



NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE
 40 NORTH PEARL STREET
 ALBANY, NY 12243-0001
David A. Paterson
Governor

Informational Letter

Section 1

Transmittal:	10-INF-02
To:	Local District Commissioners
Issuing Division/Office:	Center for Employment and Economic Supports
Date:	March 10, 2010
Subject:	Resolution of <u>Doe v. Doar</u> Cases on the WINR9482
Suggested Distribution:	Temporary Assistance Staff Fair Hearing Staff Staff Development Coordinators WMS Coordinators
Contact Person(s):	Center for Employment and Economic Supports at 1-800-343-8859; Temporary Assistance Bureau at extension 4-9344
Attachments:	Attachment 1: Sample WINR9482 Attachment 2: Manual Doe – X01 Notice
Attachment Available On – Line:	<input checked="" type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
07 ADM-06		352.31(f)(1)			<u>Doe v. Doar</u> 26 AD3d 787 GIS 09TA/WM S026

Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to provide New York City (NYC) and Rest of State (ROS) districts with procedures required to resolve cases on the quarterly Welfare Management System (WMS) WINR9482 Report “DOE INELIGIBLE CLASS MEMBER FOUND ACTIVE FOR ONGOING TA”.

II. Background

The Office of Temporary and Disability Assistance (OTDA) issued Administrative Directive (ADM) 07 ADM-06: Doe v. Doar – Unfavorable Appellate Court Decision on the Proration Policy Transmitted in 04 ADM-05 “Temporary Assistance and Non-Temporary Assistance Mixed Households; Budgeting When the Family Includes an SSI Member”, on October 16, 2007, providing detailed information about the Doe v. Doar (herein known as Doe) court decision and the required retroactive adjustments and corrections that districts had to make to affected active and reapplying cases.

An OTDA mailing informed potential Doe class members with closed TA cases that to determine if they were a Doe class member, they must apply for Temporary Assistance (TA) and have their eligibility for TA determined. If the applicant was determined to be a Doe class member and eligible for TA, the district calculated the Doe underpayment and issued a payment. If the applicant was determined to be a Doe class member but not eligible for TA, the district calculated the Doe underpayment amount and notified the individual via a Client Notices System (CNS) notice for ROS or NYC laser letter of the underpayment amount, how the underpayment amount was calculated and that a payment will be issued if the individual becomes eligible for TA in the future (herein known as Doe notice).

III. Program Implications

OTDA developed the WINR9482 report as a management tool to assist districts in identifying any TA case that is entitled to payment of a previously calculated Doe underpayment if the individual has since become eligible for recurring TA **at any time in any district since September 14, 2007**.

NYC and ROS utilize the same WINR9482 report. The district specific WINR9482 is available through NYC’s Distributed Enterprise Print Controller (DEPCON) and ROS’s Benefit Issuance Control System (BICS) queue. The headings of the report are:

- Office – identifies the office from which the original Doe letter was sent within the owing district;
- Unit – identifies the unit that sent the original Doe letter within the office of the owing district;

- Wkr – identifies the worker that sent the original Doe letter within the unit of the owing district;
- Case Number Id – identifies the case number of the case on the original Doe letter sent from the owing district;
- Payee – identifies the Client Identification Number (CIN) of the applicant/payee of the case number in the owing district;
- Name – identifies the name associated with the CIN; and
- TA Active District/Case – identifies the district and case number for which the CIN was or is active at any point in time since September 14, 2007.

The district listed in the report’s “District” heading is the owing district and must issue payment. Attachment 2 of this INF includes a sample of the WINR9482 report districts will receive through DEPCON or BICS.

OTDA will produce the report quarterly and unresolved cases will continue to be on the report until systematically removed. To systematically remove cases from the report, the owing district must issue payments using the reported Doe member’s CIN and a WMS payment type of “W1-Court Ordered Retroactive Payment-Check (W1)”, “W2- Court Ordered Retroactive Payment-Cash (W2)” for ROS, or PA Single Issuance Code “77-Court Ordered Retroactive Payment (77)” for NYC.

Cases issued a Doe payment using an incorrect WMS payment type will appear on the report. To remove the cases from the report, the district must contact the OTDA-TA Bureau at 1-800-343-8859, extension 4-9344 and provide information to verify that the incorrectly coded payment was actually a Doe payment. Upon verification, OTDA will remove the case from the report.

Note: ROS districts must advise local accounting staff to enter an accounts adjustment to reflect the correct payment type, in accordance with the Payment Issuance and Control System (PICS) manual, Chapter 3.

Reported cases may or may not be active on the report’s date, but are entitled to payment since they were TA active in a district at some point in time since September 14, 2007. The Doe underpayment and the individual’s right to receive the payment, and the district’s responsibility to issue the payment have **no expiration date**. In addition, individuals in reported cases that were TA active in a New York State (NYS) district at some time since September 14, 2007, but now reside out of state or the country, are entitled to receive payment.

As stated in 07 ADM-06, districts **must**:

- Not apply the Doe underpayment against any existing, outstanding or future TA overpayment. Therefore, ROS districts must never use PA case reason codes “X02-Underpayment Entirely Offset by Overpayment” and “X03-Underpayment Partially Offset by Overpayment”;

- Not count the Doe payment as income or a resource to the TA household. However, if the household has an emergency, the payment amount the household received is not exempt from consideration when determining if the household has resources available to meet the emergency completely or in part;
- Issue the Doe payment with WMS Payment Type (PAY TYPE) code “W1” or “W2” for ROS and PA Single Issuance Code “77” for NYC.

ROS – outside of NYC – Required Action

ROS cases appear on the report when a TA case received a Doe notice and did not receive a “W1” or “W2” Doe payment and the applicant/payee’s CIN had an individual status code of “07-Active” or “08-Non-Applying HH Member” on case type “11-FA”, “12-SN-FP”, “16-SN-CSH” or “17-SN-FNP” at any point on or after September 14, 2007.

Reported cases must be resolved by the district owing the payment within thirty (30) days from the report date.

The total amount of the underpayment and timeframe identified on the original Doe notice must be used to issue the Doe payment. Districts must notify the individual of the payment amount and timeframe via CNS or manually, at the time the “W1” or “W2” payment is authorized.

The Computer Output to Laser Disc (COLD) application in CentraPort is available for districts to reproduce a copy of the originally issued Doe notice. Doe notices are produced in English and Spanish with the same date and notice number. The first listed notice in COLD is the Spanish version and the second listed notice is the English version. Additionally, most districts used a unique office, unit or worker identifier for the Doe notice, which may help the district to identify a notice specific to Doe.

In order for the case to be resolved and systematically removed from the report, payments must be issued using the reported Doe member’s CIN and a “W1” or “W2” payment type.

The report may display duplicate payees with the same case number. The district must determine which individual is entitled to payment and issue the “W1” or “W2” payment to the selected individual using his/her CIN and the shared case number. The “W1” or “W2” payment will remove both individuals and the case number from the report.

If the reported TA Doe case is **active** in the owing district, that district must issue a “W2” payment. If the payment is issued as a single transaction, use, “X01-Issue Underpayment Adjustment” as the WMS reason code to generate both the payment and CNS notice. If the payment is issued in conjunction with another transaction, the payment is issued using an undercare transaction type, appropriate WMS reason code with PA case reason code “X01”. The payment line conventions **must** mirror the underpayment amount and timeframe stated in the previously issued Doe CNS notice. The individual will be notified of the payment via CNS.

If the reported TA Doe case is **closed** in the owing district, that district must issue a “W1” payment using an open/close (09) transaction type with WMS reason code “060-Change

in state law or agency policy” and the reported Doe member’s CIN. Districts must use WMS inquiry to ascertain the current mailing address of the individual and update the LDSS-3209 accordingly when authorizing payment. The payment line conventions **must** mirror the underpayment amount and timeframe stated in the previously issued Doe notice. Districts must send a manual “Doe-X01” notice (attached) when authorizing payment with an open/close transaction (09) for a case reported on the WINR9482. Districts must reproduce the attached two-sided notice locally. Districts must issue a completed notice to the Doe individual when authorizing a payment and maintain a copy of the notice in the case record.

Districts **must not** use the PA case reason codes “L20-DOE Underpayment (L20)” or “L22-DOE-Underpayment Issued by Other Than where-found District (L22)”, **unless** the district adjusts the underpayment calculation or amount stated in the original Doe notice. If the district makes an adjustment, the district must issue the adjusted “W1” or “W2” payment, with a new Doe CNS notice using PA reason code “L20” or “L22”, instead of using PA reason code “X01” or the manual “Doe-X01” notice.

NYC – Required Action

NYC cases will be reported when TA cases received a Doe notice and did not receive a PA Single Issuance Code “77” Doe payment and the applicant/payee’s CIN had an individual status code of “AC-Active”, “SI-Single Issue” or “SN-Sanctioned” on case type “11-FA”, “12-SNFP”, “16-SNCA” or “SNNC” at any point on or after September 14, 2007.

Reported cases must be resolved by the district owing the payment within thirty (30) days from the report date.

The report may display duplicate payees with the same case number. The district must determine which individual is entitled to payment and issue the “77” payment to the selected individual using his/her CIN and the shared case number. The “77” payment will remove both individuals and the case number from the report.

The total amount of the underpayment and timeframe identified on the original Doe notice must be used to issue the Doe payment. The COLD application in CentraPort is available to reproduce a Doe notice that was issued using CNS, and the Doe file/Excel spreadsheet is available to provide the needed information contained in the laser letter sent to Doe members.

If the reported TA Doe case is **active**, a “77” payment is issued as a TA Single Issue (SI) transaction with an appropriate WMS reason code.

If the reported TA Doe case is **closed**, a “77” payment is issued as a TA Single Issue (SI) with an appropriate WMS reason code. Districts must use WMS inquiry to ascertain the current address of the individual.

The district must not use PA case reason codes “L20” or “L22”, **unless** an adjustment is made to the underpayment calculation or amount stated in the original Doe notice. If NYC makes an adjustment, the district must issue the adjusted “77” payment with a new Doe notice using PA reason code “L20” or “L22”.

Issued By:

Name: Russell Sykes

Title: Deputy Commissioner

Division/Office: Center for Employment and Economic Supports

\$\$FILENAME\$\$WINR9482
 \$\$DISTRICT\$\$01\$\$
 \$\$CENTER\$\$ \$\$
 REPORT DATE: 02/09/2010

NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
 DOE INELIGIBLE CLASS MEMBER FOUND ACTIVE FOR ONGOING TA

PAGE: 1

WRTS REPORT

DISTRICT: ALBANY

DISTRIBUTION: DISTRICT MANAGEMENT

REFERENCE NO 1

W1, W2 Payment Types Total 76

Duplicate Payee on same case. District determination needed.

Office CASE	Unit	Wkr	Case Number	Id	Payee	Name	TA ACTIVE	DISTRICT /
ALB	CD	BH	P11111		BB77777Y	WILSON, JOE	01	P33333
ALB	EF	FMD	P12345		CC88888X	SMITH, JOHN	19	P99999
ALB	EF	FMD	P12345		DD99999W	SMITH, MARY		
ALB	GH	AG	P22222		EE55555V	PUBLIC, PETER	01	P22222
ALB	AB	SUP	P00000		AA66666Z	JONES, BETTY	66	004444444A
DISTRICT TOTAL		5						

NOTICE DATE:		NAME AND ADDRESS OF AGENCY/CENTER OR DISTRICT OFFICE		
CASE NUMBER	CIN NUMBER	GENERAL TELEPHONE NO. FOR QUESTIONS OR HELP _____ ----- OR Agency Conference _____ Fair Hearing information and assistance _____ Record Access _____ Legal Assistance information _____		
CASE NAME (And C/O Name if Present) AND ADDRESS				
OFFICE NO.	UNIT NO.	WORKER NO.	UNIT OR WORKER NAME	TELEPHONE NO.

PUBLIC ASSISTANCE

Explanation of restored Public Assistance Grant

We found that you got less public assistance than you should have for the period ____/____/____ to ____/____/____. The total amount of the underpayment is \$_____.

The reason for this underpayment adjustment: Doe v. Doar underpayment.

____ This benefit was deposited in your EBT account.

____ This benefit was sent to you by check.

This decision is based on regulation 18 NYCRR 352.31(f).

YOU HAVE THE RIGHT TO APPEAL THIS DECISION – BE SURE TO READ THE BACK OF THIS NOTICE TO APPEAL THIS DECISION

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

If you think our decision was 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.

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

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

Mail: Send a copy of this 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 of each notice 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** or

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, by fax 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 provide you with free copies of the documents from your file that we will give to the hearing officer at the fair hearing. Also, if you call or write to us, we will provide you with free copies of other 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 us at the Record Access phone number on the **front** of this notice or write to us at the address on the **front** of this notice.

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.