STATE OF NEW YORK
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

REQUEST: October 23, 2012
[redacted]
AGENCY: 53
FH #: 6219901N

In the Matter of the Appeal of

[redacted]

from a determination by the New York City Department of Social Services

DECISION AFTER FAIR HEARING

JURISDICTION

Pursuant to Section 22 of the New York State Social Services Law (hereinafter Social Services Law) and Part 358 of Title 18 NYCRR, (hereinafter Regulations), a fair hearing was held on December 18, 2012, in New York City, before an Administrative Law Judge. The following persons appeared at the hearing:

For the Appellant

[redacted]

For the Social Services Agency

A. Florido, Fair Hearing Representative

ISSUE

Was the October 1, 2012 determination of the Agency as to the denial of the Appellant's application for Public Assistance, Medical Assistance and SNAP benefits correct?

Should the Agency provide the Appellant with reimbursement for the cost of transportation to and from this Fair Hearing?

FINDINGS OF FACT

An opportunity to be heard having been afforded to all interested parties and evidence having been taken and due deliberation having been had, it is hereby found that:

1. The Appellant applied for SNAP benefits for a household of 1 person and a one shot deal for rental arrears.

2. The Agency denied the Appellant's September 4, 2012 application for benefits.

3. On October 23, 2012, the Appellant requested this fair hearing.

APPLICABLE LAW

Section 358-3.4 of the Regulations provides, in pertinent part that an Appellant has the right, upon request to the social services agency, to receive necessary transportation or transportation expenses to and from the fair hearing for the Appellant and his or her Representative(s).

DISCUSSION

On September 4, 2012, the Appellant applied for SNAP benefits and a one shot deal for rental arrears. By notice dated October 1, 2012, the Agency notified the Appellant that her September 4, 2012 application for Public Assistance, Medical Assistance and SNAP benefits was denied because she did not keep a September 18, 2012 appointment with an Agency investigator.

At the hearing, the Appellant submitted evidence of compliance with 2 investigation appointments under 2 different case numbers. Also, the Appellant stated she only applied for SNAP benefits and a one shot deal for rental arrears but did not apply for Public Assistance or Medical Assistance.

At the hearing, the Agency agreed to continue to process the Appellant's September 4, 2012 application for SNAP benefits and the Appellant's request for a one shot deal for rental arrears, taking into consideration that the Appellant is not applying for Public Assistance or Medical Assistance. At the hearing, the Appellant accepted the terms of the Agency stipulation as a complete resolution of the Appellant's request for a fair hearing.

The Appellant attended the fair hearing accompanied by her father as representative. The Appellant and her representative took public transportation to the hearing and pursuant to practice, received signed authorization by the Agency representative at the hearing to receive carfare for both herself and her father. However, due to the late conclusion of the hearing and no Agency carfare distribution windows being open, the Appellant was unable to obtain the authorized carfare. Therefore, the value of 2 round trip metro cards ($9.00) is being added to this decision and the Agency is to reimburse the Appellant for carfare for Appellant and her representative in accordance with Section 358-3.4 of the Regulations.

DECISION AND ORDER

In accordance with the Agency's agreements made at the hearing, the Agency is directed to take the following action if it has not already done so:

1. Continue to process the Appellant's September 4, 2012 application for SNAP benefits and if otherwise eligible, accept the application and provide benefits.

2. Continue to process the Appellant's September 4, 2012 application for what is known as a one shot deal for rental arrears, and if otherwise eligible, accept the application and provide benefits.

3. Afford the Appellant the opportunity to submit any other documentation necessary to establish his eligibility.

4. Advise the Appellant in writing of its determination.

In accordance with the Regulations stated above, the Agency is directed to:

1. Reimburse the Appellant a total of $9.00 for round trip carfare for herself and her representative for attendance at the fair hearing.

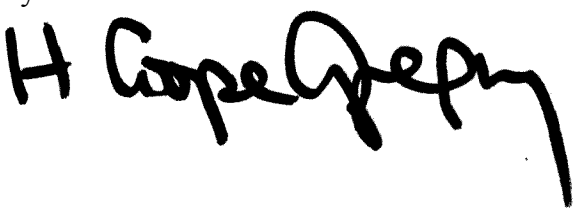
Should the Agency need additional information from the Appellant in order to comply with the above directives, it is directed to notify the Appellant promptly in writing as to what documentation is needed. If such information is requested, the Appellant must provide it to the Agency promptly to facilitate such compliance.

As required by 18 NYCRR 358-6.4, the Agency must comply immediately with the directives set forth above.

DATED: Albany, New York
01/08/2013

NEW YORK STATE OFFICE OF
TEMPORARY AND DISABILITY ASSISTANCE

By



Commissioner's Designee