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 | INFORMATIONAL LETTER |
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TRANSMITTAL: 92 INF-57

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: December 22, 1992

SUBJECT: Revised "Programmatic Action Regulations Guide"
 DSS-4168

SUGGESTED

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

CONTACT PERSON: Mary Ann Vazzana, IM/WMS, at 1-800-342-3715,
 extension 3-3913.

ATTACHMENTS: "Programmatic Action Regulations Guide" DSS-4168
 (not available on-line).

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
89 ADM-21	91 INF-51			PASB	
91 INF-51				Section	
88 INF-83				VI-all	
				FSSB	
				Section	
				VII-all	

The purpose of this release is to introduce the revised "Programmatic Action Regulations Guide", DSS-4168. Part 358 "Fair Hearings" of Title 18 of the Codes Rules and Regulations of the State of New York requires that the regulatory citation(s) supporting any action taken by a local district on an applicant's/recipient's case be included in the notice sent to the client. Each of the standardized client notices includes a section (s), which states "The law(s) and/or regulation(s) which allow us to do this is ...". This section is to be completed by workers with the appropriate regulation(s) number(s). This Guide is intended to assist workers in complying with this requirement.

In using this Guide, local districts should be aware of the following:

1. This is only a guide. Local districts have the ultimate responsibility for being sure the reason(s) and regulation(s) are accurate for the particular case action.
2. The "reasons" listed are only clues to the proper regulation citation(s). They are not sufficient as reasons on the client notice. Such notices must give applicants/recipients enough information so they can easily determine what action is being taken and why.
3. There will be cases when an action is appropriate for one program area but another action and reason are better for a different program area on the same case. Workers must judge when it is necessary to choose another action, reason, and/or regulation for the different program areas in the same case.
4. Regulatory citations are required whenever there has been a change in one of the items used in a budget calculation even if the result is no change in benefits. The citations listed in the Increase/Reduction categories can also be used when there is no change in benefits. For example, a change in shelter costs may not result in a change in food stamp benefits. However, the correct citations would be Department regulations 387.12(e) and 387.15.
5. If "N/A" (not applicable) appears in a column, it means that no change will occur in that program for the listed reason, even though there may be a change in one or two of the other programs. For example, decreased medical costs may affect food stamps and/or medical assistance benefits/eligibility but they do not affect public assistance benefits/eligibility.
6. This Guide will continue to be updated as needed. Therefore, comments and recommendations for changes to the Guide will be accepted and appreciated.

The revisions to the 4/91 version, which are included in the 7/92 version are listed below:

1. All pages - The revision date was changed from 04/91 to 07/92.
2. Title page - The Commissioner's name was changed from Cesar A. Perales to Mary Jo Bane.
3. Forward - In number 8 the phone extension was changed from 4-6501 to 3-3913.
4. Page 1
 - o Under the heading "Aid to Dependent Children" the sub-heading "Eligibility, Continuing" was deleted.
 - o A new heading "Arrears" was added.
5. Page 2
 - o A new sub-heading "Home Relief" was added under the heading "Emergency".
 - o The subheadings "Eighty Percent Limitation" and "Ineligibility for 45 days" were added under the heading "Home Relief".
6. Page 3
 - o A new sub-heading "Pregnancy Allowance" was added under the heading "Pregnant Woman".
 - o A new heading "Shelter Arrears (EHR)" was added.
7. Page 4
 - o A new heading "Utility Arrears (NPA)" was added.
8. Page 5, the following headings were added:
 - o "Arrears"
 - o "Cooperate, Failure to"
 - o Emergency HR"
 - o The Heading "Contact, No" was deleted
 - o Under the heading "Disqualified Individuals":
 - o The PA citation for the sub-heading "HR/PG-ADC Job Search, Non-Compliance With" was changed from 385.19(c) to 385.19(a).

- o A new sub-heading, "HR/PG-ADC Non-Job Search" was added.
- 9. Page 6, Under the heading "Employment":
 - o The PA citation for the sub-heading "HR/PG-ADC for Job search, Non-Compliance With" was changed from 385.19(c) to 385.19(a).
 - o A new sub-heading, "HR/PG-ADC Non-Job Search" was added.
 - o A new heading "Home Relief" was added.
- 10. Page 7
 - o A new heading "Quality Control Review, Failure to Cooperate" was added.
 - o Under the heading "Sanctioned Individuals":
 - o The PA citation for the sub-heading "HR/PG-ADC for Job Search, Non-Compliance With" was changed from 385.19(c) to 385.19(a).
 - o A new sub-heading, "HR/PG-ADC Non-Job Search" was added.
 - o The PA citation for the heading "Moved" was changed from 351.22(a) to 351.8(a).
- 11. Page 8
 - o The sub-headings "Interview, Failure to appear at Eligibility", "Refusal to Cooperate", and "Resources, Failure to Dispose of Non-Essential" under the heading "Sanctioned Individual" were deleted.
 - o Under the heading "Sanctioned Individual" PA citation 370.2 was added to the sub-heading "Supplementary Security Income, Failure to apply for"
 - o The headings "Shelter Arrears (EHR)" and "Utility Arrears (NPA)" were added.
 - o PA citation 370.7 was added to the heading "Supplemental Security Income, Failure to Apply for"
 - o The PA citation for the heading "Whereabouts Unknown" was changed from 351.22(a) to 351.8(a).
- 12. Page 9
 - o The heading "Contact, No" was deleted.

- o The heading "Cooperate, Failure To" was added
13. Page 10
- o The sub-heading "HR/PG-ADC Non-Job Search" was added under the headings "Disqualified Individuals" and "Employment".
 - o The heading "Failure to Pick up 2 Months Electronic Benefits" was added.
 - o A new heading "Home Relief" was added.
14. Page 11
- o The PA citation for the heading "Household size, change" was changed from 352.30 and 352.32 to N/A.
15. Page 12
- o The PA citation for the heading "Moved" was changed from 351.22(a) to 311.3.
 - o A new heading "Proration at Closing" was added.
 - o The heading "Quality Control Review, Failure to Cooperate" was added.
 - o Under the heading "Sanctioned Individuals" the sub-heading "HR/PG-ADC Non-Job Search" was added.
16. Page 14
- o After the heading "Whereabouts Unknown" the words "Return Mail" were added in parenthesis. The PA citation was changed from 351.22(a) to 358-3.3(d).
17. Page 17
- o Under the heading, "Disqualified Individuals" the sub-heading "HR/PG-ADC Non-Job Search" was added.
18. Page 18
- o Under the heading, "Employment" the sub-heading "HR/PG-ADC Non-Job Search" was added.
19. Page 19
- o The PA citation for the heading "Mailout, Failure to Respond to" was changed from 351.22(c) to N/A.

20. Page 20

- o The heading "Proration" was added.
- o Under the heading "Recoupment" the sub-headings "Advance allowances" and "Over-payments" were added.
- o Under the heading, "Sanctioned Individuals" the sub-heading "HR/PG-ADC Non-Job Search" was added.
- o Under the heading "Sanctioned Individuals" the PA citation for the sub-heading "Refusal to Cooperate" was changed from 352.30(c) to N/A.

Local districts will automatically receive a supply of this Guide. Requests for additional copies of the Guide are to be submitted on Form WMS-47 (Rev. 3/81): "WMS Order Form", and should be sent to:

New York State Department of Social Services
Welfare Management System
P.O. Box 1990
Albany, New York 12201
Attention: Don Parker

Inquiries concerning the contents of the Guide can be directed to the Program Policy/Systems Coordination Unit at 1-800-342-3715, extension 3-3913.

Questions concerning ordering the Guide should be directed to Don Parker by calling 1-800-342-3715, extension 4-2702.

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