



Legal Advice from Project FAIR

Project FAIR provides volunteers at the Boerum Place fair hearing site who may give you legal advice before you go into your hearing. They will not represent you or attend the hearing with you, but they may be able to help you raise important issues before the judge that can help you win your hearing, or provide a referral for an attorney.

For in-depth information, contact The Children's Aid Society at (212) 358-8930 to get a complete set of **KNOW YOUR RIGHTS** brochures and other legal advocacy publications in both English and Spanish. You may also log onto www.childrensaidsociety.org.

To prepare for your hearing, you may request a fair hearing packet.

To get a packet, you need to write to the job center in charge of your case and ask for all documents and materials that the City agency will use as evidence to justify denial of or the change to your benefits. Be sure to make a copy of this letter before you send it to your center.

The packet can help you make your argument at the hearing. It should include copies of all the materials the City agency will use as evidence to explain the reduction, discontinuance or denial of your benefits. If it is not sent, you may automatically win the hearing if you produce the letter requesting the packet.

Be sure to make copies of all of your papers before going to the hearing and never leave your forms or any other important papers at the job center or the hearing site without keeping a copy for yourself. It is also a good idea to write down the name of any worker who takes your papers.



For over 150 years, The Children's Aid Society has been assisting New York City's children and their families without regard to race, religion, nationality or socio-economic status. Children's Aid helps children in every aspect of their lives from infancy through adolescence, providing guidance and resources to ensure a child's current well-being and future potential. With over 100 programs and 40 locations in New York that touch the lives of more than 150,000 children every year, Children's Aid is one of the country's largest and most innovative child and family social service agencies.

www.childrensaidsociety.org

THE CHILDREN'S AID SOCIETY

KNOW YOUR RIGHTS

fair hearings and public benefits



If your public benefits have been denied, reduced, or discontinued in error, you have the right to ask for a fair hearing to ask the State to overturn the City's action.

Fair hearings provide a way to challenge decisions that you think are unfair or against the rules. Any government action or failure to act that affects your welfare grant, the work program, food stamps, childcare, Medicaid, or foster care payment rates can be a reason to request a hearing.

Fair hearings are held at two locations. Directions to each site are available on the state's website at www.otda.state.ny.us.

- Hearings for public assistance and food stamps: 14 Boerum Place, 1st Floor, Brooklyn
- Hearings for Medicaid: 330 W. 34th Street, 3rd Floor, Manhattan

Request a hearing as soon as you receive a written notice saying your benefits will change or your application has been rejected, if you disagree.

- Hearings must be requested *within 60 days from the notice date, 90 days for food stamps*. If your benefits are reduced and you do not receive a notice, you can request a fair hearing at any time.
- To receive your benefits while you wait for a hearing decision (which is called "*aid continuing*"), you must ask for a hearing *within ten days from the date of the notice*. (*There is no aid continuing when an application has been rejected.*)
- If you need an interpreter at the hearing, be sure to request one when you request your hearing. If you do not, you can request one when you arrive at the hearing site.



Hearing requests may be made online, by fax, in person, by phone, or by mail.

Do not mail requests unless absolutely necessary because they may be lost or delayed in the mail.

- **Online:** You can request a fair hearing by logging onto the Internet at www.otda.state.ny.us/oah/forms.asp.
- **By Fax:** You can request a fair hearing by faxing the request to the Office of Fair Hearings in Albany at (518) 473-6735. Attach a copy of your notice if you received one. Your Children's Aid Society caseworker can help you send the fax.
- **In Person:** You can request a fair hearing in person by going to 14 Boerum Place in Brooklyn or, for Medicaid-only hearings, to 330 W. 34th Street in Manhattan. Directions are available on the state's website, www.otda.state.ny.us.
- **By Phone:** You can request a fair hearing by phone by calling (800) 342-3334. You will be given a fair hearing case number, which you should write down and save. To adjourn a previously scheduled hearing, call (877) 209-1134. For the hearing impaired, the toll free TTY number is (877) 502-6155.
- **By Mail:** You can request a fair hearing by mailing the request to The Office of Fair Hearings, P.O. Box 1930, Albany, New York 12201-1930. Include a copy of your notice if you received one.

After you request a hearing, you will get two important notices from Albany: Form 4420 and Form 457.

- Form 4420 is sent out about one week after the Office of Fair Hearings gets your request letter and lets you know that your request has been officially recorded, that a fair hearing will be scheduled, and whether you will receive aid continuing. Information on aid continuing will be below the double line in bold type.
- Form 457 is sent out about three weeks after the Fair Hearing Office gets your request and tells you when and where your hearing will be held and, in Box B, tells you about your aid continuing status.

If your Forms 4420 and 457 direct the City to provide you with aid continuing while you wait for your hearing but your benefits have stopped, take the form to your job center and request immediate assistance to have your benefits reinstated.

You also have these and other fair hearing rights.

- You can ask that the hearing be adjourned (postponed) and rescheduled for a different time if you are unable to attend on the day stated on Form 457. You may call the number provided on that form to reschedule. You may also ask that the hearing be adjourned if the judge tells you a certain document is needed to show your claim is true and you believe you can get that document.
- You are entitled to have a telephone hearing if you are disabled, will have difficulty traveling to the central hearing site, and have a letter from your doctor verifying your disability.
- You should be reimbursed for subway fare for you and your witnesses, as well as for childcare and other expenses that are necessary for you to attend the hearing.