



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Help Center

Filing an Appeal at OATH

Q: What is an appeal?

A: When either party/side attends an OATH hearing and is **not** satisfied with the Hearing Officer's determination, the unsatisfied party has the right to file an appeal with OATH's Appeals Unit requesting reconsideration of the matter. Appeals that are properly filed are sent to the OATH Appeals Unit to determine whether the findings of fact and law contained in the decision of the Hearing Officer are supported by the evidence in the record, and whether the penalties imposed are supported by law.

- The Appeals Unit **will not** consider any evidence that was not presented to the Hearing Officer, except government records which would change the result of the decision if considered, and only if the party offering the evidence gives a good reason why it was not presented at the hearing.

Q: When can I file an appeal?

A: If you want to appeal the decision, you must do so within 30 days of the date of the decision *if the written decision was given to you in person* or within 35 days of the date of the decision *if the written decision was received by you in the mail*.

- It is possible to apply for an extension of the deadline to file an appeal. Please speak to an OATH Help Center representative for more information about this.

Q: Where do I send the appeal?

A: There are two ways to send the appeal: **1)** You can send it by mail to OATH's Appeals Unit at 66 John St., 10th Floor, New York, NY 10038 (if you send it by mail, a copy of the appeal with copies of any evidence you are including **MUST** also be sent to the agency that issued the summons); **or 2)** You can file an appeal online using OATH's "One-Click Appeals Form" at: <https://www1.nyc.gov/site/oath/hearings/one-click-appeals-form.page>.

Q: Is there a specific form that I must fill out to file an appeal?

A: There is no appeal form that you are *required* to use, but OATH has an appeal form that you may *choose* to use if you believe that it would be helpful for you. You can get the form from an OATH Help Center representative or from OATH's Clerk's Office.

Q: Do I need to pay the penalty assigned after my hearing if I am appealing?

A: Yes. In most instances you must provide proof of payment of fines, penalties or restitution with your appeal. In limited instances, you may be eligible for a waiver of the payment if you can establish that paying the penalty before the appeal is decided will be a "financial hardship" for you and would prevent you from filing the appeal. To obtain a "financial hardship" waiver of the pre-appeal penalty payment, you must submit evidence of your financial situation, usually a tax return, audit, public assistance receipt, etc., as well as an explanation of how paying the penalty now would be a financial hardship for you. A financial hardship waiver must be filed before, or at the same time as, the appeal.

- Payment of the penalty before the appeal is **NOT** required if the summons was issued for a violation of a law or regulation enforced by the Taxi and Limousine Commission, or if the hearing decision indicated that you had the option of completing community service instead of paying a monetary penalty.

Q: Can I get assistance in filing my appeal?

A: Yes. Please contact the OATH Help Center in person at any OATH location, Monday to Friday, from 8:00am-5:00pm, via telephone at (212) 436-0845, or via email at manhelpcenter@oath.nyc.gov, for help filing your appeal.

Q: Can I get an audio recording of my hearing for use with my appeal?

A: Yes. Please contact the OATH Help Center for help with getting an audio recording of your hearing.

For Further Assistance, Please Contact The OATH Help Center In Person At Any OATH Location, Monday To Friday, From 8am-5pm, Via Telephone At (212) 436-0845, Or Via Email At Manhelpcenter@oath.nyc.gov