

**Request For Fair Hearing Evidence Packet and
Specifically Identified Documents**

Date: _____ Fair Hearing Number: _____

My Name: _____ My Case Number: _____

My Mailing Address: _____

To: New York City Human Resources Administration Division of Fair Hearings

Fax to #: 718-722-5018 (for PA, MA, FS issues) OR 718-722-7565 (Medicaid only issues)

Where to send this request by fax:

For ***public assistance, Medicaid and food stamp fair hearings:***

* Fax: 718-722-5018 * Tele: 718-722-5012

For ***Medicaid-only and Family Health Plus fair hearings:***

* Fax: 718-722-7565 * Tele: 718-637-2425

**Fax is the best way to send your request.
Try to keep a copy of your request and your fax receipt.**

Where to send this request by mail:

New York City Human Resources Administration, Division of Fair Hearings, 14 Boerum Place, Brooklyn
NY 11201

Dear City:

I am exercising my right under 18 N.Y.C.R.R. § 358-3.7(b), to be provided by mail at a reasonable time from the date of this request, with (1) a copy of all documents the city will present at the fair hearing in support of its determination and (2) the following specifically identifiable documents:

Check or list all other documents you need to help you get ready for your fair hearing.

- 1) An exact copy of each and every notice, letter, and writing issued to me that will be or might be an issue at the fair hearing or that the City intends to introduce into evidence at the fair hearing.
- 2) Medical reports from WeCARE or other City doctors, my doctors, and Medicaid.
- 3) My WEP and Workfare time records, assessments, and employability plans, and any Notices of Employability.
- 4) My drug and alcohol screening, assessments, and referrals.
- 5) Print-out showing my benefits from ____ / ____ /20____ to the present.
- 6) Print-out showing the persons who are on my budget.
- 7) Current budget printout.
- 8) Address history.
- 9) Sanction & Infraction History showing all activity including deletions of void or completed sanctions.
- 10) Work Activity and You (WAY) Activity Record for period of _____
- 11) The Medicaid, Family Health Plus or Medicare Savings Program application and all documents filed with or related to the application, including internal notes, worksheets, and other documents.
- 12) The Medicaid, Family Health Plus or Medicare Savings Program renewal form and all related documents.
- 13) The M11q filed on or around (date) _____ with the City's Office of Home Care Services at CASA _____ or E.94th Street, along with all assessments conducted by or on
- 14) Other documents _____

Getting Evidence Can Help You Get Ready For Your Fair Hearing

What Is an Evidence Packet?

Evidence is information that supports your story, or the City's story. An "evidence packet" has the documents the City will give to the Judge at your fair hearing, including printouts from your case record. 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 for your fair hearing.

Why Is It Important to Ask for the Evidence Packet?

The evidence packet can help explain what action the City is or is not taking. If the City is trying to discontinue or reduce your benefits, the City should have sent you a notice telling you why and when your benefits will change. That notice must be in your evidence packet. If it is not in your packet, tell the Judge at your fair hearing.

If the City does not give you the evidence packet or other documents you ask for to help you prepare for your hearing, in some cases you may win your fair hearing. The City should send you the evidence packet within 5 days if you ask for it at least 7 business days before the Hearing. If you ask for it less than 7 business days before, the City may bring the packet to your fair hearing. You can ask for it when you check in for your hearing. If you don't get the evidence packet, tell the Judge at your fair hearing. It helps if you fax or mail your request, so that you can show proof that you asked for the evidence packet, like a copy of your request or a fax confirmation sheet. This will also show when you requested the packet.

Over the past five years, the City has determined its considerable ability to mail documents requested within five business days after receipt of a request under 18 N.Y.C.R.R. §358-3.7(b)(1) and (2). See *Rivera v. Bane*, Index No. 45305-92 (Sup.Ct. N.Y. County Feb.28. 2005) (Stipulation of Settlement and Order). Given the City's proven capability of complying with this request within 5 business days after its receipt, you should insist at the hearing that the City's response to this request should have been mailed to you within 5 days of receipt.

How Do I Ask for the Evidence Packet?

Use the form on the back of this page to fax or mail (or call) the City. On the form, check off or write in what other documents would help you get ready for your fair hearing. For example, you may want to see your budget or the City's reports about your medical condition or employment. Keep copies of your request and, again, try to send your request at least 7 **business days** before your fair hearing.

Where Do I Send My Request for the Evidence Packet?

Check all the pages of the original notice the City sent you. One of the last pages will tell you where to contact them to get "Access to Your Files and Copies of Documents." Look carefully - it is important to send the request to the proper place. The request goes to HRA (the City), not the State (Albany). To make it easier for you to request an evidence packet, we have provided the fax/mailling information for you on the reverse side of this form.

If you did not get a notice, see the request form (on the reverse side) for how to fax, write, or call the City Fair Hearing Office.

Get Organized For Your Fair Hearing!

You also have a chance to give your own written evidence to the Judge at your fair hearing. Try to get this evidence and prepare before the fair hearing. Usually, it is best to give the Judge things in writing, like doctors' letters or a letter from your landlord. Write down dates and the names of people you spoke to about your problem. Keep copies of the papers you have. You can bring written evidence and witnesses to your fair hearing, but remember that the fair hearing may be short. Before your fair hearing, plan what you are going to tell or give the Judge. Tell your story clearly, and, don't let anyone rush you. Good luck!