



NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

Eliot Spitzer
Governor

David A. Hansell
Acting Commissioner

June 13, 2007

Mr. Eugene Doyle
P.O.O.R.
102-12 164th Avenue
Hamilton Beach, New York 11414-4010

Re: Computer Codes

Dear Mr. Doyle:


This is in response to your series of correspondence in which you sought "clarification" of the policy of this Office as to whether a local agency has a responsibility to explain codes in computer printouts provided pursuant to 18 NYCRR §§358-3.7(b) and 358-4.2(c) and (d).

18 NYCRR 358-4.2(c) and (d) speak only to the requirement that the agency provide the documents that are to be submitted at the hearing, as well as any specifically identified documents from the case file. However, §358-3.7(b)(2) does provide that an appellant has the right to be provided with copies of additional specifically identified documents to assist in the preparation for a fair hearing. A reasonable interpretation of this section would require the agency to provide, on request by the appellant, a key to the codes (or similar explanatory document) for any identified computer printouts sent in response to the appellant's pre-hearing requests for documents.

Should a district fail to comply with such a request, the matter should be brought to the attention of the administrative law judge for resolution in accordance with the provisions of 18 NYCRR §358-3.7(b)(4).

I trust that the foregoing adequately address your concerns.

Sincerely,


Russell J. Hanks
Deputy General Counsel
Office of Administrative Hearings

cc: Sebastian Addamo