



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY BULLETIN #08-106-OPE

### IDENTIFYING FAIR HEARING DEFAULT CASES IN NYCWAY

<b>Date:</b> August 26, 2008	<b>Subtopic(s):</b> Fair Hearing
<p> This procedure can now be accessed on the FIAweb.</p>	<p>The purpose of this policy bulletin is to advise Job Center, Non-Cash Assistance Food Stamp (NCA FS) Center, and Fair Hearing and Conference staff of some of the codes used in the Fair Hearing Default process.</p> <p>A default occurs when a participant requests a Fair Hearing (FH) and fails to appear at the hearing. If the participant's case remained open as a result of an Aid to Continue (ATC) request and the participant defaults at the Fair Hearing, the Fair Hearing Tracking, Monitoring and Review Unit (FHTMRU) will evaluate the case to determine if it was a true default by reviewing the case to determine if the issues of the hearing were resolved prior to the hearing which would result in the participant not needing to attend. If no prior resolution was made during the Mandatory Dispute Resolution (MDR), Conciliation or Conference processes, the FHTMRU considers this a true default. FHTMRU then determines the original action (e.g., closing, sanction, or recoupment) and ensures that it is re-implemented by either:</p> <ul style="list-style-type: none"> <li>• Updating the Fair Hearing status from <b>2</b> (ATC) to <b>5</b> (Client Lost Fair Hearing Agency Upheld) which will automatically implement the action; or</li> <li>• Initiating a new action using the same closing, sanction or recoupment code (code that was used for the original adverse action) and suppressing the notice.</li> </ul> <p>A Notice of FH Default on closings, sanctions or recoupments is not required due to the fact that the participant was notified when the original action was taken.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
Call 718-557-1313 then press 3 at the prompt followed by 1 or  
send an e-mail to *FIA Call Center*

Fair Hearing Default  
Process Outcomes

Workers should review NYCWAY for the following action codes in order to determine whether the reason for closing, sanction, or recoupment without a notice was due to a FH Default. In these instances the case should not be reopened unless the FH Default Action was in error.

**730D** FH TRUE DEFAULT  
**73DR** DISC/RECOUP PROC  
**73RR** REDUC/RECOUP PROC  
**73RE** REDUCT ONLY PROC  
**73RC** RECOUP CL CASE  
**73RO** RECOUP ONLY  
**73DO** DISCONTINUANCE PROCESSED  
**73DC** DEFAULT ACTION SIGNED BY SUPV-COMPL  
**73PC** DEFAULT PROCESS COMPL IN WMS

For information on specific default process cases, contact the Fair Hearing Tracking, Monitoring, and Review Unit at 718-237-7114.

A policy directive detailing the FH Default Process will be published under separate cover.

*Effective Immediately*