



**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001
Andrew M. Cuomo
Governor**

Informational Letter

Section 1

Transmittal:	12-INF-01
To:	Local District Commissioners
Issuing Division/Office:	Bureau of Audit and Quality Improvement (A&QI)
Date:	January 12,2012
Subject:	Lottery Intercept Match (LIM) for Temporary Assistance Recipients
Suggested Distribution:	Temporary Assistance (TA) Directors Food Stamps (FS) Directors Fraud Directors Staff Development Coordinators Fair Hearings Staff Accounting Staff
Contact Person(s):	Toll-free LIM informational telephone lines: <ul style="list-style-type: none">• 1-866-447-4844 English• 1-866-962-2082 Spanish Contact address (all requests for reviews must be in writing): New York State Office of Temporary and Disability Assistance P.O. Box 22078 Albany, NY 12201-2078
Attachments:	Attachment 1 – Sample OTDA Intercept 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.
05-ADM-05 09 INF-12 07-INF-08 96-LCM-85		18 NYCRR 396; 18 NYCRR 600.6	SSL §131-r; Tax Law §1613-b; Chapter 81 of the Laws of 1995		

Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to provide an overview of the Lottery Intercept Match (LIM) process for Temporary Assistance (TA) recipients. It discusses the responsibilities of the New York State Lottery (Lottery), the Office of Temporary and Disability Assistance (OTDA) and the Local Social Services Districts (SSDs) in the successful administration of this Match.

II. Background

Section 245 of Chapter 81 of the Laws of 1995 requires lottery winners with a prize of \$600 or more who received Public Assistance (PA) within the last ten years to repay their PA benefits with up to 50% of their lottery winnings. For the purposes of this INF, Temporary Assistance (TA) has the same legal meaning as Public Assistance. Section 1613-b of the New York State Tax Law and Section 396 of Title 18 of the New York State Codes, Rules, and Regulations (NYCRR) define the responsibilities of OTDA and Lottery with regard to this repayment.

Examples of Lottery prizes eligible for intercept include, but are not limited to, jackpot games (Mega Millions, Powerball, Lotto), daily games (Take 5, Numbers, Win 4, Quick Draw, and Pick 10), instant scratch-off tickets, and Video Lottery Terminals (VLT) winnings.

The LIM began in April 1996. In State Fiscal Year (SFY) 1996-97, OTDA collected over \$1.5 million in TA benefits. For the 2010-2011 SFY, OTDA collected over \$3.7 million. Since the LIM began, it has repaid more than \$33 million in TA benefits.

III. Program Implications

A. New York State Lottery Responsibilities

OTDA sends Lottery a monthly computer file that contains the TA benefit amounts received by adult individuals (21 and over) within the last ten years. The file contains each recipient's:

- First and last name
- Social Security Number (SSN)
- Prorated share of the TA benefit received by the household.

When an individual presents Lottery with a winning ticket worth \$600 or more, Lottery automatically compares via computer match the individual's personal identifying information to OTDA's file of adult TA recipients. If the individual appears on the OTDA file, Lottery immediately withholds up to 50% of the prize to repay the TA benefits that the individual had received. Lottery also provides the individual with a combined English/Spanish written notification (Lottery Notice) about the intercept which:

- Informs the individual that OTDA will mail them a separate lottery intercept notice at a later date
- Specifies the elements that will be included in the OTDA notice
- Provides the following contact address:

New York State Office of Temporary and Disability Assistance
P.O. Box 22078
Albany, NY 12201-2078

- Provides the following toll-free informational telephone lines:

1-866-447-4844 English
1-866-962-2082 Spanish.

Pursuant to the New York State Tax Laws and Regulations, the individual in possession of a lottery ticket is considered to be the owner of the ticket. Correspondingly, the person who successfully claims the lottery prize is also considered the lawful owner of the ticket.

If the individual's TA obligation is less than 50% of the prize, Lottery only withholds the amount equal to the TA obligation from the prize winnings.

Note: Lottery conducts a separate match based on data provided by OTDA's Division of Child Support and will intercept prize winnings if the individual has a Child Support case that is in arrears. Lottery withholds up to 100% of the lottery prize to repay the Child Support obligation. Repayment of a Child Support obligation takes precedence over repayment of a TA obligation. It is possible for an individual to be intercepted for both a Child Support and TA obligation.

Around the fifth of the following month, Lottery provides OTDA with a return file of individuals intercepted during the previous month.

B. OTDA Responsibilities

As previously mentioned, OTDA creates a monthly file of adult TA recipients and their benefit amounts for Lottery to compare in the administration of this Match. For the LIM, TA includes Temporary Assistance to Needy Families (TANF)

funded assistance including Family Assistance (FA), federally funded Safety Net Assistance (SNA), Emergency Assistance to Needy Families with Children (EAF), and State and locally funded SNA. The recipient's TA benefit amount (obligation) represents the prorated share of assistance benefits received as an active adult member of a FA, SNA, and/or EAF case.

Note: TA payments issued to a recipient under the age of 21 or paid more than ten years ago are excluded from the file.

Lottery Intercept Notice

The file of intercept data that OTDA receives back from Lottery is used to create a notice for each intercept. A Spanish version of the notice is printed on the back of the English version. This is the same notice that was referenced in the Lottery Notice the individual received at the time of intercept. OTDA's notice provides:

- The amount of the prize that was credited to the TA obligation
- The procedure for requesting a review of an intercepted lottery prize
- The following contact address:

New York State Office of Temporary and Disability Assistance
P.O. Box 22078
Albany, NY 12201-2078

- The following toll-free informational telephone lines:
1-866-447-4844 English
1-866-962-2082 Spanish.

See **Attachment 1** for a sample copy of the OTDA intercept notice. An individual with multiple intercepts will receive a separate notice for each intercept.

Requesting Reviews of Intercepts

Individuals may ask for a review of the intercept if they believe it is incorrect. Social Services regulation 18 NYCRR 396.2 mandates that individuals make their requests in writing. Both the notice from OTDA and the toll-free informational telephone lines contain explicit instructions on how to request a review and what information must be submitted, as well as to send their written request for review to:

New York State Office of Temporary and Disability Assistance
P.O. Box 22078
Albany, NY 12201-2078

When requesting a review, an individual must include:

- Personal identifying information (Name, SSN, client identification number, etc.)
- A current mailing address
- A brief explanation as to why the intercept was incorrect
- A photocopy of supporting documentation.

After the review is complete, OTDA sends the individual a final determination, as follows:

1. If the review determines the intercept was appropriate, OTDA notifies the individual in writing that the intercept was correct and the request for a refund is denied. A copy of the individual's TA benefit payment history is included with the letter.
2. If the review determines that the intercept was not appropriate, or only partially appropriate, OTDA notifies the individual in writing that it will be refunding the portion of the intercept that was found to be in excess of the individual's TA obligation. Individuals who are only entitled to a partial refund receive a breakdown of how the refund was calculated and a copy of the TA benefit payment history. OTDA's response includes additional instructions as to when the refund will be issued.

The LIM is not subject to the fair hearing process but an individual may request a desk review of their intercept and the Office follows the administrative process set forth in 18 NYCRR 396.4. The regulation requires that OTDA must issue a written response when a request for a desk review is received and that response "shall constitute a final determination of the matter." If an individual disagrees with the final determination of the Office, the individual may request a review under Article 78 of the New York State Civil Practice Law and Rules within four months of the decision.

OTDA refers individuals back to the SSD if they have questions that are beyond the scope of the LIM, such as:

- An explanation of the specific TA payments issued to a case
- How to obtain copies of the application or other documents associated with the case
- How to repay their TA benefits.

Monthly Lottery Intercept Report

OTDA uses the intercept data provided by Lottery to create a monthly intercept report called the "LOT 130" and sends each SSD its own version of this report shortly after the second Friday of the month. The LOT 130 consists of three sections: (1) Cover Letter, (2) Summary Report and (3) Payment History.

The Cover Letter of the LOT 130 report states the number of intercepts credited to the SSD (or "0" if there were none).

The Summary Report section of the LOT 130 report lists all of the intercepts that were credited to the SSD for the prior month. The SSD must have an intercept to receive this section of the report.

The Payment History section of the LOT 130 report provides the SSD with an itemized list of a recipient's share of TA payments that were partially or fully repaid through the LIM. Each recipient listed in the Summary Report will also appear in this section of the LOT 130 report.

C. **SSD Responsibilities**

SSDs assist with the LIM process, as outlined below:

Documenting Lottery Intercept Data

Social Services regulation 18 NYCRR 600.6 requires upstate SSDs to enter the lottery intercept data into the Cash Management System (CAMS), and the New York City Human Resources Administration (NYC HRA) to enter the intercept data into the New York City Welfare Management System (NYC WMS). Administrative Directive 05-ADM-05 provides additional explanations regarding this requirement. SSDs use the LOT 130's Payment History section when entering the intercept data into CAMS/NYC WMS.

The proceeds from the LIM are applied to a client's oldest eligible TA payment first (within the preceding 10 years).

SSD questions regarding CAMS or the NYC WMS entries are directed to OTDA's Finance contact for their region.

Responding to Information Requests from OTDA

When reviewing an intercept, OTDA may contact the SSD for information regarding the case or to verify documentation that was provided by the individual. SSDs are asked to respond to OTDA's request within five business days and to include any supporting documentation, if available, with their response.

Lottery Intercept Inquiries Received by the SSD

Because some individuals contact their SSD directly with LIM questions, SSDs assist individuals with explanations on benefits received and repayment of benefits with the intercept, including how an intercept prize affects an open claim on CAMS or NYS WMS. SSDs also encourage individuals to call the toll-free informational telephone lines (1-866-447-4844 English and 1-866-962-2082 Spanish) and, if necessary, instruct these individuals to contact OTDA in writing at the Contact address on Page 1 for any other questions regarding the match, including requests for reviews.

NEW YORK STATE

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

P.O. BOX 22078, ALBANY, NEW YORK 12201-2078

IMPORTANT INFORMATION REGARDING YOUR LOTTERY PRIZE AND PUBLIC ASSISTANCE BENEFITS

Our records indicate that you have received public assistance benefits, such as Family Assistance, Safety Net Assistance or Emergency Assistance to Families, at some time in the past ten years. Section 1613-b of the New York State Tax Law and Section 131-r of the New York State Social Services Law state that if you received public assistance in the past ten years, we have the right to take up to 50% of any New York State Lottery prize you have won in the amount of \$600 or more. You have been identified as a Lottery prize winner, and as stated in the notice you received from the New York State Division of the Lottery, the amount of your lottery prize as indicated below will be credited against the public assistance you have received in the past ten years.

Social Security Number**Client Identification Number****Case Number****Amount of public assistance received****Amount of lottery prize to be credited to public assistance**

Our records indicate that you received public assistance sometime between _____ and _____, and that it has not been repaid.

A detailed payment history can be obtained upon written request at the address on the top of this notice.

If you believe that you have either not received public assistance in the last ten years, disagree with the amount we say you owe, or are not the person identified above, you may request to have us review your case. To obtain a review of your case, you must contact us in writing at the address on the top of this notice, within thirty (30) days from the date of this notice. When you write to request a review, you **must** provide your full name, Social Security Number, current mailing address, Case Number and copies of all documents that show you have repaid your past public assistance, or copies of documents that show you are not the person identified as the Lottery winner. We cannot keep your Lottery prize if you show us that you have already repaid your past public assistance, or you are not the person identified as a Lottery prize winner.

If we decide that you are correct and you are not the person identified as a prize winner, or that you do not owe past public assistance, or that your debt is less than stated above, we will return the entire amount withheld from you or the portion remaining after repayment of the adjusted public assistance debt. A check will be sent to you within 60 days of your providing us with your full name, Social Security Number and Case Number, and copies of all documents that show you have repaid your past public assistance, or copies of documents that show you are not the person identified as the Lottery winner.

Our decision will be based only upon the evidence you provide and the evidence in your case file. The written response you receive from us will be the final determination of the review of your case.

For more information about the Lottery Intercept Program, please call the toll-free number 1-866-447-4844.

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**INFORMACIÓN IMPORTANTE ACERCA DE SU PREMIO DE LOTERÍA Y DE
 SUS BENEFICIOS DE ASISTENCIA PÚBLICA**

Nuestros archivos indican que en algún momento en el transcurso de los últimos diez años usted recibió beneficios de asistencia pública, tales como: Asistencia para Familias, Asistencia Red de Seguridad o Asistencia de Emergencia para Familias. La Sección 1613-b de la Ley Impositiva del Estado de Nueva York y la Sección 131-r de la Ley de Servicios Sociales del Estado de Nueva York establecen que, si usted recibió asistencia pública en algún momento en el transcurso de los últimos diez años, tenemos el derecho de retener hasta el 50% de cualquier premio de la Lotería de Nueva York que usted gane y cuyo monto sea de \$600 o más. Usted ha sido identificado como ganador de un premio de lotería; y tal como se planteó en la notificación que recibió de la División de la Lotería del Estado de Nueva York, el monto de su premio de lotería, como se indica abajo, se abonará a la cuenta de asistencia pública que usted recibió en los últimos diez años.

Número de Seguro Social **Número de identificación del cliente**
Número de caso
Monto de asistencia pública recibido
Monto del premio de lotería a abonar a la cuenta de asistencia pública
Nuestros archivos indican que usted recibió asistencia pública entre el _____ y el _____, cuyo monto no ha sido reintegrado.
Usted puede obtener un historial detallado de pagos si lo solicita por escrito a la dirección que aparece en la parte de arriba de esta nota.

Si usted cree que, o bien no ha recibido asistencia pública en los últimos diez años, no está de acuerdo con el monto que nosotros decimos que usted debe, o usted no es la persona identificada en la parte de arriba de esta notificación, entonces usted puede solicitar una revisión de su caso. Para solicitar una revisión de su caso, tiene que comunicarse con nosotros por escrito a la dirección que aparece en la parte de arriba de esta notificación dentro de treinta (30) días a partir de la fecha de esta nota. Cuando escriba solicitando la revisión de su caso, **tiene** que suministrar su nombre completo, número de Seguro Social, dirección postal actual, número de caso y copia de todo documento que muestre que usted reintegró el monto de asistencia pública antiguo; o fotocopia de documentos que muestren que usted no es la persona identificada como ganadora de un premio de lotería. No podemos retener su premio de lotería, si usted nos demuestra que ya reintegró el monto de asistencia pública antiguo o que usted no es la persona identificada como ganadora de un premio de lotería.

Si determinamos que usted está en lo correcto y usted no es la persona identificada como ganadora de un premio; no tiene ninguna deuda antigua de asistencia pública; o el monto de su deuda es menor al indicado arriba, le devolveremos el monto total retenido o la porción restante después del reintegro de la deuda ajustada de asistencia pública. Se le enviará un cheque en un lapso de 60 días a partir de la fecha en que usted nos haya proporcionado su nombre completo, número de Seguro Social y número de caso, además de fotocopias de todo documento que demuestre que usted reintegró el monto de asistencia pública antiguo, o fotocopia de documentos que demuestren que usted no es la persona identificada como ganadora de un premio de lotería.

Nuestra decisión se basará solamente en los comprobantes que suministre y que aparezcan en el archivo de su caso. La respuesta por escrito que reciba de nosotros, será nuestra determinación final de la revisión de su caso.

Si desea obtener más información sobre el Programa de Intercepción de Premios de Lotería, llame gratis al 1-866-962-2082.