



**OFFICE OF POLICY, PROCEDURES, AND TRAINING**

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**POLICY BULLETIN #21-30-ELI**

**THE SUPPLEMENTAL SETTLEMENT AGREEMENT IN THE CLASS ACTION LAWSUIT,  
*Karamalla et. al. v. Devine***

<p><b>Date:</b> May 17, 2021</p>	<p><b>Subtopic(s):</b> Cash Assistance (CA)</p>
<p>Refer to <a href="#">GIS 21 TA/DC024</a></p>	<p><b>Purpose</b></p> <p>The purpose of this policy bulletin is to inform all Family Independence Administration (FIA) Job Centers, HIV/AIDS Service Administration (HASA), and Non-Cash Assistance Supplemental Nutrition Program (NCA SNAP) Centers staff that New York State (NYS) Office of Temporary and Disability Assistance (OTDA) has/will issue a one-time restored Cash Assistance (CA) benefit payment (“one-time payment”) to each eligible applicant /participant. This policy bulletin is informational for all other staff.</p> <p>The NYS OTDA reached a supplemental settlement agreement in the class action lawsuit, <i>Karamalla et. al. v. Devine</i>, which covers a limited group of additional, potential class members (“potential class members”) and has/will:</p> <ul style="list-style-type: none"> <li>• issue a one-time restored CA benefit payment (“one-time payment”) to each eligible class member, and</li> <li>• issue and mail to the potential class members the notice <a href="#">"Karamalla B Group Notice"</a> which will inform them that OTDA changed its policy so that people with Temporary Protected Status (TPS) can receive Safety Net Assistance (SNA), if otherwise eligible, and</li> <li>• issue and mail to the class members the notice <a href="#">"Karamalla Payment Notice B"</a> to notify them of the issued one-time payment.</li> </ul> <p>Under the supplemental settlement agreement, individuals who are identified as previously having TPS and who applied to join an existing CA case in New York State and were denied SNA between June 17, 2012 and November 28, 2016 solely because of their TPS may receive a one-time payment as described below.</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

For individuals in receipt of CA

On April 14, 2021, consistent with the terms of the supplemental settlement agreement, OTDA began issuing one-time payments to eligible class members currently in receipt of CA in an amount equal to sixty dollars per month for each month from the date two months prior to the date of the original CA denial (dated between June 17, 2012 and November 28, 2016), until the date the class member became an active CA part, or through August 18, 2018, whichever is earlier.

For individuals who become eligible later according to settlement agreement

For individuals who did not receive a one-time payment on April 14, 2021, because they were not in receipt of CA and/or had not been identified as class members, OTDA will issue one-time payments on a quarterly basis over the course of the next two years to those individuals if they are identified as class members and become eligible and are in receipt of CA, consistent with the terms of the supplemental settlement agreement.

Refer to [Temporary Assistance Source Book](#) for standard procedures

As a result of these changes, potential class members may be applying for CA online or at a center. Staff should determine CA eligibility for the potential class members in accordance with standard practices and procedures, including, but not limited to, verification of appropriate non-citizen status.

Staff may refer to [GIS 16 TA/DC053](#), [GIS 18 TA/DC042](#), [19-INF-07](#) and the [LDSS-4579](#): "Non-Citizen Eligibility Desk Aid" for guidance on determining SNA eligibility for non-citizens with TPS.

The one-time payment to each eligible class member has been made/will be made to the Electronic Benefit Transfer (EBT) account of the payee of the class member's CA case. One-time payments have been issued/will be issued to CA only or CA/SNAP case types FA, SNCA, and SNNC using the G5 issuance code (Karamalla Lawsuit – Retroactive Benefit). When a class member is issued their one-time payment, the "[Karamalla Payment Notice B](#)", is mailed to notify them of the one-time payment.

No action needed by staff

There is no action needed by staff but if applicants/participants have questions about the notice or the G5 payment, staff must recommend them to contact the email/telephone number on the received notice.

These one-time payments must be exempted and disregarded as income in the month received and as a resource in the month received and in the following month in determining CA eligibility for the class member or their household. These one-time payments must not be applied against any existing, outstanding or future CA overpayment.

Additionally, these one-time payments are considered a one-time lump sum payment for the Supplemental Nutrition Assistance Program (SNAP) and are to be excluded as income in the month received and considered a resource thereafter for households not considered categorically eligible and subject to a resource eligibility test.

See the [SNAP Source Book](#) for categorically eligibility criteria

*Effective Immediately*

**References:**

[GIS 16 TA/DC053](#)

[GIS 18 TA/DC042](#)

[GIS 21 TA/DC024](#)

[21DC024-Attachment-1](#)

[21DC024-Attachment-2](#)

[19-INF-07](#)

[LDSS-4579](#)

[SNAP Source Book](#)

[TA Source Book](#)