



FAMILY INDEPENDENCE ADMINISTRATION

Matthew Brune, Executive Deputy Commissioner




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Policy, Procedures, and Training

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Office of Procedures

POLICY BULLETIN #12-61-OPE

RESTORATION OF FOOD STAMP BENEFITS FOR CERTAIN CLASS MEMBERS IN THE ROBLES V. DOAR SETTLEMENT

Date: July 31, 2012	Subtopic(s): Special Grant
<p> This procedure can now be accessed on the FIAweb.</p> <p>See PD #10-30-OPE for information on marriage match processing.</p> <p>Note: <i>Beginning August 29, 2012, any reference to the Food Stamp Program shall mean the Supplemental Nutrition Assistance Program (SNAP) and any reference to Food Stamp benefits or Food Stamps (FS) shall mean SNAP benefits.</i></p>	<p>The purpose of this policy bulletin is to inform Job Center and Non Cash Assistance Food Stamp (NCA FS) Center staff about an agreement to grant restoration of lost Food Stamp (FS) benefits to certain class members in <u>Robles v. Doar</u>.</p> <p><u>Robles</u> class members are individuals whose FS benefit application or recertification form contained inaccurate information regarding their marital status that contradicted the information that the Human Resources Administration (HRA) obtained from a marriage match, and against whom an intentional program violation (IPV) was pursued based solely on that basis, and against whom the IPV was established either by an administrative disqualification hearing decision or by an individual signing a waiver to a right to an administrative hearing.</p> <p>While the entire <u>Robles</u> class had an IPV established against them, not all class members had the established IPV implemented in the Welfare Management System (WMS) on their FS case.</p> <p>Under the terms of the <u>Robles</u> settlement, class members against whom an IPV was established but not implemented in WMS will have the administrative hearing decision withdrawn or the signing of the waiver to an administrative hearing vacated. For class members against whom an IPV was established and then implemented in WMS, the sanction will be removed and a restored FS benefit will be issued.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

The amount of the restored FS benefit for class members against whom an IPV was established and implemented, is calculated by identifying the household's FS benefit for the month before the sanction was imposed and the FS benefit for the first month the sanction was imposed, then determining the difference and multiplying it by the number of months the sanction was imposed. Since sanction code **WF1** (FS Intentional Program Violation: 1st Occurrence) was entered in WMS for all class members against whom an IPV was established and implemented, the maximum period that the sanction was imposed was 12 months.

Example #1:

A household received a \$176 FS benefit for the month before the IPV was imposed and a zero benefit for the first month that the IPV was imposed. The monthly difference of \$176 ($\$176 - \0) is multiplied by the 12 months that the sanction was imposed, for a total FS restoration of \$2,112 ($\176×12).

Example #2:

The household received a \$420 FS benefit for the month before the IPV was imposed and a \$285 FS benefit for the first month that the IPV was imposed. The monthly difference of \$135 ($\$420 - \285) is multiplied by the 12 months that the sanction was imposed, for a total FS restoration of \$1,620 ($\135×12).

Benefit issuance

The restored FS benefits have been issued by the New York State Office of Temporary Disability and Assistance (OTDA). OTDA issued the FS benefits using issuance code **22** (Daily Retroactive Benefit) when the FS benefit was issued on an NCA FS case number and issuance code **20** (Daily Retroactive Benefit) when the FS benefit was issued on a Cash Assistance (CA) case number.

Mailing of Notices

OTDA mailed Robles class members who were eligible to receive a restored FS stamp benefit a letter designated as **Attachment A** which informed the individuals that they are members of a class in the Robles v. Doar lawsuit and that as a result of the settlement the sanction was removed and a restored FS benefit was issued. The notice also informed the individuals of the amount of the restored FS benefit and how to redeem it.

OTDA mailed Robles class members against whom an IPV was established but not implemented in WMS, a letter designated as **Attachment B** which informed the individuals that the administrative disqualification hearing decision has been withdrawn or that their signing of a waiver to an administrative hearing was vacated. It also informed them that since the sanction was never implemented in WMS, their FS benefits were never reduced and they will not be receiving additional FS benefits.

Special Project Center

If a Robles class member who has been issued a restored FS benefit is unable to access the FS benefit because he/she requires a new Common Benefit Identification Card (CBIC) and/or a new PIN, the individual can obtain one by either coming to the HRA Special Project Center at 172 Water Street, New York, NY or calling the Special Project Center at 212-331-4909.

Conference information

Robles class members who have any questions or complaints concerning the restoration of FS benefits are to contact the class counsel at (646) 602-5669 within 30 days of receipt of the notice. If the class counsel receives a complaint concerning the amount of the FS benefit, they will provide written notification to the Agency within seven days of the complaint specifying why the FS benefit issuance is believed to be inadequate. The Agency must respond to the class counsel with a written response within 30 days as to whether or not the individual is entitled to additional benefits.

If the individual continues to challenge the amount of the FS benefit issuance after the above process has been exhausted, then the individual may request a fair hearing within the later of 90 days from the date of the Notice of Additional Food Stamp Benefits or 30 days from the date of the Agency's response to the class counsel.

Effective Immediately

References:

GIS 10 TA/DC004
Stipulation of Settlement (09 CV 5851)

Related Item:

PD #10-30-OPE

Attachments:

Attachment A

Important Notice (You are eligible to receive Food Stamp benefits that you did not receive in the past)

Attachment B

Important Notice

NYS OTDA
ROBLES UNIT – 16C
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001



Human Resources
Administration
Department of
Social Services

Family Independence
Administration

CASE NUMBER:

Notice Date: July 9, 2012

IMPORTANT NOTICE

Re: FH #

YOU ARE ELIGIBLE TO RECEIVE FOOD STAMP BENEFITS THAT YOU DID NOT RECEIVE IN THE PAST

You are receiving this notice because you are a part of a class-action lawsuit called Robles v. Doar (09 CV 5851). The class is made up of individuals: (1) whose food stamp benefit application or recertification form contained information regarding their marital status that contradicted the information the New York City Human Resources Administration ("HRA") found through the matching of official marriage records, (2) against whom an Intentional Program Violation was pursued based solely upon the marital status answer, and (3) whom HRA referred for an intentional program violation administrative disqualification hearing after May 2006.

Under the above Fair Hearing number, either a decision after administrative disqualification hearing was issued finding that HRA's determination that you committed an intentional program violation of the Food Stamp program was correct, OR you signed a waiver of the right to an administrative disqualification hearing to review HRA's determination that you committed an intentional program violation of the Food Stamp program. As part of the settlement in Robles v. Doar, the administrative disqualification hearing decision has been withdrawn, or your waiver of the right to an administrative disqualification hearing has been vacated.

As a result of the settlement, the New York State Office of Temporary and Disability Assistance has determined that you are eligible for ___ months in restored food stamp benefits, in the amount of ___ per month. Under the terms of the settlement the total amount of restored food stamp benefits you are eligible to receive is \$ _____, and will be available to you no later than July 11, 2012.

To access your restored food stamp benefits you will need a Common Benefit Identification Card ("Card") and Personal Identification Number (PIN). If you have received public assistance and/or food stamps within the last 12 months, you can use your Card and PIN to access your restored food stamp benefits. If your public assistance and/or food stamp case was closed more than 12 months ago, even if you currently receive Medicaid, or if you no longer have your Card and/or PIN, you will need a new Card and PIN, which you can obtain by coming into the HRA Special Projects Center at 172 Water Street, New York, NY 10038 or by calling the Center at: (212) 331-4909.

You will not receive ongoing food stamp benefits as a result of this settlement. If your household's food stamp certification period has expired and your household is not currently receiving food stamp benefits, the household must reapply to establish eligibility for ongoing food stamp benefits. If you want to receive ongoing food stamp benefits, you must apply at your local food stamp office. You may call 311 to find the location of the food stamp office that serves you. You may apply any time the office is open.

If you have any questions or complaints concerning the restoration of benefits under this notice, please contact the attorneys for the plaintiffs and the members of the class in the Robles lawsuit at (646) 602-5669 within thirty (30) calendar days of receipt of this notice.

NYS OTDA
ROBLES UNIT – 16C
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

CASE NUMBER:

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Under the above Fair Hearing number, either a decision after administrative disqualification hearing was issued finding that HRA's determination that you committed an intentional program violation of the Food Stamp program was correct, OR you signed a waiver of the right to an administrative disqualification hearing to review HRA's determination that you committed an intentional program violation of the Food Stamp program. As part of the settlement in Robles v. Doar, the administrative disqualification hearing decision has been withdrawn, or your waiver of the right to an administrative disqualification hearing was vacated.

Because this intentional program violation sanction was never implemented by HRA, your food stamp benefits were never reduced. Therefore, your household will not be receiving additional food stamp benefits.

If you have any questions or complaints concerning this notice, please contact the attorneys for the plaintiffs and the members of the class in the Robles lawsuit at (646) 602-5669, within thirty (30) calendar days of receipt of this notice.