



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #07-54-OPE

(This Policy Bulletin Replaces PB #03-191-OPE)

HANDLING REQUESTS FOR CASE RECORD REVIEW

<p>Date: April 30, 2007</p>	<p>Subtopic(s): Fair Hearing</p>
<p> This procedure can now be accessed on the FIAweb.</p>	<p>Revisions to Original Policy Bulletin</p> <p>This policy bulletin is being revised to update it with the following information:</p> <ul style="list-style-type: none"> • Job Centers will no longer accept or prepare <u>Rivera</u> or Specifically Identified Document (SID) requests • The 703 series of Action Codes previously used in the <u>Rivera</u> process are no longer valid. A new series has been developed to identify not only the <u>Rivera</u> Evidence Packet Requests, but also the Bureau of Eligibility Verification (BEV)/Division of Financial Review and Processing (DFRP); and SID <u>Rivera</u> Requests. <p>Purpose:</p> <p>This policy bulletin is to remind staff that all requests for Fair Hearing (FH)–related documents from the case record must be made through the Centralized <u>Rivera</u> Office (CRO). Requests for specific documents from an applicant's/participant's case record for any reason not related to a FH are directed to the Job Center.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call (718) 557-1313 then press 2 at the prompt followed by 765 or
send an e-mail to *FIA Call Center*

Request Related to a Fair Hearing

Revised	<p>Currently, applicants/participants can request copies of documents from their case record to prepare for a FH. All Public Assistance (PA) and Food Stamps (FS) notices of intent to reduce or deny benefits provide information on how to request copies of specific documents needed to prepare for a FH and/or documents that the Agency plans to submit as evidence (Evidence Packet) at the FH. As a result of the <u>Rivera</u> lawsuit regarding this issue, a centralized process was developed and these requests for documents became known as <u>Rivera</u> Requests.</p>
Revised	<p>As a result of this new language – “Access to your files and copies of documents” – on all notices of intent to discontinue, reduce or deny benefits, <u>Rivera</u> requests are made through the CRO. Job Centers must inform appellants or their representatives that <u>Rivera</u> requests must be directed to the CRO as follows:</p> <p>Mail or in person HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, NY 11201, 6th Floor</p> <p>Telephone (718) 722-5042</p> <p>Fax (718) 722-5018</p>
CRO	<p><u>CRO</u></p> <p>The FH Clerk receives all <u>Rivera</u> requests at the CRO from the appellant or his/her representative by one of the methods indicated above. If the request is by phone or in-person, the FH Clerk must complete a <u>Rivera</u> Request Intake Form (W-186B). The FH Clerk forwards the request and/or the W-186B to the FH Supervisor/ AJOS II.</p>
Revised	<p>The FH Supervisor/AJOS II will review the request and/or W-186B forwarded to him/her from the FH Clerk. S/he will evaluate the requests and determine whether the <u>Rivera</u> request will be prepared at the CRO, Non–Public Assistance (NPA) FS locations or the BEV/DFRP. The <u>Rivera</u> request may consist of a request for the evidence packet that will be presented at the hearing and/or a SID from the case record needed to prepare for a FH.</p>
Revised	<p>The FH Supervisor/AJOS II at the CRO must inform the FH Clerk to fax the NPA FS locations or BEV/DFRP the <u>Rivera</u> request and/or W-186B that they are responsible for preparing. The FH Supervisor/AJOS II must then enter one of the following NYCWAY Action Codes based on the type of request:</p>

Codes used for Job
Centers and NPA FS
locations

Rivera Evidence Packet Requests

70RP (Rivera Request – In Person)
70RM (Rivera Request – Mail)
70RT (Rivera Request – Telephone)
70RF (Rivera Request – Fax)

BEV/DFRP Rivera Requests

137F (Request For FH Related Documents Made By Fax)
137T (Request For FH Related Documents Made Via Telephone)
137M (Request For FH Related Documents Made By Mail)
137P (Request For FH Related Documents Made In Person)

SID Rivera Requests

Codes used for Job
Centers and NPA FS
locations

70SF (Rivera SID Requested By Fax)
70ST (Rivera SID Requested By Phone)
70SM (Rivera SID Requested By Mail)
70SP (Rivera SID Requested In Person)

Each action code will allow a Future Action Date (FAD) of three days in which time the specifically requested documents/evidence packet must be given or mailed to the appellant (or the appellant's representative/attorney).

Rivera evidence packet requests including those from BEV/DFRP appear on the **RIVER** Worklist. SID evidence packet requests appear on the **RISID** Worklist. All outstanding requests will be available on a daily basis to inform the FH Clerk/CRO Director's designee of Rivera requests that have not been completed.

Revised

If for any reason the appellant or the appellant's representative/attorney elects to cancel the request for a specifically requested documentation/evidence packet, the AJOS II/Supervisor II must:

- ask for the cancellation request in writing and enter a case note (**700A**) in NYCWAY
- post Action Code **703X** (Request for FH Related Documents Cancelled) and enter a comment indicating the cancellation request has been received.

Note: If the AJOS II/Supervisor II makes a data entry error that requires cancelling the Rivera request, s/he must enter a case note describing the error and post Action Code **703X**.

NPA FS Centers
and BEV/DVRP
Revised

Packet/SID Preparation at Ancillary Locations

Upon receipt of the faxed request from the CRO, the NPA FS Site Manager's Designee or BEV/DFRP must:

- prepare the Rivera Evidence Packet and a SID when appropriate
- forward the completed Rivera Evidence Packet and the Rivera Request Response (**W-186A**) by messenger to the CRO within two days from receipt of the request to insure a timely response to the appellant.

Note: CRO will prepare Rivera Evidence Packets for all Job Center Fair Hearings (except those related to BEV/DVRP).

CRO Packet Distribution

Packets prepared by
CRO for appellants, NPA
FS and BEV/DFRP

Revised

Upon receipt of the completed packets, the FH Supervisor/AJOS II will advise the Supervisor I/AJOS I to prepare a minimum of four packets containing the requested material (including the initial request). The four packets are distributed to the: Appellant/Appellant's Representative, FH Representative, Administrative Law Judge, and the 98A folder.

Revised

The FH Supervisor II must:

- review the completed packets for content, and
- forward the packets back to the FH Clerk.

The FH Clerk will:

- prepare the Rivera Request Receipt (**W-186**) and obtain the requestor's signature if the packet is to be picked up by the appellant or his/her representative/attorney
- prepare the **W-186A** and attach it to the packet. Complete a Certificate of Mailing for all packets sent to the appellant via mail. The completed packets are brought to the post office for mailing. The Certificate of Mailing must be stamped by the post office to verify the date of mailing.

Revised

The designated person at the CRO will sign off on the completed Rivera requests based on receipt of the Certificate of Mailing or the **W-186** (when packet picked up by appellant or his/her representative/attorney) and enter Action Code **703S** (Packet Complete Certificate of Mailing/Signed Receipt Obtained), in NYCWAY. If the Rivera request includes a SID, enter Action Code **705S** (Rivera SID Complete Certificate Obtained).

Request Not Related to a Fair Hearing

Job Centers

If the applicant/participant wishes to view or have copies made of specific documents in the case for reasons not involving a Fair Hearing, s/he must make that request to the Job Opportunity Specialist (JOS)/Worker. The JOS/Worker will alert the designated person of the request so that an appointment can be scheduled for the applicant/participant to come in and view the case record.

NPA FS Centers

If the applicant/participant makes the request to view or have copies made of specific documents not related to a Fair Hearing through an NPA FS Center, the applicant/participant will be directed to the Supervisor of the Mail Processing Unit (MPU) in order to schedule an appointment (five business days from date of request). On the day of the appointment, the MPU Supervisor will review the case with the applicant/participant.

Reviewing electronic files


If the case record is an electronic file (Paperless Office System [POS] or Imaged Centers), a Worker designated by the Center Director will sit with the applicant/participant at a designated terminal to view the contents of the case record and print requested documents. Most documents in the case record, including NYCWAY and Wellness, Comprehensive Assessment, Rehabilitation and Employment (WeCARE) documents, can be viewed and copies provided, except for those documents listed below:

Documents which may not be viewed

- Documents containing information concerning child abuse or neglect
- Documents concerning domestic violence
- Documents or files maintained separately from the PA/FS case record, such as BEV or Bureau of Fraud Investigation (BFI) files, that contain information concerning potential criminal prosecution
- Documents concerning foster care and adoption.

Effective Immediately

Attachments:

 Please use Print on Demand to obtain copies of forms

- | | |
|-------------------|--|
| W-186 | <u>Rivera</u> Request Receipt (Rev. 11/10/05) |
| W-186 (S) | <u>Rivera</u> Request Receipt (Spanish) (Rev. 11/10/05) |
| W-186A | <u>Rivera</u> Request Response (Rev. 11/10/05) |
| W-186A (S) | <u>Rivera</u> Request Response (Spanish) (Rev. 11/10/05) |
| W-186B | Rivera Request Intake Form (Rev. 11/10/05) |



Date: _____
Case Number: _____
Case Name: _____
Fair Hearing Number: _____
Fair Hearing Date: _____

Rivera Request Receipt

SAMPLE

requested copies of his/her:

- Evidence Packet
- Specifically Identified Documents
- Evidence Packet and Specifically Identified Documents for his/her Fair Hearing

CRO Worker's Name

CRO Worker's Signature

(Section below dotted line to be completed by Appellant/Appellant's Representative)

I have received copies of the requested:

- | | |
|--|--|
| <input type="checkbox"/> Evidence Packet | <input type="checkbox"/> Evidence Packet and some of the Specifically Identified Documents requested |
| <input type="checkbox"/> Specifically Identified Documents | <input type="checkbox"/> Some Specifically Identified Documents |
| <input type="checkbox"/> Evidence Packet and all Specifically Identified Documents | |

Appellant/Representative's Name (print)

Appellant/Representative's Signature

Date



Fecha: _____
Número del Caso: _____
Nombre del Caso: _____
Número de
Audiencia Imparcial: _____
Fecha de la
Audiencia Imparcial: _____

Recibo de la Petición Rivera

SAMPLE

requested copies of his/her:
solicitó copias de su:

- Evidence Packet (*Paquete de Pruebas*)
- Specifically Identified Documents (*Documentos Específicamente Identificados*)
- Evidence Packet and Specifically Identified Documents for his/her Fair Hearing (*Paquete de Pruebas y Documentos Específicamente Identificados para la Audiencia Imparcial*)

CRO Worker's Name (*Nombre del Trabajador de CRO*)

CRO Worker's Signature (*Firma del Trabajador de CRO*)

(La sección más abajo de esta línea intermitente debe ser llenada por el Apelante/Representante del Mismo)

He recibido copias de los siguientes documentos solicitados:

- | | |
|--|---|
| <input type="checkbox"/> Paquete de Pruebas | <input type="checkbox"/> Paquete de Pruebas y algunos de los Documentos Específicamente Identificados |
| <input type="checkbox"/> Documentos Específicamente Identificados | <input type="checkbox"/> Algunos Documentos Específicamente Identificados |
| <input type="checkbox"/> Paquete de Pruebas y toda la Documentación Específicamente Identificada | |

Nombre del Apelante/Representante (en letra de molde)

Firma del Apelante/Representante

Fecha



Date: _____
Case Number: _____
Case Name: _____
Fair Hearing Date: _____

Re: Rivera request for Fair Hearing Number: _____

Rivera Request Response

Pursuant to the Rivera request, enclosed is a copy of the Evidence Packet, requested on _____, that the City intends to present at the above-referenced Fair Hearing and/or the Specifically Identified Documents that you requested, as indicated by the box(es) checked below.

- Evidence Packet
- Specifically Identified Documents
- Evidence Packet and all Specifically Identified Documents
- Evidence Packet and some of the Specifically Identified Documents requested
- Some Specifically Identified Documents

SAMPLE

The Specifically Identified Documents for the above-referenced Fair Hearing, identifier _____

are **not** enclosed because:

- they will be sent under separate cover.
- they are not part of the case file. Pursuant to the Rivera request, only Specifically Identified Documents from the case file must be provided as part of the Rivera request.
- the documents requested go beyond the scope of the issues(s) pertaining to this Fair Hearing.



Fecha: _____

Número del Caso: _____

Nombre del Caso: _____

Fecha de la Audiencia Imparcial: _____

Re: Número de la petición Rivera de una Audiencia Imparcial: _____

Respuesta a la Petición Rivera

Conforme a la petición Rivera, adjuntos encontrará tanto una copia del Paquete de Pruebas, solicitado el _____, que la Ciudad tiene la intención de presentar en la Audiencia Imparcial antemencionada, y/o la Documentación Específicamente Identificada y solicitada por usted, tal como lo indican la(s) casilla(s) marcada(s) más abajo.

- Paquete de Pruebas
- Documentos Específicamente Identificados
- Paquete de Pruebas y toda la Documentación Específicamente Identificada
- Paquete de Pruebas y algunos de la Documentación Específicamente Identificada que se haya solicitado
- Algunos de los Documentos Específicamente Identificados

La Documentación Específicamente Identificada para la Audiencia Imparcial antemencionada, identificada como _____

no se encuentra adjunta porque:

- será enviada por separado.
- no es parte del expediente de caso. Conforme a la petición Rivera, sólo se deben proporcionar como parte de la petición Rivera la Documentación Específicamente Identificada del expediente del caso.
- la Documentación que se ha solicitado no es pertinente a los asuntos a ser tratados en la Audiencia Imparcial.



Rivera Request Intake Form

- Telephone Request
- In-Person Request

Date: _____
 Case Number: _____
 Case Name: _____
 Center: _____

Requestor (Appellant/Representative) Information

FH Date	FH Number	Appellant's Case Number
Appellant's Last Name	Appellant's First Name	M.I. () Telephone
Appellant's Home Address	Street	Town/City/Boro Zip Code
Representative's Last Name	Representative's First Name	M.I. () Telephone
Representative's Address	Street	Town/City/Boro Zip Code

Appellant requested copies of: Evidence Packet Specifically Identified Documents Evidence Packet and Specifically Identified Documents

SAMPLE

Fair Hearing Issues

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

Specifically Identified Documents (SID) Requested

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

For Office Use Only

Received by (enter initials): _____

Entered in NYCWAY by (enter initials): _____

Date entered in NYCWAY: _____