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OFFICE OF THE STATE COMPTROLLER
JAN 04 2002
H. Carl McCall
New York State Comptroller

OFFICE OF THE STATE COMPTROLLER
JAN 7 2002
ROBERT H. ATTMORE
DEPUTY COMPTROLLER

January 2, 2002

Re: OSC Final Report: Office of Temporary and Disability Assistance - Fair Hearing Process (2000-N-6)

Dear Comptroller McCall:

As required by Section 170 of the Executive Law, this is the response of the Office of Temporary and Disability Assistance (OTDA) to the State Comptroller's report on the "Fair Hearing Process." The report contains four recommendations directed to the New York City Human Resources Administration's Family Independence Agency (HRA). The remaining four recommendations are directed either to OTDA, or jointly to OTDA and HRA, and are addressed in this letter. Following are our responses to specific recommendations 3, 4, 7 and 8:

RECOMMENDATION 3. Improve FHIS to allow ready access to decision data by center;

and

RECOMMENDATION 4. Work together to resolve FHIS and programming issues to ensure that FIA staff and managers can obtain necessary performance data in appropriate detail.

RESPONSE: HRA has had direct access to Fair Hearing Information System (FHIS) for at least 10 years. The FHIS contains several hundred issue codes segregated by program area and twenty-two decision outcome reason codes which explain why a decision results in a reversal, remand, agency withdrawal or "other" outcome. All data is available by individual center. This data provides a comprehensive view of hearing activity, outcomes, reasons and compliance actions for every center. As of November 5, 2001, FHIS also tracks the "Responsible Worker ID". This field was added at the request of HRA, and will allow HRA reporting capabilities on worker performance, where the identity of the worker is known. FHIS, however, has a number of inherent design limitations, which has made it difficult (for OTDA as well as HRA) to access this information for reporting purposes.

Recognizing these limitations, the Office of Administrative Hearings (OAH) has developed an Oracle database of FHIS data, which provides virtually unlimited ability to search the database. FHIS data is downloaded daily to this Oracle database, referred to as OAH's Decision Support System (DSS). OAH provided training to HRA staff in accessing and utilizing the DSS, including creating their own reports. Additionally, all FHIS data is downloaded daily to another Oracle server under HRA's control at their 34th Street location.

Since January 2001, queries can be directed against this database using any parameters HRA may choose to use. HRA indicated, however, that much of its staff was unable to access the database because the appropriate Cognos or Oracle software needed for that purpose had not been obtained. In response, OAH dispatched its own staff in November 2001 to install licensed copies of Cognos software on HRA computers.

Also, OAH currently supplies HRA daily, weekly, monthly and quarterly automated reports from the DSS, most of which were designed pursuant to their requests. OAH has been doing so for approximately two years. In addition to these automated reports, OAH has been responsive to any ad hoc query needs for HRA expediting HRA requests to produce reports often upon short notice. OAH plans to roll out access to its intranet site which will allow HRA staff to view all reports created for them as well as the ability to create ad hoc queries utilizing prompts.

RECOMMENDATION 7. Confirm that Judges record specifically in their decisions what documents or evidence was lacking at Hearings.

RESPONSE: OTDA modified draft decision templates to require the hearing officer to include in the decision the evidentiary items that were missing in the agency's presentation. Hearing officers also received oral instructions on the use of the modified forms and the reasons that they had been developed. Through on-site supervisory and central office administrative review, OAH verifies that these templates are being used and completed appropriately. We will continue to reinforce this point with hearing officers.

RECOMMENDATION 8. Verify that Judges correctly document and code Hearing results.

RESPONSE: OTDA shares OSC's concern that the data in FHIS is accurate, and historically has monitored the completeness and accuracy of hearing officer data recording. In response to OSC inquiries early in the audit process, OAH discovered that there was a degree of confusion among hearing officers as to the use of the codes tracking "insufficient evidence" and "no case record." The proper use of the respective codes has been reinforced with the hearing officers, and subsequent monitoring indicates that they are now being coded appropriately. While some of the monitoring activity is done at the on-site supervisory level, most of the review is done by administrative support staff in the central office in Albany. We strive to ensure the complete and accurate entry of data into FHIS and are gratified that OSC's assessment of FHIS accuracy confirms our own evaluation. We will continue the active monitoring and review of our data collection process.

We trust our comments are responsive to the issues raised.

Sincerely,

Brian J. Wing

Honorable H. Carl McCall
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