



JESAR A. PERALES  
 Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

**ADMINISTRATIVE DIRECTIVE**

TRANSMITTAL NO.: 86 ADM-40

TO: Commissioners of Social Services

SUBJECT: Assistance to Recipients Who Move From  
 One District to Another  
(Rogers v. Kramer)

DATE: November 5, 1986  
 (Income Maintenance)

SUGGESTED DISTRIBUTION: All Public Assistance Staff  
 All Food Stamp Staff  
 All Medical Assistance Staff  
 All Staff Development Coordinators

CONTACT PERSON: Public assistance questions should be addressed to Tom McGraw, Bureau of Income Support Programs by calling, 1(800) 342-3715, extension 4-9313. Food stamps questions should be addressed to the Food Stamp Bureau at extension 4-9225. Medical assistance questions should be addressed to your medical assistance county representative at the above number, extension 3-7581; in New York City you may reach your MA representative at (212) 587-4853.

**I. PURPOSE**

The purpose of this directive is to advise local districts of the terms of settlement reached in the case of Rogers v. Kramer, concerning treatment of public assistance, medical assistance and food stamp recipients who move from one county to another within the State.

**II. BACKGROUND**

Department Regulation 311.3(a) provides that when a recipient of public assistance moves from one district to another within the State and remains eligible for assistance, the former district of residence is required to continue to provide public assistance and medical assistance for the period ending on the last day of the calendar month following the month in which the recipient moved. Assistance paid by the former district is based on the recipient's needs in the new district of residence. The new district of residence is required to provide emergency assistance to the recipient, if needed, from the date of the recipient's move into that district. The settlement also requires that there be no break in assistance to an otherwise eligible recipient because of such recipient's move into a new district.

**FILING REFERENCES**

| Previous ADMs/INFs               | Releases Cancelled | Dept. Regs.   | Social Services Law and Other Legal References | Bulletin/Chapter Reference | Miscellaneous Reference   |
|----------------------------------|--------------------|---|--|----------------------------|---|
| 86 ADM-6<br>86 ADM-7<br>80 ADM-4 |                    | Section 311.4<br>Section 311.3<br>Section 387.9(a)(1)<br>Section 387.14(a)(5)<br>Section 387.20(c)(2)<br>Part 350<br>Part 351 | SSL 62   |                            | <u>PA Source Book - Sections III, IV and XXII-F</u><br><u>FS Source Book - Section IV-H-3-1, V-B-1.1, VII-C</u><br><u>MARG, pp. 392-395</u> |

DSS (REV. 8/82)

Prior to October 1, 1982, the food stamp program had procedures which allowed for the continued certification of any eligible household moving from one local district to another for a period of 2 months after the date the household moved.

Effective October 1, 1982, new federal regulations were issued that eliminated the procedures of continuing food stamp certification for two months. Clients must now file a new application in the district to which they move in order to have benefits continue past the month of the move.

### **III. PROGRAM IMPLICATIONS**

The former district is required to inform the recipient how to obtain assistance from the new district and will be required to comply with the new district's requests for documentation from the recipient's case record in a timely manner. The new district is required to contact the former district as needed to obtain information about the recipient's eligibility as well as any necessary documentation of eligibility that is in the possession of the former district.

Public assistance benefits will not be prorated if the recipient files an application with the new district before benefits from the former district are scheduled to end. Food stamp benefits will not be prorated if (1) the household was certified in the prior month and its certification period in the former district would have continued at least until the day prior to the date of application, and (2) there were no changes in household composition. In no event shall Medicaid benefits be prorated.

In the event of a dispute over which district is responsible for providing assistance, the district in which the recipient is found is responsible for providing such assistance, assuming the recipient is eligible. Inter-district jurisdictional disputes must be handled in accordance with procedures set forth in 80 ADM-4 and section 311.3(c) of Department regulations. Under no circumstances shall assistance to an otherwise eligible applicant or recipient be denied or delayed pending resolution of such an inter-district jurisdictional dispute.

### **IV. REQUIRED ACTION**

#### **A. Responsibilities of Former District of Residence**

1. The former district is required to inform the recipient of the need to apply for assistance in the new district if such recipient wishes to have his or her assistance continued after the effective closing date of assistance from the former district. To do so, the former district must enclose the attached notice (Attachment 1) with any closing notice to a recipient whose public assistance is being continued for the month after the month of the move in accordance with section 311.3 of Department regulations.

For food stamp purposes a closing notice is not required when households notify the local district that they are moving to a new district. The attached notice must, nevertheless, be provided to any recipient as soon as the recipient notifies the former district that he is moving or has moved.

2. The former district must respond to any oral or written inquiries from the new district about the PA, MA or food stamp status of the case or about the effective closing date of assistance from the former district or about whether checks, ATP's, and/or MA ID cards have been mailed and/or negotiated.
3. The former district must provide copies of documentation from the recipient's case record as requested either orally or in writing by the new district. The former district must comply with such requests as soon as possible, but in no event later than 10 days after receiving the request from the new district.

**B. Responsibilities of the New District of Residence (PA, Food Stamps and MA)**

1. At the time an individual contacts the new district and indicates that he/she wishes to apply for assistance in that district, the new district must provide such individual with an application and must schedule such individual for a face-to-face interview within 5 working days of receiving the completed application. The new district must not refuse to give out, accept or process the application on the grounds that the recipient is, or should be, receiving assistance from the former district.
2. If the recipient is unable to produce a closing notice from the former district or claims that he/she is not actually receiving appropriate assistance from the former district, it is the responsibility of the new district to contact the former district to ascertain the current status of the recipient.

**NOTE:** Please refer to 86 ADM-6 for a listing of local districts. For PA and PA/food stamp recipients who formerly resided in New York City, information about case status may be obtained from:

New York City Human Resources Administration  
Office of Information, Liaison, and Adjustment  
250 Church Street, Room 1003  
New York, New York 10013  
telephone (212) 553-5753 or 553-5754.

Similar information on medical assistance may be obtained by calling the following number at HRA: 212-594-3050. In addition, information on non-PA food stamps may be obtained by calling the following number at HRA: 212-553-5895.

3. If the recipient is, or claims to be, unable to provide necessary documentation which is likely to be in the possession of the former district (e.g. birth certificates, social security cards, monthly reports, etc.), it is the responsibility of the new district to obtain documentation needed to establish the recipient's continued eligibility from the case records maintained by the former district. Documentation which is specifically

relevant to the recipient's residence in the new district, such as rent costs, current household composition and income, if changed, must be obtained from the recipient or through regular documentation/verification procedures. A copy of a suggested referral for inter-district documentation requests is attached to this directive (Attachment 2).

4. When the recipient applies for assistance in the new district before benefits from the former district cease, every attempt must be made to process the application quickly and to assure that assistance to an otherwise eligible recipient is not delayed or interrupted solely because of that recipient's move into a new district. If the new district determines that the recipient is eligible before assistance from the former district has ceased, the new district must open the case effective with the date that benefits from the former district are scheduled to end.
5. The initial PA grant shall not be prorated if the recipient files an application with the new district before benefits from the former district are scheduled to end, provided such recipient continues to be eligible for assistance. The initial food stamp benefits are not prorated if (1) the household was certified in the prior month and its certification period in the former district would be continued at least until the day prior to the date of application and (2) there were no changes in household composition.
6. As indicated in section 3, above, if eligibility for public assistance in the new district cannot be determined before the date benefits are scheduled to cease from the former district solely because of lack of documentation from the former district, eligibility shall be presumed, pending verification, and the person shall be given a pre-investigation grant, if otherwise eligible, in order to assure that current monthly needs are met pending the receipt of documents. Local districts should follow the guidelines in 86 ADM-7, "Meeting Immediate Needs of Applicants for Public Assistance", when the client requires immediate medical care.

Food stamp eligibility may not be established until all documentation is received. However, an initial months benefit shall not be prorated due to a delay in receiving documentation which is not the fault of the applicant.

**C. Responsibilities of the New District of Residence (PA/MA Cases)**

1. If the recipient files a public assistance application with the new district after the date on which benefits from the former district have ceased, the application shall be treated as a new application and benefits shall be prorated from the date eligibility is established. If the recipient files an application with the new district within 30 days following the date on which benefits from the former district have ceased, the recipient shall be notified, in writing, that benefits are being prorated because he or she did not file an application with the new district prior to cessation of benefits from the former district and advised that he or she has a right to request a fair hearing if good cause exists for not filing an application with the new district before benefits were scheduled to cease. Written notice containing

the language specified in Attachment 3 must either be included as part of the acceptance notice sent to the recipient or be sent separately to the recipient. Districts wishing to alter the wording of the notice must obtain prior approval from the Department of the proposed alteration.

Whenever a recipient's case is treated as a new application, retroactive eligibility for MA shall be determined back to the date on which the case was closed by the former county. In no event shall retroactive coverage exceed three months prior to the month of application.

2. Although the former district is responsible for continuing public assistance and medical assistance to an eligible recipient for the month following the month in which the recipient moved, the new district is responsible for providing any emergency assistance for which the recipient is eligible from the date the recipient moved into the new district. The new district must not refuse to provide emergency assistance to an eligible applicant solely on the grounds that such applicant's public assistance and/or medical assistance is being continued by the former district.

**D. Monthly Reporting/Retrospective Budgeting Implications for Public Assistance and Food Stamps**

As long as eligibility for assistance is established within 30 days of the date on which benefits from the former district cease, the new district must continue to retrospectively budget cases that are subject to monthly reporting. If there is a break of more than 30 days between the cessation of benefits from the former district and the establishment of eligibility for such cases in the new district, the new district must budget the cases prospectively for the initial two months. Retrospective budgeting begins in the third month based on actual income received in the initial month of eligibility.

Once a recipient, who is subject to monthly reporting has applied for assistance in the new district, the new district shall be responsible for sending out and obtaining any monthly reports necessary to determine eligibility in that district. When retrospective budgeting is continued between districts, the former district must provide the new district with the necessary information (including Monthly Reports) to compute the budget retrospectively. It may be possible for the recipient to complete the monthly report during the eligibility interview. If not, a manual report shall be sent at the end of the budget month by the new district.

**E. Food Stamp Implications**

The new district must accept and process the food stamp application within normal food stamp processing requirements and time frames. For PA/FS cases, this means that clients will be receiving food stamps in the new district, but will continue to receive PA in the former district for a period of one or two months.

This case processing procedure means that special attention must be given to establishing the PA and FS certification periods for the case. The beginning dates of the PA and food stamp benefits may be different. However, the food

stamp certification period must be one month beyond the PA certification period but cannot exceed twelve months. This means that districts which normally authorize PA cases for twelve months will have to shorten the PA period because of the difference in the beginning dates of the PA and food stamp authorizations.

**EXAMPLE:** Mrs. Smith receives PA/FS in County A. She moves to County B on July 15 and applies for PA/FS on the same day and is found eligible for both programs. The food stamp period begins August 1. County B would normally authorize PA for twelve months - 9/1/86 through 8/31/87. However, the longest food stamps can be authorized is 8/1/86 to 7/31/87. Therefore, the PA authorization period should end 7/31/87.

**F. WMS Implications**

The new district may use WMS inquiry to determine the case status and individual status of the recipients in the former district. However, if the recipient states that this information is incorrect, the new district must contact the former district to ascertain the current status.

If the new district finds the applicant(s) eligible for PA/FS while public assistance is still being paid by the former district, the new district should open a PA/FS case, starting the PA and FS authorization periods whenever the actual PA and FS assistance starts in the new district.

If the authorization periods for the newly opened case overlap the authorization periods of the still active case in the former district, such former district will observe a warning message for case conflict via the W4139R Auto Closings/Case Conflicts inquiry screen.

The former district must do a manual budget (refer to Department Regulation Part 352 for the standards of assistance in the new district) for the period ending on the last day of the calendar month following the month in which the recipient moved. ABEL cannot be used in these situations.

**G. MA Implications**

Department Regulation Section 311.3(a)(2) provides that when an otherwise eligible recipient of MA Only moves from one social services district to another within the State, the social services official administering MA may continue to provide service to that person for a period ending on the last day of the calendar month following the month in which the recipient moved.

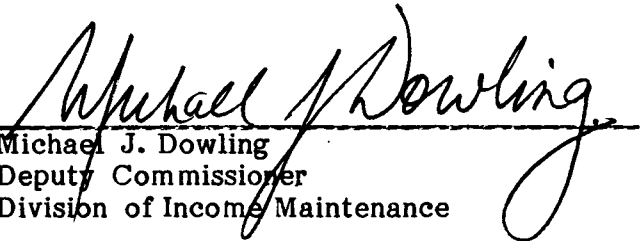
Both the responsibilities of the former district and those of the new district of residence, as detailed in sections IV A., B., and C., REQUIRED ACTION, of this release, shall apply to those districts from which and into which MA Only recipients move. However, this may require that those responsibilities be discharged in a shorter period of time, if the former district elects to close the case on the last day of the month in which the recipient moves.

For those MA Only cases being continued on assistance, a budget must be done manually for the calendar month following the month of the move if it appears that the PA Standard of Need will be used in determining eligibility. The Medicaid Budget Logic is not currently programmed to generate the correct standards of assistance for a new district.

The above applies only to non-institutionalized MA recipients. Institutionalized recipients placed outside the county of responsibility may continue to be the responsibility of their former district of residence according to section 62 of the Social Services Law and Department Regulation 311.4.

**V. EFFECTIVE DATE**

This release shall be effective November 1, 1986.

  
Michael J. Dowling  
Deputy Commissioner  
Division of Income Maintenance

IMPORTANT NOTICE

YOU HAVE TOLD US YOU ARE MOVING OUT OF THIS DISTRICT. IF YOU WISH TO HAVE YOUR BENEFITS CONTINUED WITHOUT A DELAY OR INTERRUPTION, YOU MUST APPLY FOR PUBLIC ASSISTANCE/MEDICAL ASSISTANCE/FOOD STAMPS WITH THE DEPARTMENT OF SOCIAL SERVICES IN YOUR NEW AREA. IT IS RECOMMENDED THAT YOU CONTACT THE DEPARTMENT OF SOCIAL SERVICES IN YOUR NEW AREA AS SOON AS POSSIBLE AFTER YOU MOVE AND ARRANGE FOR AN APPOINTMENT. IN ORDER FOR YOU TO RECEIVE FULL FOOD STAMP BENEFITS, IT IS IMPORTANT THAT YOU SUBMIT AN APPLICATION TO THE NEW DISTRICT IMMEDIATELY. BE SURE TO BRING THIS NOTICE AND ANY CLOSING NOTICES YOU RECEIVE FROM THIS DISTRICT WITH YOU TO YOUR APPOINTMENT WITH SOCIAL SERVICES IN YOUR NEW DISTRICT.

HOUSEHOLD NAME \_\_\_\_\_

AMOUNT AND LAST MONTH OF PUBLIC ASSISTANCE,  
IF APPLICABLE \_\_\_\_\_

AMOUNT AND LAST MONTH OF FOOD STAMP BENEFITS \_\_\_\_\_

NAME AND TELEPHONE OF A PERSON TO CALL IN THIS  
DISTRICT OFFICE IF YOU  
HAVE ANY QUESTIONS \_\_\_\_\_



INTER-DISTRICT REQUEST FOR DOCUMENTATION

From: \_\_\_\_\_ To: \_\_\_\_\_  
Address: \_\_\_\_\_

RE: Case Name \_\_\_\_\_ Case Number \_\_\_\_\_

| <u>Case Members</u> | <u>Birth Date</u> | <u>Client ID (CIN)</u> |
|---------------------|-------------------|------------------------|
| <u>Name</u>         |                   |                        |
| 1. _____            |                   |                        |
| 2. _____            |                   |                        |
| 3. _____            |                   |                        |
| 4. _____            |                   |                        |
| 5. _____            |                   |                        |
| 6. _____            |                   |                        |

The above named individuals have applied for assistance in this district. Please forward copies of the following documents to us within 10 days, so that assistance to these individuals may be continued without interruption:

1. Birth Certificate for \_\_\_\_\_
2. Divorce Decree
3. Marriage Certificate
4. Separation Agreement
5. Support Order for \_\_\_\_\_
6. Order of Filiation or Paternity Acknowledgement for \_\_\_\_\_
7. Proof of Incarceration for \_\_\_\_\_
8. Child Support Enforcement Referral (Form DSS 2860)
9. Social Security Cards for \_\_\_\_\_
10. Monthly Reports Submitted for Month(s) of \_\_\_\_\_
11. Other \_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**NOTICE OF PRORATION OF INITIAL BENEFITS**

WE HAVE DETERMINED THAT YOU ARE ELIGIBLE FOR HOME RELIEF/AID TO DEPENDENT CHILDREN. YOUR INITIAL GRANT HAS BEEN PRORATED FOR THAT PART OF THE FIRST MONTH FOR WHICH YOU WERE ELIGIBLE. THIS IS BECAUSE YOU DID NOT FILE AN APPLICATION FOR ASSISTANCE WITH THIS DISTRICT UNTIL AFTER THE BENEFITS FROM YOUR FORMER DISTRICT HAD ENDED. IF YOU HAVE GOOD CAUSE FOR NOT FILING THE APPLICATION FOR ASSISTANCE EARLIER, YOU MAY REQUEST A FAIR HEARING AND ASK THAT YOUR INITIAL BENEFITS NOT BE PRORATED. YOU MAY BE DETERMINED TO HAVE GOOD CAUSE IF YOU CAN SHOW THAT CIRCUMSTANCES BEYOND YOUR CONTROL CAUSED YOU TO FILE AN APPLICATION WITH THIS DISTRICT AFTER BENEFITS FROM YOUR FORMER DISTRICT ENDED.

The following information should be included if this notice is sent separately from the acceptance notice:

YOU MAY REQUEST A FAIR HEARING:

1. BY TELEPHONING \_\_\_\_\_, OR;
2. BY WRITING TO THE FAIR HEARING SECTION, NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES, P.O. BOX 1930, ALBANY, NEW YORK 12201, AND INCLUDING ONE COPY OF THIS NOTICE WITH YOUR LETTER.

IF YOU REQUEST A FAIR HEARING, A NOTICE WILL BE SENT TO YOU INFORMING YOU OF THE TIME AND THE PLACE OF THE HEARING. YOU HAVE THE RIGHT TO BE

REPRESENTED BY AN ATTORNEY OR OTHER REPRESENTATIVE. AT THE HEARING, YOU, YOUR ATTORNEY OR OTHER REPRESENTATIVE WILL HAVE THE OPPORTUNITY TO QUESTION ANY PERSONS WHO APPEAR AT THE HEARING AND PRESENT EVIDENCE AGAINST YOU. YOU ALSO HAVE A RIGHT TO BRING WITNESSES TO SPEAK IN YOU FAVOR. YOU SHOULD BRING TO THE HEARING ANY DOCUMENTS THAT MAY BE HELPFUL IN PRESENTING YOUR CASE.

\_\_\_\_\_  
CASE NAME

\_\_\_\_\_  
CASE NUMBER

\_\_\_\_\_  
WORKER'S NAME

\_\_\_\_\_  
TELEPHONE NUMBER

\_\_\_\_\_  
COUNTY DEPT. OF SOCIAL SERVICES

If you need legal assistance for your conference or fair hearing, you may be able to obtain it free if you cannot afford a lawyer, by contacting:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_