

ADJUDICATORY REPORTS

Office of Temporary and Disability Assistance

Administrative Adjudication Report of New York State

Office of Legal Affairs

Office of Administrative Hearings

Pursuant to Executive Order No. 131 issued by Governor Mario Cuomo on December 4, 1989, and reconfirmed by Executive Order No. 2 issued by Governor Andrew Cuomo on January 1, 2011, each agency is required to publish a report that sets forth the steps taken by the agency to comply with the Order. The report published on January 30, 1991, detailed the steps taken to comply with the Order, including any changes in organizational structure, Office regulations and practices, and in hearing procedures. Those provisions remain in effect.

The Order (Section V) requires that the report include “statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination.” The following statistics on Article 78 proceedings are from the period commencing December 1, 2010 through November 30, 2012.

Cases opened:	159
Cases closed: ¹	38
The closed cases resulted in the following outcomes:	
Stipulation of settlement:	16
Decisions favorable to the Office:	13
Withdrawn or abandoned by the petitioner:	3
Decisions adverse to the Office:	4
Reasons for adverse decisions:	
Mistake of law as applied to facts:	2
Record deficient:	2

¹ Due to a server failure and the subsequent partial recovery of data during the reporting period, complete case closing statistics are not available for the reporting period. Instead, the case closing statistics are from March 2012 through November 2012. Please note that because of the incomplete data recovery, there are two closed cases without reportable outcomes.

