

PROJECT FAIR, Inc.
(FAIR HEARING ASSISTANCE, INFORMATION & REFERRAL)
Know Your Fair Hearing Rights

A fair hearing is an administrative hearing in front of an administrative law judge (ALJ), also called a hearing officer. Fair hearings are requested to challenge determinations made by the New York City Human Resources Administration (HRA) or Department of Homeless Services (DHS). At the hearing, you get to tell your story, and the representative (“City rep”) from the relevant city agency gets to tell the agency's story. The ALJ then issues a written decision.

Who is at the hearing?

The ALJ conducting the hearing is employed by the New York State Office of Temporary and Disability Assistance (OTDA) and is supposed to be impartial (fair). Also present will be the City rep. The City rep may be from your job center but is unlikely to have any personal knowledge of the facts in your case.

The ALJ typically sits at the ‘head’ of the table, the City rep sits on one side of the ALJ, and you, and your representative, should you have one, sit on the other. An interpreter, when necessary, sits next to you.

At the hearing, you have the right to:

- a. Be heard in a meaningful manner and state your position orally. This is called giving testimony. You can also submit evidence/documents to support your case.
- b. Review the evidence the City submits at the hearing and ask for copies of the evidence if you did not request it beforehand. The ALJ will allow copies to be made afterward.
- c. Call necessary witnesses and confront and cross-examine witnesses testifying against you, including the City’s representative.
- d. Be represented by counsel or a representative, or proceed unrepresented.
- e. Make opening or closing statements.
- f. Make objections to the relevance or accuracy of any evidence/documents submitted against you, to an adverse party’s testimony, or to procedures you believe or know are improper.
- g. Have an impartial (fair) decision maker (the ALJ) make a conclusion resting solely on the evidence brought forth at the hearing.

Remember that your Fair Hearing is being recorded and that you should identify out loud specific documents you are submitting to support your case. The ALJ should do the same for each document the City submits against you.