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Policy, Procedures, and Training

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Office of Procedures

POLICY DIRECTIVE #09-01-ELI

(*This Policy Directive Replaces PD #08-03-ELI*)

JANUARY 2009 RSDI/SSI COLA INCREASES

Date: January 7, 2009	Subtopic: Budgeting		
AUDIENCE	The instructions in this policy directive are for Job Center and Non Cash Assistance Food Stamp (NCA FS) Center staff, and are informational for all others.		
POLICY	Every year, recipients of Retirement Survivors Disability Insurance (RSDI) and Supplemental Security Income (SSI) receive a Cost of Living Adjustment (COLA), which is based on the annual change in the Federal Consumer Price Index (CPI) (see Attachment A). Accordingly, this increase must be budgeted for Cash Assistance (CA) and Food Stamp (FS) participants.		
BACKGROUND	Effective January 1, 2009, all CA and/or FS households in receipt of RSDI/Survivors or SSI benefits will receive a COLA of 5.8 percent. This represents an average increase of \$37 per month for SSI recipients. This increase affects both CA and FS benefits. During the week ending 12/21/08, a Mass Rebudgeting (MRB) effective 1/1/09 was conducted for most of the cases affected by this increase. The MRB included the automatic recalculation of all pending budgets affected by the increase. Cases that were included in the MRB can be identified by the unique authorization number 33333238 , and can be viewed on the Case Action History screen. The following cases were excluded from the MRB: <table> <tr> <td>Cases excluded from Mass Rebudgeting</td> <td> <ul style="list-style-type: none"> • Cases requiring bottom-line budgeting • Cases with invalid financial involvement codes • Cases in error status </td> </tr> </table>	Cases excluded from Mass Rebudgeting	<ul style="list-style-type: none"> • Cases requiring bottom-line budgeting • Cases with invalid financial involvement codes • Cases in error status
Cases excluded from Mass Rebudgeting	<ul style="list-style-type: none"> • Cases requiring bottom-line budgeting • Cases with invalid financial involvement codes • Cases in error status 		

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*

A list of the cases excluded from the MRB will be forwarded to the Regional Offices. The Regional Offices will forward the lists to the appropriate Centers for rebudgeting and will monitor the lists for completion. JOS/Workers must rebudget these cases with the correct RSDI/SSI amount.

A notice (see **Attachment B**) was sent to all participants whose CA grants are going to be reduced because of the RSDI/SSI increase. A separate notice (see **Attachment C**) was sent to all CA/FS and NCA/FS participants whose FS benefits will be reduced because of the RSDI/SSI increase.

Updated information

Note: In **Attachment C**, the Notice of Intent to Reduce Food Stamp Benefits (**XL0263**) has been updated with the removal of the paragraph that referenced the New York State Nutrition Information Project (NYSNIP).

REQUIRED ACTION

CA Budgeting

When the list of cases not included in the MRB is received by the JOS/Worker, he/she must take all required actions to budget the income appropriately and:

- if the income is insufficient and the household remains eligible for CA, authorize a budget that reflects the change in income. Client Notices System (CNS) will generate the appropriate reduction notice.

Note: Due to new rules concerning the budgeting of SSI income, an increase in SSI should not affect the CA budget on a Family Assistance case, but may affect the FS portion of the case.

- if the new budget indicates that the increased RSDI income is sufficient to meet the CA household needs, close the CA case using Closing Code **E39** (Excess Income – COLA).

NCA FS Budgeting

For Non Cash Assistance (NCA) participants, the Worker must budget the income as per current procedure and:

- if the household remains eligible, the Worker must take all required action to authorize the new budget.
- if the household is ineligible, the case must be closed using Closing Code **E39**. CNS will generate the appropriate closing notice.

PROGRAM IMPLICATIONS

Model Office Implications	There are no Model Office Implications
Paperless Office System (POS) Implications	<p>Cases that are excluded from the MRB budgeting must be rebudgeted by the Worker in POS as follows:</p> <ul style="list-style-type: none"> • Access the Income Screen in POS, select the SSI button, and click YES • Select the case member on SSI, enter the date, the amount, and click OK • Go to the WMS and calculate a budget, SSI is pre-filled, and save the budget • Enter the new budget number on the Turn-Around Document (TAD) and send it to the Supervisor for approval
Food Stamp Implications	A separate FS determination is required for CA cases closed as a result of the COLA increase.
Medicaid Implications	A separate MA determination is required for CA cases closed as a result of the COLA increase.

LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING IMPAIRED IMPLICATIONS

FAIR HEARING IMPLICATIONS

Avoidance/ Resolution	<p>Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that participants must receive either adequate or timely and adequate notification of all actions taken on their case.</p>
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**Job Center
Conferences**

A participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. If a participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen. In the Model Office, the Receptionist at Main Reception will issue an FH&C ticket to the participant to route him/her to the FH&C Unit and does not need to verbally alert the FH&C Unit staff.

The FH&C AJOS/Supervisor I will listen to and evaluate any material presented by the participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS/Supervisor I will explain the reason for the Agency's action(s) to the participant. If the participant has shown that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOS/Supervisor I will Settle in Conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the participant to the appropriate JOS/Worker for corrective action to be taken. If the determination is that the action taken was correct, the FH&C AJOS/Supervisor I will explain the reason for the determination to the participant. If the explanation is accepted, no further action is necessary. The AJOS/Supervisor I must complete a Conference Report (**M-186a**).

In addition, if the adverse case action still shows on the "Pending" (**08**) screen in WMS, the AJOS/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form ([**LDSS-3722**](#)), change the **02** to **01** if the case has been granted Aid to Continue (ATC), or prepare and submit a PA Recoupment Data Entry Form – WMS ([**LDSS-3573**](#)) to delete a recoupment. The AJOS/Supervisor I must complete a Conference Report ([**M-186a**](#)).

If the participant fails to show good cause for the infraction or if it is determined that the Agency's action(s) should stand, the AJOS/Supervisor I will explain to the participant why he/she cannot settle the issue(s) in conference. The AJOS/Supervisor I must complete form **M-186a**.

Should the participant elect to continue his/her appeal by requesting or proceeding to a Fair Hearing, already requested, the FH&C AJOS I/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

NCA FS Center Conferences	If a participant comes to the NCA FS Center and requests a conference, the Receptionist must inform the Center Director's Designee that the individual is to be seen. If the individual calls the Eligibility Specialist, he/she must tell the individual to go to the Receptionist and be referred to the Center Director's Designee.
	The Center Director's Designee will listen to, evaluate, and review the participant's complaint regarding the reduction of benefits. After reviewing the case record and discussing the issue with the Eligibility Specialist/Unit Supervisor, the Center Director's Designee will make a decision.
	The Director's Designee is responsible for ensuring that further appeal by the participant through a Fair Hearing request is properly controlled and that appropriate follow-up is taken in all phases of the Fair Hearing process.

Evidence Packets All Evidence Packets must contain a detailed history, copies of relevant WMS screen printouts, and other documentation relevant to the action taken including the following State notices: SSI Benefit Levels Chart (**Attachment A**), Notice of Intent to Change Benefits: NYC PA COLA (**Attachment B**), Notice of Intent to Change Benefits: NYC PA COLA (Spanish) (**Attachment B [S]**) and Notice of Intent to Reduce Food Stamp Benefits (**Attachment C**).

RELATED ITEM [PB #07-127-ELI](#)

REFERENCES [08-INF-19](#)
[18NYCRR 352.29](#)
[18NYCRR 387.17 \(g\)\(3\)](#)
SPP 2008-00528-00
[Budgeting Manual NPA Food Stamp Program](#), Section 2-14

ATTACHMENTS

Please use Print on Demand to obtain copies of forms.

- | | |
|-------------------------|--|
| Attachment A | SSI Benefit Levels Chart effective January 1, 2009 |
| Attachment B | Notice of Intent to Change Benefits: NYC PA COLA |
| Attachment B (S) | Notice of Intent to Change Benefits: NYC PA COLA (Spanish) |
| Attachment C | Notice of Intent to Reduce Food Stamp Benefits |

Attachment A

SSI Benefit Levels Chart effective January 1, 2009 (reflects the 5.8% federal COLA for January 2009)

Fed I/A Supp Code	State Code	New York State Living Arrangement	Individual			Couple		
			Federal	State	TOTAL	Federal	State	TOTAL
A	A	Living Alone	\$674	\$87	\$761	\$1,011	\$104	\$1,115
A, C (B)	B	Living With Others (Living in the Household of Another) ²	674 (449.34)	23	697 (472.34)	1,011 (674.00)	46	1,057 (720.00)
A	C	Congregate Care Level 1 - Family Care <input type="checkbox"/> OCFS certified Family Type Homes <input type="checkbox"/> OMH or OMRDD certified Family Care Homes <i>NYC, Nassau, Rockland, Suffolk and Westchester Counties</i>						
		<i>Rest of State</i>						
A	D	Congregate Care Level 2 - Residential Care <input type="checkbox"/> DOH certified Residences for Adults <input type="checkbox"/> OMH or OMRDD certified Community Residences, Individualized Residential Alternatives and OASAS certified Chemical Dependence Residential Services <i>NYC, Nassau, Rockland, Suffolk and Westchester Counties</i>	674	266.48	940.48	1,011	869.96	1,880.96
		<i>Rest of State</i>	674	228.48	902.48	1,011	793.96	1,804.96
A	E	Congregate Care Level 3 - Enhanced Residential Care <input type="checkbox"/> DOH certified Adult Homes and Enriched Housing programs <input type="checkbox"/> OMRDD certified Schools for the Mentally Retarded	674	405	1,079	1,011	1,147	2,218
D	Z	Title XIX (Medicaid certified) Institutions ³	674	694	1,368	1,011	1,725	2,736
A	Z	(see below) ⁴	30	0	30	60	0	60
			674	0	674	1,011	0	1,011
Minimum Personal Needs Allowances			Limits on Countable Resources			Revised 16 Oct 2008		
<input type="checkbox"/> Congregate Care Level 1 - \$130			<input type="checkbox"/> Individuals \$2,000			Statutory References: Chap. 57 of L. 2006 and Chap. 57 of L. 2008		
<input type="checkbox"/> Congregate Care Level 2 - \$150			<input type="checkbox"/> Couples \$3,000					

The combined federal and State SSI benefit provided to eligible individuals and eligible couples with no countable income.

² The *Living With Others* category includes recipients whose federal benefit has been reduced by the "value of the 1/3 reduction" (VTR) due to the federal determination that they are both:

a) living in someone else's household, and b) receiving some amount of free or subsidized food and shelter (room and board).

Applies when an SSI recipient is residing in a medical facility, is not expected to return home within 90 days, and Medicaid is paying for at least 50% of the cost of care.

Recipients in nursing homes licensed by DOH receive an additional monthly grant of \$25 issued by OTDA called a State Supplemental Personal Needs Allowance (SSPNA). Residents of other medical facilities receive an SSPNA of \$5.

This zero federally-administered State supplement applies: a) when an SSI recipient is residing in a private medical facility and Medicaid is paying for less than 50% of the cost of care, or b) when a recipient resides in certain publicly operated residential facilities serving 16 or fewer residents, or c) while a recipient resides in a public emergency shelter for 6 calendar months during a 9 month period.

Notice Date: November 29, 2008

Case Number:
Loc. Off./Unit/Worker:

General Telephone No. for
Questions or Help:

This Notice is to tell you that this agency intends to change your benefits as follows:

PUBLIC ASSISTANCE GRANT YOUR PUBLIC ASSISTANCE GRANT WILL BE **REDUCED FROM** TO
EFFECTIVE JANUARY 1, 2009.

The reason for this action is that according to our records you and/or your dependent(s) are receiving Social Security and/or SSI payments and/or Veteran's Benefits from the Federal Government and a Family Assistance(FA) or Safety Net Assistance(SNA) grant from this Department. As you probably know, Congress has passed a Law (Public,93-233) providing for an automatic cost of living adjustment in Social Security and/or SSI benefits and/or Veteran's Benefits. This has resulted in an increase of 5.8 percent which will take effect in December 2008 and be contained in payments received in January 2009. Under Law these increases must be counted in determining the amount of the grant you receive from this Department. However, SSI grants are never used to calculate FA payments. SSI can only be counted in SNA cases when the SSI recipient is also receiving SNA.

INCREASE TO SOCIAL SECURITY/SSI/VETERAN'S BENEFITS

WE CALCULATE THAT STARTING JANUARY 2009, THE MONTHLY FEDERAL BENEFIT(S) OF YOU AND/OR YOUR DEPENDENTS WILL BE INCREASED BY A TOTAL OF \$.

Because of this increase, your FA or SNA grant must be reduced by an equal amount.

This decision is based on Department Regulation 352.29.

MEDICAL ASSISTANCE: Your Medical Assistance will continue unchanged.

This decision is based on Department Regulation 360-3.3.

FOOD STAMPS: Even though your public assistance grant will change, your food stamps will not change unless you get a separate notice telling you that your food stamps will change.

This decision is based on Department Regulation(s) 387.10 and 387.15.

If you do not understand this notice or are in disagreement with the action we are taking, you may request a conference. To do so visit your center or call on the telephone as soon as possible.

THE TELEPHONE NUMBER TO CALL FOR A CONFERENCE IS () - - - .

BY REQUESTING A CONFERENCE YOU ARE NOT GIVING UP YOUR RIGHTS TO A FAIR HEARING PROVIDED THAT YOU REQUEST A HEARING WITHIN THE TIME LIMITS DESCRIBED ON THE ENCLOSED PAGE. SEE THE ENCLOSED PAGE FOR APPEAL PROCESS INFORMATION.

SEE BELOW FOR EXPLANATION OF YOUR NEW PA GRANT.

PRE-ADD	SSA INCOME
CONCESSION PRE-SUMADA	INGRESO DE SEGURO SOCIAL
SHELTER	SSI INCOME
VIVIENDA	INGRESO DE SSI
ENERGY	OTHER INCOME
ENERGIA	OTRO INGRESO
ENERGY SUPPLEMENT	TOTAL INCOME
SUPLEMENTO DE ENERGIA	INGRESO TOTAL
OTHER NEEDS	
OTRAS NECESIDASES	
TOTAL NEEDS	PA GRANT
TOTAL DE NECESIDADES	CONCESION DE PA

Sincerely,

Seth Diamond, Executive Deputy Commissioner
Family Independence Administration

XL0074 (11/08)

Attachment B

CONFERENCE AND FAIR HEARING SECTION – DO YOU THINK WE ARE WRONG?

If you think our decision is wrong, you can ask for a review of our decision. If we made a mistake, we will correct it. You can do both 1 and 2:

1. Ask for a meeting (conference) with one of our supervisors;
2. Ask for a State fair hearing with a State hearing officer.

1. **CONFERENCE** (Informal meeting with us) - If you think our decision was wrong, or if you do not understand our decision, please call us to set up a meeting. To do this, call the phone number on the **front** of this notice or write to us at the address on the **front** of this notice. Sometimes this is the fastest way to solve any problem you may have. We encourage you to do this even when you have asked for a fair hearing.

If you only ask for a meeting with us, we will not keep your benefits the same while you appeal. Your benefits will stay the same only if you ask for a State fair hearing. (See "Keeping Your Benefits The Same" below.)

2. **STATE FAIR HEARING** - You have **60 days** from the date of this notice to ask for a fair hearing:

KEEPING YOUR BENEFITS THE SAME: We will not change your Public Assistance if you ask for a fair hearing before the effective date stated in this notice. However, if you lose the fair hearing, you will have to pay back any Public Assistance you got, but should not have gotten, while you were waiting for the decision.

If you do not want your benefits to stay the same until the decision is issued, you must tell the State when you call for a fair hearing or, if you send back this notice, check the box below:

I do not want my Public Assistance benefits the same until the Fair Hearing decision is issued.

If at the hearing, the hearing officer determines that you are not complaining about an incorrect computation of your benefits or that there has been a misapplication or misinterpretation of Federal Law or regulations, the hearing officer may determine that you were not entitled to have your Public Assistance benefits continue unchanged until the fair hearing decision is issued, and order that the reduction take effect immediately.

HOW TO ASK FOR A FAIR HEARING: You can ask for a fair hearing by **mail**, by **phone**, by **fax**, by **walk-in** or **online**.

Mail: Send a copy of the notice completed to the Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance, P.O. Box 1930, Albany, New York 12201. Please keep a copy for yourself.

I want a fair hearing. I do not agree with the agency's action. (You may explain why you disagree below, but you do not have to include a written explanation.)

Phone: **800-342-3334** (PLEASE HAVE THIS NOTICE WITH YOU WHEN YOU CALL.)

Fax: Fax a copy of the front and reverse of this notice to: **(518) 473-6735**.

Walk-In: Bring a copy of this entire notice to the New York State Office of Temporary and Disability Assistance at 14 Boerum Place, Brooklyn or 330 West 34th Street, NYC.

Online: Complete an online request form at: <http://www.otda.state.ny.us/oah/forms.asp>.

If you cannot reach the New York State Office of Temporary and Disability Assistance by phone, fax, walk-in or on-line, please write to ask for a fair hearing before the deadline.

WHAT TO EXPECT AT A FAIR HEARING: The State will send you a notice that tells you when and where the fair hearing will be held.

At the hearing, you will have a chance to explain why you think our decision is wrong. You can bring a lawyer, a relative, a friend or someone else to help you do this. If you cannot come yourself, you can send someone to represent you. If you are sending someone who is not a lawyer to the hearing instead of you, you must give this person a letter to show the hearing officer that you want this person to represent you at the hearing.

At the hearing, you and your lawyer or other representative will have a chance to explain why we are wrong and a chance to give the hearing officer written papers that explain why we are wrong.

To help you explain at the hearing why you think we are wrong, you should bring any witnesses who can help you. You should also bring any papers you have, such as: pay stubs, leases, receipts, bills, doctor's statements.

At the hearing, you and your lawyer or other representative can ask questions of witnesses which we bring or which you bring to help your case.

LEGAL ASSISTANCE: If you think you need a lawyer to help you with this problem, you may be able to get a lawyer at no cost to you by contacting your local Legal Aid Society or other legal advocate group. For the names of other lawyers, check your Yellow Pages under "Lawyers".

ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS: To help you get ready for the hearing, you have a right to look at your case file. If you call, write or fax to us, we will send you free copies of the documents from your files, which we will give to the Hearing Officer at the Fair Hearing. Also, if you call, write or fax to us, we will send you free copies of other specific documents from your files which you think you may need to prepare for your Fair Hearing. To ask for documents or to find out how to look at your file, call **(718) 722-5012**, or fax **(718) 722-5018** or write to **HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, New York 11201**.

If you want copies of documents from your case file, you should ask for them ahead of time. They will be provided to you within a reasonable time before the date of the hearing. Documents will be mailed to you only if you specifically ask that they be mailed.

INFORMATION: If you want more information about your case, how to ask for a fair hearing, how to see your file, or how to get additional copies of documents, call us at the phone numbers on the **front** of this notice or write to us at the address on the **front** of this notice.

Attachment B (S)

PREAVISO DE CAMBIOS EN LOS BENEFICIOS: ASISTENCIA PÚBLICA / AJUSTE DE COSTO DE VIDA (NYC PA COLA)

Fecha de la Notificación: 29 de noviembre de 2008

Nº de Caso:
Oficina Local / Unidad / Empleado:

Nº de teléfono general
para preguntas o ayuda:

Por medio de este preaviso le comunicamos que esta agencia tiene el propósito de modificar sus beneficios, tal como lo explicamos a continuación:

SUBVENCIÓN DE ASISTENCIA PÚBLICA SU SUBVENCIÓN DE ASISTENCIA PÚBLICA SERÁ REDUCIDA DE A PARTIR DEL 1º DE ENERO DE 2009

La razón de esta decisión es que, según nuestros registros, usted y/o su(s) dependiente(s) recibe(n) pagos del Seguro Social y/o pagos de SSI y/o beneficios para Veteranos de parte del gobierno federal, y una subvención de Asistencia para Familias (FA) o Asistencia de Seguridad (SNA) de este departamento. Como usted probablemente sabe, el Congreso aprobó una Ley (Public, 93-233) que contempla un ajuste automático de costo de vida a los beneficios del Seguro Social y/o de SSI, y/o beneficios para Veteranos. Dicha acción tendrá como resultado un aumento del 5.8 por ciento, el cual entrará en vigencia en diciembre de 2008 y se reflejará en los pagos que se reciben en enero de 2009. Según la ley, estos aumentos deben tomarse en cuenta al determinar el monto de la subvención que usted reciba de este departamento. Sin embargo, las subvenciones de SSI nunca se usan para calcular los pagos de Asistencia para Familias (FA). La subvención de SSI sólo puede ser considerada en los casos de Asistencia de Seguridad (SNA) cuando el beneficiario de SSI también recibe Asistencia de Seguridad (SNA).

AUMENTO EN LOS BENEFICIOS DE SEGURO SOCIAL / SSI / VETERANOS

CALCULAMOS QUE A PARTIR DE ENERO DE 2009, EL/LOS BENEFICIO(S) FEDERAL(ES) MENSUAL(ES) QUE RECIBE(N) USTED Y/O SUS DEPENDIENTES AUMENTARÁ(N) POR UN TOTAL DE \$

Debido a este aumento, a su subvención de FA o de SNA se le debe restar el mismo monto.

Esta decisión se basa en Reglamentación Departamental 352.29.

ASISTENCIA MÉDICA: sus beneficios de Asistencia Médica continuarán sin modificaciones.

Esta decisión se basa en Reglamentación Departamental 360-3.3.

CUPONES PARA ALIMENTOS: si bien su subvención de asistencia pública se modificará, sus cupones para alimentos no se modificarán a no ser que usted reciba un aviso por separado informándole que sus cupones para alimentos se modificarán.

Esta decisión se basa en Reglamentación Departamental 387.10 y 387.15.

Si usted no entiende de qué trata esta notificación o no está de acuerdo con la decisión que hemos tomado, puede solicitar una conferencia. Para hacerlo, visite su centro o llame al número de teléfono lo antes posible.

EL NÚMERO DE TELÉFONO PARA SOLICITAR UNA CONFERENCIA ES EL () - .

EL SOLICITAR UNA CONFERENCIA NO IMPLICA QUE USTED RENUNCIE SU DERECHO A UNA AUDIENCIA IMPARCIAL, SIMPRE Y CUANDO USTED SOLICITE UNA AUDIENCIA DENTRO DEL PLAZO DESCrito EN LA PÁGINA ADJUNTA. VEA LA PÁGINA ADJUNTA PARA INFORMARSE SOBRE EL PROCESO DE APELACIÓN.

VEA LA VERSIÓN EN INGLÉS DE ESTA NOTIFICACIÓN PARA INFORMARSE SOBRE EL NUEVO SUBSIDIO DE PA.

Atentamente,

Seth Diamond, Vicecomisionado
Administración de Independencia Familiar

Attachment B (S)

CONFERENCIAS Y AUDIENCIAS IMPARCIALES: ¿CREE QUE NOS HEMOS EQUIVOCADO?

Si cree que nuestra decisión es incorrecta, puede solicitar una revisión de nuestra decisión. Si hemos cometido un error, lo corregiremos. Usted puede tomar ambas acciones, 1 y 2.

1. Solicitar una reunión (conferencia) con uno de nuestros supervisores; 2. Solicitar una audiencia imparcial estatal con un funcionario estatal de audiencias.

1. **CONFERENCIA** (reunión informal con nosotros): si usted cree que nuestra decisión es incorrecta o si no comprende nuestra decisión, sírvase llamaros para solicitar una reunión. Para hacerlo, llame al número de teléfono para conferencias que aparece en el anverso de esta notificación o escribanos a la dirección que aparece en el anverso de esta notificación. En algunos casos, ésta es la forma más rápida de resolver este tipo de problemas. Le recomendamos hacerlo, aunque haya solicitado una audiencia imparcial.

Si solamente solicita una reunión con nosotros, no mantendremos sus beneficios al mismo nivel mientras dure el proceso de apelación. Sus beneficios se mantendrán sin cambios solamente si usted solicita una audiencia imparcial estatal. (Vea la sección abajo titulada «Mantener sus Beneficios sin Cambios»).

2. **AUDIENCIA IMPARCIAL ESTATAL:** usted tiene **60 días**, contados a partir de la fecha de esta notificación, para solicitar una audiencia imparcial.

MANTENER SUS BENEFICIOS SIN CAMBIOS: no modificaremos sus beneficios de Asistencia Pública si usted solicita una audiencia imparcial antes de la fecha de vigencia señalada en esta notificación. Sin embargo, si la audiencia imparcial no se decide a su favor, tendrá que devolver todos los beneficios de Asistencia Pública que recibió, pero que no debería haber recibido mientras esperaba por la decisión de la audiencia.

Si usted no quiere que sus beneficios continúen al mismo nivel hasta que se remita la decisión, deberá informárselo al Estado cuando llame para solicitar una audiencia imparcial o si usted devuelve esta notificación, marque la casilla a continuación:

No deseo que mis beneficios de Asistencia Pública continúen al mismo nivel hasta que se remita la decisión de la audiencia imparcial.

Si en la audiencia, el oficial de audiencias determina que su queja no tiene que ver con un cálculo incorrecto de sus beneficios o que hubo una aplicación o interpretación incorrecta de la ley federal o reglamento, el oficial de audiencias puede dictaminar que usted no tenía derecho a continuar recibiendo los beneficios de Asistencia Pública sin cambios mientras esperaba por la decisión de la audiencia imparcial, y como resultado ordenar que la reducción entre en vigor inmediatamente.

CÓMO SOLICITAR UNA AUDIENCIA IMPARCIAL: puede solicitar una audiencia imparcial por **correo**, por **teléfono**, por **fax**, en **persona** o por **Internet**.

Por correo: envíe una copia de esta notificación rellenada a: Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance, P.O. Box 1930, Albany, New York 12201. Favor de quedarse con una copia.

Deseo una audiencia imparcial. No estoy de acuerdo con la decisión de la agencia. (Puede explicar a continuación por qué no está de acuerdo, aunque no tiene que incluir una explicación por separado). _____

Por teléfono: 800-342-3334 (Favor de tener a mano esta NOTIFICACIÓN cuando llame).

Por fax: envíe por fax una copia del anverso y reverso de esta notificación al: (518) 473-6735.

En persona: traiga una copia de todas las partes de esta notificación a: New York State Office of Temporary and Disability Assistance, 14 Boerum Place, Brooklyn o al 330 West 34th Street, NYC.

Por Internet: rellene una petición electrónica en el siguiente sitio: <http://www.otda.state.ny.us/oah/forms.asp>

Si no puede comunicarse con la Oficina de Asistencia Temporal y Asistencia para Incapacitados del Estado de Nueva York por teléfono, por fax, en persona o por Internet, favor de solicitar por escrito una audiencia imparcial antes del vencimiento del plazo.

LO QUE SUCDE EN UNA AUDIENCIA IMPARCIAL: el Estado le enviará un aviso informándole cuándo y dónde se realizará la audiencia imparcial. En la audiencia, usted tendrá la oportunidad de explicar por qué cree que nuestra decisión es incorrecta. Puede traer consigo a un abogado, a un familiar o a un(a) amigo(a), o a alguien más que pueda ayudarle a exponer su caso. Si usted no puede presentarse, puede enviar a otra persona para que lo represente. Si la persona que usted envía para que lo represente en la audiencia no es abogado, entonces debe entregarle a esta persona una carta, dirigida al funcionario de audiencias, en la cual usted declara que desea que dicha persona lo represente en la audiencia.

En la audiencia, usted y su abogado u otro representante, tendrán la oportunidad de explicar por qué creen que nuestra decisión es incorrecta, como también la oportunidad de presentar, ante el funcionario de audiencias, documentos que demuestren nuestra equivocación.

Con el fin de ayudarle a exponer el motivo de nuestra equivocación, le sugerimos presentar testigos que puedan avalar su caso. También, le sugerimos presentar documentos tales como: talones de cheques salariales, contrato de alquiler, recibos, facturas, resúmenes de cuentas médicas.

En la audiencia, usted y su abogado u otro representante, podrán interrogar a los testigos que nosotros presentemos o los que usted presente con motivo de avalar su caso.

ASISTENCIA LEGAL: si cree que necesita un abogado para resolver este problema, puede obtener los servicios de un abogado, sin costo alguno, comunicándose con la Sociedad de Ayuda Legal (Legal Aid Society) u otra asociación de defensa legal de su localidad. Puede encontrar los nombres de otros abogados en las páginas amarillas, bajo «Abogados» ("Lawyers").

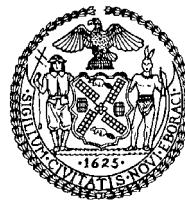
ACCESO A SU ARCHIVO Y COPIAS DE DOCUMENTOS: en preparación para la audiencia imparcial, usted tiene derecho a revisar el archivo de su caso. Si nos llama, nos escribe o nos envía un fax, le enviaremos copias gratis de documentos en su archivo; los mismos que entregaremos al funcionario de audiencias en la audiencia imparcial. Además, si nos llama o nos escribe o nos manda un fax, le enviaremos copias gratis de documentos específicos en su archivo y los cuales usted considere necesarios en preparación para la audiencia imparcial. Si desea solicitar documentos o averiguar la modalidad a seguir para consultar su archivo, llámenos al (718) 722-5012, fax (718) 722-5018 o mande una carta a: **HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, New York 11201**.

Si desea copias de documentos que figuran en su archivo, solicítelas con anticipación. Se le proporcionarán dentro de un lapso de tiempo razonable antes de la fecha de la audiencia. Los documentos se le enviarán a usted por correo sólo si usted específicamente lo solicita.

INFORMACIÓN: si desea información adicional sobre su caso, cómo solicitar una audiencia imparcial, cómo consultar su archivo o cómo obtener copias adicionales de documentos, sírvase llamaros al número de teléfono señalado en el **anverso** de esta notificación o mande una carta a la dirección que figura en el **anverso** de esta notificación.

Attachment C

P.O. BOX 02-9121
Brooklyn GPO
Brooklyn, N.Y. 11202-9121



The City Of New York

HUMAN RESOURCES ADMINISTRATION
FAMILY INDEPENDENCE ADMINISTRATION

CONFERENCE PHONE
NÚMERO PARA CONFERENCIA

IMC/FSO :

CASE :

CLI :

FAM SIZE:

DATE :

FECHA : 29 de noviembre de 2008

NOTICE OF INTENT TO REDUCE FOOD STAMP BENEFITS
PREAVISO DE REDUCCIÓN DE BENEFICIOS DE CUPONES PARA ALIMENTOS

DEAR SIR/MADAM:

THIS IS TO INFORM YOU THAT WE INTEND TO REDUCE YOUR FOOD STAMP BENEFITS EFFECTIVE JANUARY 1, 2009 FOR THE FOLLOWING REASON:

BEGINNING JANUARY 2009, SOCIAL SECURITY, SSI AND/OR VETERAN'S BENEFITS WILL INCREASE BY 5.8%. IF YOU ARE IN RECEIPT OF ANY OF THESE FEDERAL BENEFITS, THIS INCREASE IN INCOME TO YOUR HOUSEHOLD MUST BE CONSIDERED IN DETERMINING YOUR FOOD STAMP BENEFIT LEVEL. IF YOU ARE IN RECEIPT OF BOTH SOCIAL SECURITY BENEFITS AND SSI, YOUR JANUARY SSI BENEFITS WILL BE REDUCED BY THE AMOUNT OF YOUR SOCIAL SECURITY BENEFIT INCREASE. THESE INCOME CHANGES MUST ALSO BE CONSIDERED IN DETERMINING YOUR FOOD STAMP BENEFITS. HOWEVER, THE AMOUNT OF THE FOOD STAMP REDUCTION WILL NOT NECESSARILY BE A DOLLAR FOR DOLLAR REDUCTION OF FOOD STAMP BENEFITS.

PAGE 2 OF THIS NOTICE IS A FINANCIAL FACT SHEET WHICH SHOWS YOUR NEW FOOD STAMP BENEFIT AMOUNT AND ALL THE INCOME INFORMATION ON OUR COMPUTER FILE THAT WAS USED TO CALCULATE YOUR NEW FOOD STAMP BENEFIT. WE HAVE ENCLOSED BUDGET WORKSHEETS WHICH YOU CAN USE TO DETERMINE WHETHER WE HAVE CORRECTLY DETERMINED YOUR NET FOOD STAMP INCOME. SEE 18 NYCRR 387.10, 387.12 AND 387.15.

POR MEDIO DE LA PRESENTE LE INFORMAMOS QUE TENEMOS EL PROPÓSITO DE REDUCIR SUS BENEFICIOS DE CUPONES PARA ALIMENTOS A PARTIR DEL 1º DE ENERO DE 2009, POR LAS SIGUIENTES RAZONES:

COMENZANDO EN ENERO DE 2009, LOS BENEFICIOS DE SEGURO SOCIAL, SSI Y/O BENEFICIOS A VETERANOS, AUMENTARÁN POR UN 5.8%. SI USTED RECIBE CUALQUIERA DE ESTOS BENEFICIOS FEDERALES, ESTE AUMENTO EN EL INGRESO DE SU HOGAR DEBE SER CONSIDERADO EN EL CÁLCULO DEL NIVEL DE SUS BENEFICIOS DE CUPONES PARA ALIMENTOS. SI RECIBE AMBOS BENEFICIOS, SEGURO SOCIAL Y SSI, EL MONTO DEL BENEFICIO DE SSI PARA EL MES DE ENERO SERÁ REDUCIDO POR EL MONTO DEL AUMENTO EN SU BENEFICIO DE SEGURO SOCIAL. ESTOS CAMBIOS EN INGRESO DEBEN SER TAMBIÉN CONSIDERADOS EN EL CÁLCULO DE SUS BENEFICIOS DE CUPONES PARA ALIMENTOS. SIN EMBARGO, EL MONTO DE LA REDUCCIÓN DE LOS BENEFICIOS DE CUPONES PARA ALIMENTOS NO SERÁ NECESARIAMENTE UNA REDUCCIÓN DE UN DÓLAR POR CADA DÓLAR DE LOS BENEFICIOS DE CUPONES PARA ALIMENTOS.

LA PÁGINA 2 DE ESTE AVISO ES UNA HOJA DE DATOS FINANCIEROS QUE MUESTRA SU NUEVO MONTO DE BENEFICIOS DE CUPONES PARA ALIMENTOS, COMO TAMBÍEN TODOS LOS DATOS SOBRE INGRESOS DE NUESTRO ARCHIVO COMPUTARIZADO UTILIZADOS EN EL CÁLCULO DE SU NUEVO MONTO DE BENEFICIOS DE CUPONES PARA ALIMENTOS. HEMOS ADJUNTADO UNA HOJA DE CÁLCULO DE PRESUPUESTO LA CUAL USTED PUEDE UTILIZAR PARA DETERMINAR SI HEMOS CALCULADO CORRECTAMENTE SU INGRESO NETO DE CUPONES PARA ALIMENTOS. CONSULTE 18 NYCRR 387.10, 387.12 Y 387.15.

SINCERELY,
ATENTAMENTE,

SETH DIAMOND, EXECUTIVE DEPUTY COMMISSIONER
FAMILY INDEPENDENCE ADMINISTRATION

Attachment C

**YOUR FINANCIAL FACTS CURRENTLY ON FILE
SUS DATOS FINANCIEROS ACTUALMENTE EN ARCHIVO**

Previous Net Food Stamp Income <i>Ingreso anterior de cupones</i>	[Redacted]	Previous Monthly Coupon Amount <i>Cantidad anterior mensual de cupones</i>	[Redacted]
New Net Food Stamp Income <i>Nuevo Ingreso neto de cupones</i>	[Redacted]	New Monthly Coupon Amount <i>Nueva cantidad mensual de cupones</i>	[Redacted]
A. MONTHLY INCOME <i>Ingreso Mensual</i>		C. ADJUSTED INCOME <i>Ingreso ajustado</i>	
1a. Monthly Gross Income from Employment or Training. <i>Ingreso bruto mensual por empleo o entrenamiento.</i>	[Redacted]	14. Subtract B from A.(Line 13 from Line 6.) <i>Reste B de A. (Línea 13 de línea 6.)</i>	C. \$ [Redacted]
b. Monthly Net Income from Self Employment. <i>Ingreso neto mensual por trabajo por cuenta propia.</i>	[Redacted]	D. SHELTER COSTS <i>Gastos de Vivienda</i>	
2a. Net Monthly Income from Boarder/Lodger. <i>Ingreso neto mensual que recibe del huésped/inquilino</i>	[Redacted]	[Redacted]	
b. Net Monthly Income from Lodger. <i>Ingreso neto mensual que recibe del inquilino</i>	[Redacted]	15. Monthly Rent or Mortgage actually paid. <i>Renta o hipoteca actualmente pagada cada mes.</i>	
3. Total of Lines 1 and 2. <i>Total de las líneas 1 y 2.</i>	[Redacted]	16. Monthly Heating Expense <i>Gasto mensual por calefacción.</i>	
4a. Monthly Gross Unearned Income. <i>Ingreso bruto mensual no devengado.</i>	[Redacted]	17. Monthly Utility Expense <i>Gasto mensual por utilidades.</i>	
b.	[Redacted]	18. Monthly Telephone Expense <i>Gasto mensual por teléfono.</i>	
c.	[Redacted]	19. Other Monthly Shelter Expense - (Real Estate Taxes, Insurance, Installation of Utilities, etc.) <i>Otros gastos mensuales de vivienda. (impuestos inmobiliarios, seguro, conexión de servicios públicos etc.)</i>	
5. Monthly Income from Educational Loans, Scholarships. <i>Ingreso mensual por préstamos y becas educacionales.</i>	[Redacted]	20. Total of Lines 15, 16, 17, 18, and 19. <i>Total de líneas 15, 16, 17, 18 y 19</i>	
6. Total of Lines 3, 4, and 5. <i>Total de líneas 3, 4 y 5</i>	A. \$ [Redacted]	D. \$ [Redacted]	
B. DEDUCTIONS <i>Deducciones</i>		E. FOOD STAMP NET INCOME <i>Ingreso neto por Cupones de Alimentos</i>	
7. % of Line 3. <i>% de línea 3</i>	[Redacted]	21. Excess Shelter Deduction (Line 20 minus $\frac{1}{2}$ of Line 14. The total cannot be more than	
8. Standard Deduction Monthly <i>Deducción mensual estandar</i>	[Redacted]	Deducción de gastos de vivienda en exceso (línea 20 menos $\frac{1}{2}$ de línea 14. El total no puede ser más de)	
9. Monthly Child Care/Dependent Care Costs. <i>Gastos mensuales por cuidado de niños / de dependientes</i> (Maximum) (Maximo))	[Redacted]	22. MONTHLY NET FOOD STAMP INCOME (Subtract Line 21 from Line 14.) <i>Ingreso neto mensual de cupones (reste línea 21 de línea 14)</i>	
10. Monthly Automatic Recoupment (from Public Assistance Grant) <i>Recuperación mensual automática(de subsidio de Asistencia Pública)</i>	[Redacted]	23. MONTHLY COUPONS AMOUNT <i>Cantidad mensual de cupones</i>	
11. Monthly Tuition and Mandatory Fees <i>Gastos mensuales de colegiatura y cuotas obligatorias</i>	[Redacted]	E. \$ [Redacted]	
12a. Monthly Medical Expense (less \$35 Deductible) <i>Gasto medico mensual (menos \$35 de deducible)</i>	[Redacted]	MINUS RECOUPMENT OF MENOS EL REEMBOLSO DE	
b.	[Redacted]	ADJUSTED COUPON AMOUNT MONTO AJUSTADO DE CUPONES	
13. Total Lines 7, 8, 9, 10, 11, and 12 <i>Total de líneas 7, 8, 9, 10, y 12</i>	B. \$ [Redacted]		

Attachment C

Notice of Intent To Change Food Stamp Benefits Due To An Increase In Social Security, SSI and / or Veteran's Benefits

CONFERENCE AND FAIR HEARING SECTION – DO YOU THINK WE ARE WRONG?

If you think our decision is wrong, you can ask for a review of our decision. We will correct our mistakes. You can do both 1 and 2:

1. Ask for a meeting (conference) with one of our supervisors;
2. Ask for a State fair hearing with a State hearing officer.

1. **CONFERENCE** (Informal meeting with us) - If you think our decision was wrong, or if you do not understand our decision, please call us to set up a meeting. To do this, call the conference phone number on the **front** of this notice or write to us at the address on the **front** of this notice. Sometimes this is the fastest way to solve any problem you may have. We encourage you to do this even when you have asked for a fair hearing.

If you only ask for a meeting with us, we will not keep your benefits the same while you appeal. Your benefits will stay the same only if you ask for a State fair hearing. (See "Keeping Your Benefits The Same" below.)

2. **STATE FAIR HEARING** – You have **90 days** from the date of this notice to ask for a fair hearing:

KEEPING YOUR BENEFITS THE SAME: We will restore your Food Stamp benefits to the same level they were before this notice, if you ask for a fair hearing before the effective date stated in this notice. If you lose the fair hearing, you will have to pay back any Food Stamp benefits you got but should not have gotten, while you were waiting for the decision.

If you do not want your benefits to stay the same until the decision is issued, you must tell the State when you call for a fair hearing or, if you send back this notice, check the box or boxes below:

I do not want my Food Stamp benefits kept the same until the Fair Hearing decision is issued:

If at the hearing, the hearing officer determines that you are not complaining about an incorrect computation of your benefits or that there has been a misapplication or misinterpretation of Federal Law or regulations, the hearing officer may determine that you were not entitled to have your Food Stamp benefits continue unchanged until the fair hearing decision is issued, and order that the reduction take effect immediately.

HOW TO ASK FOR A FAIR HEARING: You can ask for a fair hearing by: **mail**, by **phone**, by **fax**, by **walk-in or online**.

Mail: Send a copy of the entire notice to the Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance, P.O. Box 1930, Albany, New York 12201. Please keep a copy for yourself.

I want a fair hearing. I do not agree with the agency's action. (You may explain why you disagree below, but you do not have to include a written explanation.)



Phone: (800) 342-3334 (Please have this notice with you when you call.)

Fax: Fax a copy of the front and reverse of this notice to: (518) 473-6735.

Walk-In: Bring a copy of this entire notice to the New York State Office of Temporary and Disability Assistance at 14 Boerum Place, Brooklyn or 330 West 34th Street, NYC.

Online: Complete online request form at: <https://www.otda.state.ny.us/oah/forms.asp>

If you cannot reach the New York State Office of Temporary and Disability Assistance by phone, fax, walk-in or online, please write to ask for a fair hearing before the deadline.

WHAT TO EXPECT AT A FAIR HEARING: The State will send you a notice that tells you when and where the fair hearing will be held.

At the hearing, you will have a chance to explain why you think our decision is wrong. You can bring a lawyer, a relative, a friend or someone else to help you do this. If you cannot come yourself, you can send someone to represent you. If you are sending someone who is not a lawyer to the hearing instead of you, you must give this person a letter to show the hearing officer that you want this person to represent you at the hearing.

At the hearing, you and your lawyer or other representative will have a chance to explain why we are wrong and a chance to give the hearing officer written papers that explain why we are wrong.

To help you explain at the hearing why you think we are wrong, you should bring any witnesses who can help you. You should also bring any papers you have, such as: pay stubs, leases, receipts, bills, doctor's statements.

At the hearing, you and your lawyer or other representative can ask questions of witnesses which we bring or which you bring to help your case.

LEGAL ASSISTANCE: If you think you need a lawyer to help you with this problem, you may be able to get a lawyer at no cost to you by contacting your local Legal Aid Society or other legal advocate group. For the names of other lawyers, check your Yellow Pages under "Lawyers".

ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS: To help you get ready for the hearing, you have a right to look at your case file. If you call or write to us, we will send you free copies of the documents from your file that we will provide the Hearing Officer at the Fair Hearing. Also, if you call or write to us, we will send you free copies of other specific documents from your file that you think you may need to prepare for your Fair Hearing. To ask for documents or to find out how to look at your file, call (718) 722-5012, fax (718) 722-5018 or write to **HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, New York 11201**.

If you want copies of documents from your case file, you should ask them ahead of time. They will be provided to you within a reasonable time before the date of the hearing. Documents will be mailed to you only if you specifically ask that they be mailed.

INFORMATION: If you want more information about your case, how to ask for a fair hearing, how to see your file, or how to get additional copies of documents, call us at the phone numbers on the **front** of this notice or write to us at the address on the **front** of this notice.

Attachment C

Preaviso de cambios en los beneficios de Cupones para Alimentos debido a un aumento en los beneficios del Seguro Social, SSI y/o beneficios para Veteranos

CONFERENCIAS Y AUDIENCIAS IMPARCIALES: ¿CREE QUE NOS HEMOS EQUIVOCADO?

Si cree que nuestra decisión es incorrecta, puede solicitar una revisión de nuestra decisión. Corregiremos nuestros errores. Puede tomar ambas acciones 1 y 2.

1. Solicitar una reunión (conferencia) con uno de nuestros supervisores; 2. Solicitar una audiencia imparcial estatal con un funcionario estatal de audiencias.

1. **CONFERENCIA** (reunión informal con nosotros): si usted cree que nuestra decisión es incorrecta o si no comprende nuestra decisión, sírvase llamarnos para solicitar una reunión. Para hacerlo, llame al número de teléfono para conferencias que aparece en el anverso de esta notificación o escríbanos a la dirección que aparece en el anverso de esta notificación. En algunos casos, ésta es la forma más rápida de resolver este tipo de problemas. Le recomendamos hacerlo, aunque haya solicitado una audiencia imparcial.

Si solamente solicita una reunión con nosotros, no mantendremos sus beneficios al mismo nivel mientras dure el proceso de apelación. Sus beneficios se mantendrán sin cambios solamente si usted solicita una audiencia imparcial estatal. (Vea la sección abajo titulada «Mantener sus Beneficios sin Cambios»).

2. **AUDIENCIA IMPARICIAL ESTATAL:** usted tiene **90 días**, contados a partir de la fecha de esta notificación, para solicitar una audiencia imparcial:

MANTENER SUS BENEFICIOS SIN CAMBIOS: reanudaremos sus beneficios de Cupones para Alimentos al mismo nivel en que estaban antes de esta notificación si usted solicita una audiencia imparcial antes de la fecha de vigencia señalada en esta notificación. Sin embargo, si la audiencia imparcial no se decide a su favor, tendrá que devolver todos los beneficios de Cupones para Alimentos que recibió, pero que no debería haber recibido mientras esperaba por la decisión de la audiencia.

Si usted no quiere que sus beneficios continúen al mismo nivel hasta que se remita la decisión, deberá informárselo al Estado cuando llame para solicitar una audiencia imparcial, o si usted devuelve esta notificación, marque la casilla a continuación:

No deseo que mis beneficios de Cupones para Alimentos continúen al mismo nivel hasta que se remita la decisión de la audiencia imparcial.

Si en la audiencia, el oficial de audiencias determina que su queja no tiene que ver con un cálculo incorrecto de sus beneficios o que hubo una aplicación o interpretación incorrecta de la ley federal o reglamento, el oficial de audiencias puede dictaminar que usted no tenía derecho a continuar recibiendo los beneficios de Asistencia Pública sin cambios mientras esperaba por la decisión de la audiencia imparcial, y como resultado ordenar que la reducción entre en vigor inmediatamente.

CÓMO SOLICITAR UNA AUDIENCIA IMPARCIAL: puede solicitar una audiencia imparcial por **correo**, por **teléfono**, por **fax**, en **persona** o por **Internet**.

Por correo: envíe una copia de esta notificación rellenada a: Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance, P.O. Box 1930, Albany, New York 12201. Favor de quedarse con una copia.

Deseo una audiencia imparcial. No estoy de acuerdo con la decisión de la agencia. (Puede explicar a continuación por qué no está de acuerdo, aunque no tiene que incluir una explicación por separado).



Por teléfono: 800-342-3334 (Favor de tener a mano esta notificación cuando llame).

Por fax: envíe por fax una copia del anverso y reverso de esta notificación al: (518) 473-6735.

En persona: traiga una copia de todas las partes de esta notificación a: New York State Office of Temporary and Disability Assistance, 14 Boerum Place, Brooklyn o al 330 West 34th Street, NYC.

Por Internet: rellene una petición electrónica en el siguiente sitio: <http://www.otda.state.ny.us/oah/forms.asp>

Si no puede comunicarse con la Oficina de Asistencia Temporal y Asistencia para Incapacitados del Estado de Nueva York por teléfono, por fax, en persona o por Internet, favor de solicitar por escrito una audiencia imparcial antes del vencimiento del plazo.

LO QUE SUCDE EN UNA AUDIENCIA IMPARCIAL: el Estado le enviará un aviso informándole cuándo y dónde se realizará la audiencia imparcial. En la audiencia, usted tendrá la oportunidad de explicar por qué cree que nuestra decisión es incorrecta. Puede traer consigo a un abogado, a un familiar o a un(a) amigo(a), o a alguien más que pueda ayudarle a exponer su caso. Si usted no puede presentarse, puede enviar a otra persona para que lo represente. Si la persona que usted envía para que lo represente en la audiencia no es abogado, entonces debe entregarle a esta persona una carta, dirigida al funcionario de audiencias, en la cual usted declara que desea que dicha persona lo represente en la audiencia.

En la audiencia, usted y su abogado u otro representante, tendrán la oportunidad de explicar por qué creen que nuestra decisión es incorrecta, como también la oportunidad de presentar, ante el funcionario de audiencias, documentos que demuestren nuestra equivocación.

Con el fin de ayudarle a exponer el motivo de nuestra equivocación, le sugerimos presentar testigos que puedan avalar su caso. También, le sugerimos presentar documentos tales como: talones de cheques salariales, contrato de alquiler, recibos, facturas, resúmenes de cuentas médicas.

En la audiencia, usted y su abogado u otro representante, podrán interrogar a los testigos que nosotros presentemos o los que usted presente con motivo de avalar su caso.

ASISTENCIA LEGAL: si cree que necesita un abogado para resolver este problema, puede obtener los servicios de un abogado, sin costo alguno, comunicándose con la Sociedad de Ayuda Legal (Legal Aid Society) u otra asociación de defensa legal de su localidad. Puede encontrar los nombres de otros abogados en las páginas amarillas, bajo «Abogados» ("Lawyers").

ACCESO A SU ARCHIVO Y COPIAS DE DOCUMENTOS: en preparación para la audiencia imparcial, usted tiene derecho a revisar el archivo de su caso. Si nos llama, nos escribe o nos envía un fax, le enviaremos copias gratis de documentos en su archivo; los mismos que entregaremos al funcionario de audiencias en la audiencia imparcial. Además, si nos llama o nos escribe o nos manda un fax, le enviaremos copias gratis de documentos específicos en su archivo y los cuales usted considere necesarios en preparación para la audiencia imparcial. Si desea solicitar documentos o averiguar la modalidad a seguir para consultar su archivo, llámenos al (718) 722-5012, fax (718) 722-5018 o mande una carta a: HRA Division of Fair Hearing, 14 Boerum Place, Brooklyn, New York 11201.

Si desea copias de documentos que figuran en su archivo, solicítelas con anticipación. Se le proporcionarán dentro de un lapso de tiempo razonable antes de la fecha de la audiencia. Los documentos se le enviarán a usted por correo sólo si usted específicamente lo solicita.

INFORMACIÓN: si desea información adicional sobre su caso, cómo solicitar una audiencia imparcial, cómo consultar su archivo o cómo obtener copias adicionales de documentos, sírvase llamarlos al número de teléfono señalado en el anverso de esta notificación o mande una carta a la dirección que figura en el anverso de esta notificación.

Fecha del aviso: 29 de noviembre de 2008

Fecha de vigencia: 1º de enero de 2009

NYC FS COLA '09