



New York State
Office of Temporary and Disability Assistance
40 North Pearl Street – Albany, NY 12243-0001

George E. Pataki
Governor

Robert Doar
Commissioner

December 20, 2004

Mr. Eugene Doyle
P.O.O.R
People Organized for Our Rights, Inc.
102-12 164th Avenue
Hamilton Beach, NY 11414-4010

Dear Mr. Doyle:

This is to provide a response to your inquiry dated August 16, 2004, the receipt of which we acknowledged in our September 3rd letter to you.

We agree that local social services districts have an obligation under 18 NYCRR 300.5(b), that upon request, specific policy material must be made available for an applicant, recipient or his representative to determine whether a fair hearing should be requested or to prepare for a fair hearing. OTDA supports the districts in this respect by posting the Administrative Directives, Informational Letters, the program manuals such as the Temporary Assistance Source Book (TASB) and the Food Stamps Source Book (FSSB), etc. on the OTDA web site. We recognize that not everyone has the ability to access materials via the internet and that some older specific policy materials are not available on the internet and the only way that the material can be gotten is from the local district.

Your complaint is the first that we have had regarding this issue and we will gladly notify the district or districts in question to remind them of their obligation that when an applicant, recipient or that person's representative requests specific policy material issued by the State agency, for example, 90 ADM-1, or Section 2. B of the TASB, or 18 NYCRR 352.1(a), that specific policy material must be provided free of charge when the request is being made to determine whether or not a fair hearing should be requested or to prepare for a fair hearing.

Although the state mandated notices do not include the specific information that you ask we include on the notices, we believe that the notices meet the adequacy requirements under Part 358 of 18 NYCRR and we plan no changes to the notices. Additionally, we believe that the requirements under SSL 22.12(g) and 18 NYCRR 355.2(b) are met by the specific reason language of the Client Notices, the inclusion of the regulatory citations on which the decision is based and the Conference, Fair Hearing and other information required under Part 358.

We regret that you have not always had access to the specific policy material that you requested and we anticipate that the reminder will address the matter.

Sincerely,

Maureen Kennedy-Ragule
Bureau Chief
Bureau of Cash Assistance