| Office of Administrative Hearings (OAH)                          | Transmittal  <br>  Number: 96-22   |
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| Procedures Transmittal   | Date: June 17, 1996  |
| Distribution:  |  |
| ALB OAH Staff [X] UPS ALJs/ [X] Upstate LDSS [X]<br>SUP ALJs [X] | Subject: Provision of  <br>  Aid Continuing for  <br>  Food Stamp Recerti- |
| NYC OAH Staff [X] NYC ALJs/ [X] NYC Agencies [X]   SUP ALJs [X]  |  |

Please refer to the citations in 18 NYCRR 358-3.6(c)(1)(i), 358-3.6(c)(5), and 358-3.6(c)(6) with respect to the provision of aid continuing for food stamp-related issues. As indicated in these citations, aid continuing at a given level is directed only during the certification period. In cases where a timely request for a hearing is made during the certification period, the aid, as originally directed by the Office of Administrative Hearings, will only continue until the expiration of the certification period, subject to adjustment to the appropriate level as dictated by factors determined at the time of the recertification. Therefore, any issue related to a failure to recertify would necessarily be coded as non-aid continuing and any reduction pursuant to information obtained at the time of recertification would be considered an inadequacy and also would be coded non-aid continuing. Any request for food stamps made subsequent to the expiration of the certification period is considered a new request and, therefore, a denial of benefits would be coded as non-aid continuing.

## Food Stamp Benefits 358-3.6(c)(1)(i)

You have the right to have your food stamp benefits continue at the same level as you have been receiving until the fair hearing decision is issued only where the proposed adverse action is to take place during the certification period of your food stamp authorization and your request for a hearing is made prior to the effective date contained in a timely notice

## 358-3.6(c)(5)

If the action proposed in the notice results from a regularly scheduled recertification of your food stamp authorization, your level of participation in the Food Stamp program will be continued at the level determined at your recertification. You do not have the right to have your level of benefits continued at the prior benefits level unless and until the fair hearing decision is issued requiring such benefit level.

## 358-3.6(c)(6)

Once your benefits are continued or reinstated, your benefits should continue without change until you receive your hearing decision unless:

(i) your certification period expires, in which case you may reapply and may be determined eligible for a new certification period.

Any questions can be directed to Sue Fiehl at (518) 473-4779 or via e-mail 90j029.

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Mark Lacivita, Director of Administration Office of Administrative Hearings