



Refer To:

[REDACTED]

[REDACTED]

Office of Hearings Operations
2nd Floor, Suite 200
12 Corp. Woods Blvd
Albany, NY 12211-9914
Tel: (866)643-3035 / Fax: (833)659-0413

March 11, 2024

[REDACTED]

[REDACTED]

[REDACTED]

Dear [REDACTED]

I am asking for your assistance in developing the above claimant's record in a timely and complete manner. Please consider the following practice guidelines.

Hearing Records: Representatives are reminded of their obligation to fully develop the record. It is anticipated that the hearing file will be complete at the time of the hearing – please make your requests for records from treating sources in timely manner. If you plan on presenting medical or educational records in addition to those already in the file, I ask that they be received in this office, or made part of the file, **at least five business days prior** to the date of the hearing. This is particularly important if a vocational or medical expert is scheduled to testify. A timely and complete record is needed to allow development of properly composed hypothetical questions for the vocational expert. A timely complete record must also be available for the medical expert's review prior to the hearing. Records received after the five day time period may result in having to postpone and delay the hearing.

In addition, representatives are encouraged to ask the claimant's health care or education providers for a medical source or treating source statement.

Briefs: You are strongly encouraged to submit a pre-hearing brief at **least one business day** prior to the hearing which identifies your legal arguments and the evidence in the record that you believe most strongly supports your argument. **Please ensure that any evidence cited in the brief is identified by exhibit number and page number.** In addition, please identify any treating source statements (TSS) or opinions in the record. Identifying MRIs, and EMG testing in the record is also helpful. You may also want to discuss, and perhaps distinguish, evidence that does not support the claim. If you anticipate amending an onset date, please indicate that in the brief as well.


Claimant's Medications (SSA HA-4632): Please complete and submit this form prior to or at the time of the hearing.

OTR Requests: If requesting an On the Record Decision [OTR] please do so at **least 7 days prior to hearing if possible** and only in cases where you believe it is reasonable to do so [e.g., in cases in which you believe that the claimant's testimony is not needed and the medical records are clearly persuasive on their own]. Please submit the brief clearly marked as a request for an OTR. An OTR brief should conform to the same requirements as the pre-hearing brief described above. Please call my clerk and advise the clerk that you are requesting an OTR decision.

Post Hearing Records: In some circumstances, the hearing record may be left open for submission of additional records. Submission of post-hearing records should be accompanied by a post-hearing letter brief identifying the purpose for which the evidence is submitted and a statement identifying the relevance of the evidence and any impact the evidence may have on the RFCs proposed at the hearing. A post-hearing brief should conform to the same requirements of the pre-hearing brief described above.

Your cooperation will assist in this matter being heard and decided in a timely manner.

Sincerely,


Administrative Law Judge