discussions and the submission of all evidence at the time of hearing is required to protect the due process rights of the parties and to defend hearing officers against allegations of improprieties in the hearing process.

Your cooperation with these instructions is appreciated.

cc: Russell J. Hanks
Sebastian J. Addamo