

Audit Appeal Process

The Commissioner of Transportation has designated the Office of Proceedings to hear and determine an appeal from the findings of this audit. To file an appeal, the following requirements must be met:

1. The appeal must be submitted by the prime in writing and must set forth, with particularity, the reasons why the audits findings are improper. The appeal should consist of not more than three pages.
2. The appeal shall be filed with the Director of the Audit and Civil Rights Division, 50 Wolf Road, Albany, NY 12232, within thirty (30) days from the date the Final Audit Report is transmitted to the Appellant. If the appeal is timely submitted, the Director of the Audit and Civil Rights Division will forward the mater to the Office of Proceedings.

Upon receipt of the appeal, the Office of Proceedings will assign an Administrative Law Judge (ALJ).

You may request the ALJ to schedule a conciliation conference to assist the parties in reaching a mutually agreeable resolution of the dispute. If the matter is resolved as a result of such conciliation conference, the ALJ shall incorporate the terms of such resolution in a final written determination.

If the matter is not resolved or if a conciliation conference is not requested, the ALJ shall schedule a formal hearing where evidence is recorded in the same fashion as in a court proceeding, provided, however, that strict compliance with the rules of evidence shall not be required. The ALJ shall preside over and control the course of the hearing and shall determine the admissibility, relevance and materiality of the evidence offered. You will have the right to be represented by counsel and to present your case supporting your appeal by oral testimony or documentary evidence and to offer such rebuttal evidence and conduct such cross examination as may be permitted by the ALJ in order to obtain full and complete disclosure of all relevant facts. You have the burden of going forward and presenting evidence that the audit findings were improper. The Departments Contract Audit Bureau shall then have the opportunity to present evidence establishing a rational basis for a determination that the audit findings were proper.