



FAMILY INDEPENDENCE ADMINISTRATION




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POLICY BULLETIN #10-64-OPE (This Policy Bulletin Replaces PB #07-54-OPE)

HANDLING REQUESTS FOR CASE RECORD REVIEW

<p>Date: June 10, 2010</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 has been revised to:</p> <ul style="list-style-type: none"> include the requirement that if an applicant's/participant's representative wishes to review the case record, he/she must provide a photo ID and a letter from the applicant/participant authorizing the representative to review the case record. state that for Non Cash Assistance Food Stamp (NCA FS) <u>Rivera</u> requests, the Division of Fair Hearing Administration (DFHA) is responsible only for mailing evidence packets. <u>Rivera</u> evidence packets for NCA FS <u>Rivera</u> requests are prepared at the NCA FS Fair Hearing Unit. <p>Purpose</p> <p>The purpose of 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 to view an applicant's/participant's case record, or to obtain specific documents from that case record, for any reason not related to a FH, must be directed to the Job Center.</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 Fax* or fax to: (917) 639-0298

Requests Related to a Fair Hearing

Currently, applicants/participants can request copies of documents from their case record to prepare for a FH. All Cash Assistance (CA) 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 Rivera lawsuit regarding this issue, a centralized process was developed and these requests for documents became known as Rivera Requests.

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, Rivera requests are made through the CRO. Job Centers must inform appellants and their representatives that Rivera requests must be directed to the CRO as follows:

Mail or in-person	HRA Division of Fair Hearing, 14 Boerum Place Brooklyn, NY 11201, 6th Floor
Telephone	(718) 722-5042
Fax	(718) 722-5018

New Information

If an applicant’s/participant’s representative or attorney wishes to review the applicant’s/participant’s case record, the representative or attorney must provide a photo ID and a letter from the applicant/participant authorizing him/her to review the record.

Requests Received at the CRO

Requests at the CRO

The FH Clerk receives all Rivera 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 Rivera Request Intake Form (**W-186B**). The FH Clerk forwards the request and/or the **W-186B** to the FH Supervisor II/ AJOS II.

The FH Supervisor II/AJOS II will review the request and/or **W-186B** forwarded to him/her from the FH Clerk. He/she will evaluate the requests and determine whether the Rivera request response will be prepared at the CRO, Non Cash Assistance (NCA) FS locations, or the BEV/DFRP. The Rivera request may consist of a request for the evidence packet that will be presented at the hearing and/or Specifically Identified Documents (SIDs) from the case record needed to prepare for a FH.

The FH Supervisor II/AJOS II at the CRO must inform the FH Clerk to fax the NCA FS locations or BEV/DFRP the Rivera request and/or **W-186B** that they are responsible for preparing. The FH Supervisor II/AJOS II must then enter one of the following NYCWAY Action Codes based on the type of request:

Rivera Evidence Packet Requests

Codes used for Job Centers and NCA FS locations

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 NCA 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.

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 Supervisor II/AJOS 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. Additional comments can also be entered in the Action Code **703X** Comment field.

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

Packet/SID Preparation at Ancillary Locations

NCA FS Centers and
BEV/DVRP

Upon receipt of the faxed request from the CRO, the NCA FS or BEV/DFRP Site Manager's Designee 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.

Revised

Note: CRO will prepare Rivera Evidence Packets for all Job Center Fair Hearings (except those related to BEV/DVRP). DFHA is responsible only for mailing evidence packets for Non Cash Assistance Food Stamps (NCA FS) Rivera requests. Rivera evidence packets for NCA FS Rivera requests are prepared at the NCA FS Fair Hearing Unit located at 253 Schermerhorn Street – 2nd floor (FS Fair Hearing Unit). The RIVER and RISID Worklists will also be monitored by this unit.

CRO Packet Distribution

Packets prepared by
CRO, NCA FS and
BEV/DFRP

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

The FH Supervisor II/AJOSII 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 Form **W-186A** by placing a check in the appropriate box indicating what documents are being mailed as part of the Rivera response, describing any specifically identified documents requested that are not included in the response, and placing a check by the appropriate reason for not including such document(s).
- attach Form **W-186A** 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.

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 **70SS** (Rivera SID Complete Certificate Obtained).

Requests Not Related to a Fair Hearing

If the applicant/participant wishes to view or have copies made of specific documents in the case for reasons not involving a Fair Hearing, he/she must make that request to his/her Job Opportunity Specialist (JOS)/Worker. Each Job Center must designate a worker who shall be responsible for scheduling appointments for applicants/participants to view their records. 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.

Job Centers

NCA 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 NCA FS Center, the applicant/participant will be directed to the Supervisor of the Mail Processing Unit (MPU) in order to schedule an appointment within five business days from date of request. On the day of the appointment, the MPU Supervisor will review the case with the applicant/participant.

New Information | If the request to view a CA or NCA FS case record is made by the applicant's/participant's representative, the representative must provide the Agency with a letter from the applicant/participant, authorizing the representative to view the case record. The representative must also present a photo ID.

Reviewing electronic files | Each Job Center and NCA FS Center must designate a Worker who shall be responsible for providing access to electronic files. This Worker will sit with the applicant/participant and/or his/her representative to view the contents of the case record and print requested documents. Most CA and FS program 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 CA/FS case record, such as BEV or Bureau of Fraud Investigation (BFI) files, that contain information concerning potential criminal prosecution, and
 - 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. 6/10/10) |
| W-186 (S) | <u>Rivera</u> Request Receipt (Spanish) (Rev. 6/10/10) |
| W-186A | <u>Rivera</u> Request Response (Rev. 6/10/10) |
| W-186A (S) | <u>Rivera</u> Request Response (Spanish) (Rev. 6/10/10) |
| W-186B | <u>Rivera</u> Request Intake Form (Rev. 6/10/10) |

Date: _____

Case Number: _____

Case Name: _____

Fair Hearing Number: _____

Fair Hearing Date: _____

Rivera Request Receipt

_____ 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:

- 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

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

_____ 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:

- Paquete de Pruebas
- Documentos Específicamente Identificados
- Paquete de Pruebas y todos los Documentos Específicamente Identificados
- Paquete de Pruebas y algunos de los Documentos Específicamente Identificados
- Algunos Documentos Específicamente Identificados

_____ 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

Specifically Identified Documents for the above-referenced Fair Hearing, identified as _____

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 issue(s) pertaining to this Fair Hearing.

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

Re: Petición Rivera de un Número de 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 los Documentos Específicamente Identificados y solicitados por usted, tal como lo indican la(s) casilla(s) marcada(s) a continuación.

- Paquete de Pruebas
- Documentos Específicamente Identificados
- Paquete de Pruebas y todos los Documentos Específicamente Identificados
- Paquete de Pruebas y algunos de los Documentos Específicamente Identificados que se haya solicitado
- Algunos de los Documentos Específicamente Identificados

Los Documentos Específicamente Identificados 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 los Documentos Específicamente Identificados del expediente del caso.
- los Documentos que se han solicitado no son pertinentes a los asuntos a ser tratados en la Audiencia Imparcial.

Rivera Request Intake Form

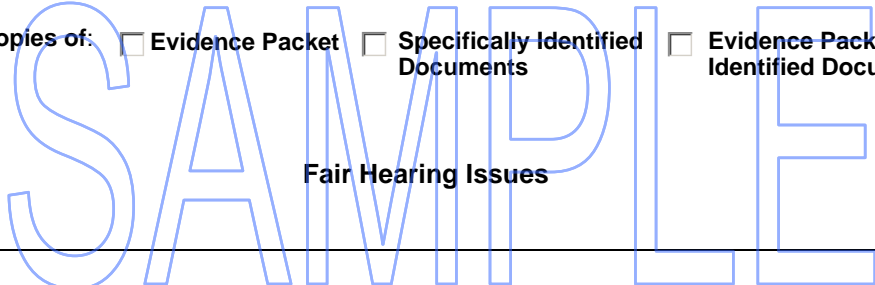
- Telephone Request
- In-Person Request

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



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: _____