

Office of Administrative Hearings (OAH) Procedures Transmittal	Transmittal: 16-08
Distribution:	Date: July 7, 2016 Page: 1 of 2
Albany OAH Staff <input checked="" type="checkbox"/> Rest of State Hearing Officers <input checked="" type="checkbox"/> Supervising Hearing Officers <input checked="" type="checkbox"/> NYC OAH Staff <input checked="" type="checkbox"/> NYC Hearing Officers <input checked="" type="checkbox"/> Supervising Hearing Officers <input checked="" type="checkbox"/> Rest of State Social Service Districts <input checked="" type="checkbox"/> NYC Agencies <input checked="" type="checkbox"/>	Subject: <u>Rafferty v. Doar</u> Alternative Format Documents

In March, 2013, a class of New York City residents who were blind or seriously visually impaired, and who were applicants/recipients of Supplemental Nutrition Assistance Program (SNAP) and Medicaid benefits, brought a lawsuit entitled **Rafferty v. Doar** seeking written materials and information about SNAP and Medicaid eligibility in accessible and effective alternative formats. In May, 2015, the Office of Temporary and Disability Assistance, the Department of Health, and the New York City Human Resources Administration entered into an agreement with the plaintiffs to provide written materials, including applications, communications and publications, **effective July 1, 2016**, in the following primary alternative formats: 18 point font, Audio CD or Data CD. Additionally, Braille will be made available to any applicant/recipient who requests it and asserts that none of the primary alternative formats will be equally effective for them.

Application and recertification forms have been modified as part of the stipulation to include a question about receiving communications in an alternative format. Requests for an alternative format must be honored without requiring medical documentation to support the request. The alternative format is for convenience and informational purposes only. The document sent to the individual in non-alternative format is considered the official document.

All fair hearing related communications, including Acknowledgement of Fair Hearing Request (OAH-4420), Notice of Fair Hearing (OAH-457), Fair Hearing Information System (FHIS) generated letters, Fair Hearing Decisions, scripted letters created by CALFH, re-opening letters, and reconsiderations letters must be offered in alternative formats for appellant with serious visual impairments or blind who request them. A two digit field Disability Accommodation Indicator (DAI) has been added to both the Welfare Management System (WMS) and FHIS.

The field values are:

- V1 Large Print (18 pt.)**
- V2 Audio CD**
- V3 Data CD**
- V4 Braille**

This DAI indicator will allow the vendor to produce the alternative format notices, decisions and letters and mail them to the Appellant.

As a result of an interface with WMS, any indicator entered in WMS will appear in the DAI field in FHIS on the Appellant Information (INQ) and Request Information (REQ) screens.

Documents generated by FHIS and decisions issued through the Fair Hearing Decision Management System (FHDMS) will be delivered automatically to the vendor for creation and mailing of the alternative format communication. If there is a DAI indicator, Hearing Officers are directed to issues all Stipulation decisions through FHDMS.

Office of Administrative Hearing (OAH) staff will forward copies of manually created documents such as scripted letters, or, duplicate decision requests to a shared file for delivery to the vendor.

Should an appellant or representative on behalf of the appellant, indicate to OAH staff members an alternative format is needed, the appropriate entry can be made in the DAI field in FHIS or on the Appellant Data Screen (APP DATA) in FHDMS. If an appellant or representative requests a format other than what appears from the WMS interface, that indicator can be changed in FHIS, FHDMS or CALFH. DAI indicators entered in OAH systems will not update WMS.

If you have any questions regarding this transmittal, please contact Michael Allen at (518) 473-4969 or via email at mike.allen@otda.ny.gov.

A handwritten signature in black ink, appearing to read "Samuel L. Spitzberg". The signature is fluid and cursive, with the first name "Samuel" and last name "Spitzberg" clearly legible.

Samuel L. Spitzberg, Director,
Office of Administrative Hearings