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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 91 ADM-6

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: February 11, 1991

SUBJECT: PA and FS Disregards: Treatment of Agent Orange Payments

 SUGGESTED

DISTRIBUTION: Income Maintenance Directors
 Food Stamp Directors
 Medical Assistance Directors
 Staff Development Coordinators

CONTACT
 PERSON:

Income Support
 Greg Nolan
 1-800-342-3715, extension (4-9313)
Food Stamps
 County Representative, extension (4-9225)

ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		352.22(v)	Chapter 743 of the Laws of 1989 Chapter 517 of the Laws 1990 P.L. 98-542 P.L. 101- 201 P.L. 101- 239	<u>PASB</u> Sections XVI-B-2 XVI-J-1.4& XXI-B-3 <u>FSSB</u> Sections XII-G-10 & XVI-C-6	G.I.S. Messages 89 IM/DC022 89 MA028, 89 MA029 & 89 IM/DC006

I. PURPOSE

This directive will advise social service districts how to treat Agent Orange payments for purposes of determining eligibility and degree of need for public assistance and food stamps.

II. BACKGROUND

Previously, districts had been advised by G.I.S. messages (89 IM/DC022 and 90 IM/DC006) how to treat Agent Orange payments when determining eligibility and benefit amount under the ADC and HR Programs. Because of differences in Federal and State laws (PL 101-239 and Chapter 743 of the Laws of 1989, respectively) the policy regarding Agent Orange payments was distinct for each program.

However, Chapter 517 of the Laws of 1990 now requires that Agent Orange payments be treated similarly for all means - tested public assistance programs including ADC, HR, PG-ADC (upstate) and HRP (NYC).

III. PROGRAM IMPLICATIONS

This law will enable veterans or their surviving family members who are entitled to Agent Orange payments to receive public assistance or food stamps without such payments affecting their public assistance grants or food stamp benefits.

IV. REQUIRED ACTION

A. Public Assistance

Social service districts must disregard as income and resources when determining public assistance eligibility and degree of need any payments received:

1. under the Agent Orange Settlement Fund;
2. from any other fund established pursuant to the settlement in the In re Agent Orange Product Liability litigation; or
3. from court proceedings brought as a result of personal injuries sustained by veterans resulting from exposure to dioxin or phenoxy herbicides in connection with the war in Indochina during the period January 1, 1962 through May 7, 1975.

Any public assistance household which documents that it is owed benefits because it was denied or underpaid public assistance after January 1, 1989 due to the receipt of exempt Agent Orange monies must have corrective payments made to it. At the time of next contact or recertification the agency must review each case to determine if any corrective payments are necessary.

B. Food Stamps

For food stamps, social service districts must disregard as income and resources in the month received for determining eligibility and benefit levels, any payments made from:

1. the Agent Orange Settlement Fund; and
2. any other fund established pursuant to the settlement In re Agent Orange Product Liability litigation.

Benefits must be restored to any household which reports and documents that it was denied or under issued food stamp benefits due to the receipt of Agent Orange payments back to January 1, 1989.

C. Medical Assistance

Agent Oranges payments are exempt from income and resources in determining Medical Assistance eligibility. An Administrative Directive to more specifically address treatment of Agent Orange payments will be issued.

V. EFFECTIVE DATE

This directive is effective April 1, 1991 retroactive to January 1, 1989.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance