

For More Help with Your Fair Hearing, Contact Your Local Legal Services Provider.

About Project FAIR

Project FAIR advocates are available at an on-site table Monday through Friday from 11:30 a.m. to 2:30 p.m. to give information and referrals to people who have questions about their upcoming fair hearings.

The Project FAIR table is located at:

**OTDA Office of Administrative Hearings
14 Boerum Place, 1st Floor (in the Waiting Area)
Brooklyn, New York**

As the *only* agency located on-site where public benefit fair hearings are held, Project FAIR brings information and assistance to people when and where they need it most.

PLEASE NOTE: Project FAIR Table Advocates do not provide representation, nor can they guarantee representation through partner organizations. Advocates give referrals and information about fair hearings, public benefits, and community services.

Project FAIR is a collaborative, City-wide legal rights initiative working towards greater economic justice for low-income and homeless New Yorkers. This brochure contains legal information, but it should not be considered a substitute for legal advice or representation by a qualified attorney.

* Last updated November 2005 by Project FAIR.



What Is a Fair Hearing?

A fair hearing is your chance to challenge decisions made about your public assistance, food stamps, Medicaid, or emergency shelter. Ask for a fair hearing if you disagree with a decision the City has made about these things, or if you think you are not getting the right amount of benefits.

How Do I Ask For a Fair Hearing?

To request a fair hearing contact the Office of Temporary and Disability Assistance (OTDA) by fax (518-473-6735), phone (1-800-342-3334) or mail (P.O. Box 1930, Albany, NY 12201).

Or go in person to an OTDA Hearing Office at:

14 Boerum Place, 1st Fl 330 W. 34th Street, 3rd Fl
Brooklyn, New York New York, New York

Request a Fair Hearing Right Away!

There are time limits on requesting a fair hearing, so **request a fair hearing as soon as possible**. Unless you did not get a notice, you usually only have 60 days from the date on the notice to ask for a hearing on public assistance and Medicaid and 90 days on food stamps (and only 10 days on notices about your "employability").

Also, if you **ask for a fair hearing within 10 days from the date on the notice** you are challenging, the City cannot reduce or discontinue the benefits at issue while you wait for your fair hearing and decision. This is called "Aid Continuing."

Who Will Be at My Fair Hearing?

The person who runs the fair hearing and makes the decision is an Administrative Law Judge (ALJ). The ALJ works for the State OTDA, not for the City. A representative from the City will also be there. Ask for an interpreter if you need one.

What Will Happen At My Fair Hearing?

Fair hearings are not held in a courtroom. They are in a small office and you will sit around a table. The ALJ will record the hearing through a telephone and will explain what will happen.

You and the City both have a chance to give your side of each issue. Before your hearing, check your fair hearing notice to make sure all of the issues you need to talk about are listed. You can only talk about things that were in your fair hearing request. If you have new issues, ask for another fair hearing.

What Are My Rights at a Fair Hearing?

- Know what the City has to prove. If the City is trying to stop or reduce your benefits or services, they have to explain why they want to do this. If they can't prove why, they can't take the action against you.
- Tell the Judge at your hearing if you did not get notice of the City's action. You have the right to get a written notice explaining changes being made to your benefits or services. This notice must be at your fair hearing.
- You also have the right to:
 - Testify (tell the ALJ your story) and bring witnesses who can support your story
 - Ask the City and witnesses questions
 - Be represented or represent yourself
 - Review and get copies of the City's papers
 - Give papers that help explain your story to the ALJ

How Do I Get Ready for My Fair Hearing?

1. Get Evidence From the City.

An "Evidence Packet" has the documents the City will give at your fair hearing to support their side of the story. You can ask the City to send you a free copy of the Evidence Packet and other documents from your case record to help you get ready. If the City does not give you the evidence packet or documents you ask for to help you prepare for your hearing, in some cases you may win your fair hearing.

To request the Evidence Packet, ask Project FAIR for an Evidence Packet Request or check the City's notice that you are challenging at your fair hearing.

2. Gather Your Own Evidence and Get Organized.

Your fair hearing is your chance to tell the Judge your story through what you say, witnesses, or your own documents. It usually helps to get things in writing. Fair hearings can be short, so get your paperwork together and figure out in advance which papers will help you the most. Examples of helpful papers:

- If you were sick and missed an appointment, bring a letter from your doctor.
- If you have mailing problems, a letter from a landlord or neighbor can help prove these problems.
- If you think you have been budgeted wrong, bring copies of your lease, utility bills, or paystubs.

Plan out what you would like to say before your hearing. Tell your story clearly. Don't let anyone rush you. **GOOD LUCK!**

3. Other Things to Remember

- If your case has been closed, reapply even if you also ask for a fair hearing to start the clock on your new application.
- You may have to go to a "Mandatory Dispute Resolution" at your Center. **DO NOT** "withdraw" (cancel) your fair hearing request before your hearing, even at your MDR, unless you know **for certain** that all of your benefits have been restored.