

What Happens If My Request is Granted?

If your request for a new hearing is granted, OATH will mail you a letter with the new hearing date. You must appear or participate in a hearing if you want to contest the charges.

If your Summons or Notice is one that does not require you to come to the OATH Hearings Division in person, you can submit a defense by mail, over the phone, or online. OATH **must** receive your defense on or before the new hearing date.



Hearing by Phone
(212) 436-0777



One-Click (online) Hearing
www.nyc.gov/oath



Hearing by Mail
OATH Remote Hearings Unit
66 John Street 10th floor
New York, NY 10038

What Happens If My Request For A New Hearing is Denied?

If your request for a new hearing is denied, you will have to pay the default penalty.

If you do not timely pay the penalty, the following may happen:

- The City of New York may refer your account to a collection agency;
- The City of New York may enter a judgment against you in New York State Supreme Court or NYC Civil Court;
- The City of New York may not grant or renew licenses, permits or registrations.

Where Can I Find Help Online?

Visit the OATH website to find all necessary forms and instructions on how to request a new hearing after a default decision.

www.nyc.gov/oath



Defaulted Cases: What You Should Know

A “default” is a decision that finds you in violation of the charge(s) when you do not respond timely to a Summons or Notice. The default decision will tell you that the legally-mandated default penalty amount has been imposed in your case.

How Can I Avoid Getting a Default Decision?

There are four (4) ways to avoid a default decision:

1. **Admit and pay the Summons.** Check the Summons or Notice to see if you can admit and pay prior to the hearing.
2. **Accept a settlement/stipulation offer.** If the enforcement agency has offered you a settlement/stipulation and you do not want to participate in the OATH hearing, you can accept the settlement/stipulation offer by complying with the terms of the offer.
3. **Respond to your Summons or Notice online, by phone or by mail.** You can contest most charges without appearing for your hearing in person. Read the Summons or Notice carefully or visit the OATH website if you are not sure if you need to respond to the charges in person.
4. **Appear for your hearing in person.** You must appear at the scheduled hearing location at the time that is listed on your Summons or Notice.

What Can I Do If I Get a Default Decision?

If you receive a default decision you can either:

1. Pay the penalty in the default decision;

OR

2. Apply to reopen your case by requesting a new hearing.

How to Pay the Default Penalty:

Pay Online

Visit the OATH website at www.nyc.gov/oath to make a payment online. You will need your Summons or Notice number.

Pay by Mail

To pay by mail, follow the instructions on the default decision.

Pay in Person

You may pay in person, with a check, credit card, or money order at some OATH Hearings Centers. Visit the OATH Hearings Division website at www.nyc.gov/oath or call 1-844-OATH-NYC to learn which locations accept payments and hours of operation.

How to Apply to Reopen Your Defaulted Case:

You **must** submit your request to reopen your case using the OATH Hearings Division request form. You can apply to reopen your case online, by mail or in person at any OATH Hearings Center.

Apply to Reopen Online

Visit the OATH Hearings Division website at www.nyc.gov/oath to submit your request using the OATH online form.

The screenshot shows the top portion of an online request form. The title is "Request New Hearing After A Failure To Appear". Below the title, there are two bullet points: "Request For A New Hearing After A Failure To Appear." and "You May Only Make One Request For A New Hearing After A Failure To Appear." A red asterisk indicates required fields.

Top portion of online request form

Apply to Reopen by Mail or In-Person

You can pick up a request form at any OATH Hearings Center or print out the request form from the OATH website.

The screenshot shows a printed request form. The title is "Request for a New Hearing After a Failure to Appear (Motion to Vacate a Default)". The form includes instructions: "A separate request must be made for each summons/notice.", "Please read the instructions carefully.", "Answer every question in the space provided. Fill out both sides.", "Please attach each document that is requested or the request will be denied.", and "Registered Representatives must attach completed Authorization Form." There is a section for "Information About the Person Completing This Form" with a name field. On the right side, there are checkboxes for "For Internal Use Only", "NSL Mailed", "Date", "Hearing Officer", "Date", "Grant", "1/O Req'd Yes No", "Grant w/in 60 days", "Abandonment", "No Standing", "Deny 1 2 3 4 N/A", and "Notes".

If you are mailing your request, please fill out the request form and mail the form along with any supporting documents to the address listed at the top of the form.

Will My Request For a New Hearing Be Granted?

OATH Hearing Officers review and decide requests to reopen defaulted cases.

1st Request to Reopen a Summons or Notice that is in Default:

- If the request is filed or postmarked **within 60 days** of the date of the 1st default decision, the request will be granted.
- If the request is filed **more than 60 days** and less than one year from the date of the 1st default decision, the request will only be granted if it states a *reasonable excuse* as to why the respondent did not appear or respond to the Summons or Notice.

2nd Requests and Requests Made More than 1 Year After the Date of the Default Decision:

- These requests will only be granted under *exceptional circumstances* and in order to avoid injustice.

To read the New York City Rule that states how and when a defaulted case can legally be reopened, please visit the OATH Hearings Division website at www.nyc.gov/oath