



OFFICE OF POLICY, PROCEDURES, AND TRAINING

James K. Whelan, Executive Deputy Commissioner

Adam Waitzman, Assistant Deputy Commissioner
Office of Procedures

POLICY BULLETIN #19-48-OPE

REMINDER TO FAIR HEARING COMPLIANCE STAFF WHEN TO DELETE A RECOUPMENT

Date: September 27, 2019	Subtopic(s): Fair Hearing
See PD #14-08-OPE	<p>The purpose of this policy bulletin is to remind Cash Assistance (CA) Fair Hearing Compliance staff when to delete a recoupment.</p> <p>Fair Hearing Compliance staff must follow the current procedure on the Fair Hearing decision compliance process</p> <p>When the applicant/participant requests a Fair Hearing and wins the hearing and obtains a decision in their favor or the Agency withdraws the action that lead to the fair hearing request, Fair Hearing Compliance staff must review the case to determine if the case was in receipt of aid-to-continue (ATC) while the fair hearing was pending.</p> <p>If the case was in receipt of ATC (WMS-FH Status Code 2), the fair hearing issue is a discontinuance and the applicant/participant defaulted on the scheduled hearing date, a recoupment is system generated, 75 days from the date of default, to recoup the ATC benefit that was issued while the Fair Hearing was pending.</p> <p>Should the applicant/participant subsequently request that the hearing be rescheduled and is granted good cause by New York State (NYS) Office of Administrative Hearings (OAH), the hearing is rescheduled.</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

If the Agency is ultimately reversed or the Agency withdraws on the issue, Fair Hearing Compliance staff must review the case for the recoupment history to determine if a recoupment for ATC was posted in WMS. If the case has a recoupment, Code **X88** - recovery of FH-ATC benefits from a case that lost the hearing or Code **E88** - posted recoupment - recovery of a prorated grant amount that was issued for a cycle that the discontinuance occurs, the compliance processing worker must delete the recoupment as per current procedure, and restore all benefits lost by the applicant/participant retroactive to the date when recoupment started if applicable.

See [PD #14-08-OPE](#)

As a reminder, Job Center Directors are responsible for monitoring the compliance process and ensuring timely completion for their Job Centers. The Associate Job Opportunity Specialist II (AJOS II) oversees all compliances processed by the Job Center.

Family Independence Administration Operations (FIAO) Regional/Deputy Managers have citywide oversight responsibility and must monitor the compliance process to ensure timely completion, using Worklist reports and other reports created specifically for this process.

Effective Immediately

Related Items:

[PD #09-12-OPE](#)

[PD #14-08-OPE](#)