NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001
David A. Paterson
Governor

Informational Letter

Section 1

Transmittal:	10-INF-02
To:	Local District Commissioners
Issuing Division/Office:	Center for Employment and Economic Supports
Date:	March 10, 2010
Subject:	Resolution of <u>Doe v. Doar</u> Cases on the WINR9482
Suggested Distribution:	Temporary Assistance Staff Fair Hearing Staff Staff Development Coordinators WMS Coordinators
Contact Person(s):	Center for Employment and Economic Supports at 1-800-343-8859; Temporary Assistance Bureau at extension 4-9344
Attachments:	<u>Attachment 1: Sample WINR9482</u> <u>Attachment 2: Manual Doe – X01 Notice</u>
Attachment Available On – Line:	X

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
07 ADM-06		352.31(f)(1)			<u>Doe v. Doar</u> 26 AD3d 787 GIS 09TA/WMS026

Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to provide New York City (NYC) and Rest of State (ROS) districts with procedures required to resolve cases on the quarterly Welfare Management System (WMS) <u>WINR9482 Report "DOE INELIGIBLE CLASS MEMBER FOUND ACTIVE FOR ONGOING TA"</u>.

II. Background

The Office of Temporary and Disability Assistance (OTDA) issued Administrative Directive (ADM) 07 ADM-06: <u>Doe v. Doar</u> – Unfavorable Appellate Court Decision on the Proration Policy Transmitted in 04 ADM-05 "Temporary Assistance and Non-Temporary Assistance Mixed Households; Budgeting When the Family Includes an SSI Member", on October 16, 2007, providing detailed information about the <u>Doe v. Doar</u> (herein known as <u>Doe</u>) court decision and the required retroactive adjustments and corrections that districts had to make to affected active and reapplying cases.

An OTDA mailing informed potential <u>Doe</u> class members with closed TA cases that to determine if they were a <u>Doe</u> class member, they must apply for Temporary Assistance (TA) and have their eligibility for TA determined. If the applicant was determined to be a <u>Doe</u> class member and eligible for TA, the district calculated the <u>Doe</u> underpayment and issued a payment. If the applicant was determined to be a <u>Doe</u> class member but not eligible for TA, the district calculated the <u>Doe</u> underpayment amount and notified the individual via a Client Notices System (CNS) notice for ROS or NYC laser letter of the underpayment amount, how the underpayment amount was calculated and that a payment will be issued if the individual becomes eligible for TA in the future (herein known as <u>Doe</u> notice).

III. Program Implications

OTDA developed the WINR9482 report as a management tool to assist districts in identifying any TA case that is entitled to payment of a previously calculated <u>Doe</u> underpayment if the individual has since become eligible for recurring TA **at any time in any district since September 14, 2007**.

NYC and ROS utilize the same WINR9482 report. The district specific WINR9482 is available through NYC's Distributed Enterprise Print Controller (DEPCON) and ROS's Benefit Issuance Control System (BICS) queue. The headings of the report are:

- Office – identifies the office from which the original <u>Doe</u> letter was sent within the owing district;

- Unit – identifies the unit that sent the original <u>Doe</u> letter within the office of the owing district;

- Wkr – identifies the worker that sent the original <u>Doe</u> letter within the unit of the owing district;

- Case Number Id – identifies the case number of the case on the original <u>Doe</u> letter sent from the owing district;

- Payee – identifies the Client Identification Number (CIN) of the applicant/payee of the case number in the owing district;

- Name – identifies the name associated with the CIN; and

- TA Active District/Case – identifies the district and case number for which the CIN was or is active at any point in time since September 14, 2007.

The district listed in the report's "District" heading is the owing district and must issue payment. Attachment 2 of this INF includes a sample of the WINR9482 report districts will receive through DEPCON or BICS.

OTDA will produce the report quarterly and unresolved cases will continue to be on the report until systematically removed. To systematically remove cases from the report, the owing district must issue payments using the reported <u>Doe</u> member's CIN and a WMS payment type of "W1-Court Ordered Retroactive Payment-Check (W1)", "W2- Court Ordered Retroactive Payment-Cash (W2)" for ROS, or PA Single Issuance Code "77-Court Ordered Retroactive Payment (77)" for NYC.

Cases issued a <u>Doe</u> payment using an incorrect WMS payment type will appear on the report. To remove the cases from the report, the district must contact the OTDA-TA Bureau at 1-800-343-8859, extension 4-9344 and provide information to verify that the incorrectly coded payment was actually a <u>Doe</u> payment. Upon verification, OTDA will remove the case from the report.

Note: ROS districts must advise local accounting staff to enter an accounts adjustment to reflect the correct payment type, in accordance with the Payment Issuance and Control System (PICS) manual, Chapter 3.

Reported cases may or may not be active on the report's date, but are entitled to payment since they were TA active in a district at some point in time since September 14, 2007. The <u>Doe</u> underpayment and the individual's right to receive the payment, and the district's responsibility to issue the payment have **no expiration date**. In addition, individuals in reported cases that were TA active in a New York State (NYS) district at some time since September 14, 2007, but now reside out of state or the country, are entitled to receive payment.

As stated in 07 ADM-06, districts **must:**

- Not apply the <u>Doe</u> underpayment against any existing, outstanding or future TA overpayment. Therefore, ROS districts must never use PA case reason codes "X02-Underpayment Entirely Offset by Overpayment" and "X03-Underpayment Partially Offset by Overpayment";

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- Not count the <u>Doe</u> payment as income or a resource to the TA household. However, if the household has an emergency, the payment amount the household received is not exempt from consideration when determining if the household has resources available to meet the emergency completely or in part;

- Issue the <u>Doe</u> payment with WMS Payment Type (PAY TYPE) code "W1" or "W2" for ROS and PA Single Issuance Code "77" for NYC.

<u>ROS – outside of NYC – Required Action</u>

ROS cases appear on the report when a TA case received a <u>Doe</u> notice and did not receive a "W1" or "W2" <u>Doe</u> payment and the applicant/payee's CIN had an individual status code of "07-Active" or "08-Non-Applying HH Member" on case type "11-FA", "12-SN-FP", "16-SN-CSH" or "17-SN-FNP" at any point on or after September 14, 2007.

<u>Reported cases must be resolved by the district owing the payment within thirty (30) days from the report date.</u>

The total amount of the underpayment and timeframe identified on the original <u>Doe</u> notice must be used to issue the <u>Doe</u> payment. Districts must notify the individual of the payment amount and timeframe via CNS or manually, at the time the "W1" or "W2" payment is authorized.

The Computer Output to Laser Disc (COLD) application in CentraPort is available for districts to reproduce a copy of the originally issued <u>Doe</u> notice. <u>Doe</u> notices are produced in English and Spanish with the same date and notice number. The first listed notice in COLD is the Spanish version and the second listed notice is the English version. Additionally, most districts used a unique office, unit or worker identifier for the <u>Doe</u> notice, which may help the district to identify a notice specific to <u>Doe</u>.

In order for the case to be resolved and systematically removed from the report, payments must be issued using the reported <u>Doe</u> member's CIN and a "W1" or "W2" payment type.

The report may display duplicate payees with the same case number. The district must determine which individual is entitled to payment and issue the "W1" or "W2" payment to the selected individual using his/her CIN and the shared case number. The "W1" or "W2" payment will remove both individuals and the case number from the report.

If the reported TA <u>Doe</u> case is **active** in the owing district, that district must issue a "W2" payment. If the payment is issued as a single transaction, use, "X01-Issue Underpayment Adjustment" as the WMS reason code to generate both the payment and CNS notice. If the payment is issued in conjunction with another transaction, the payment is issued using an undercare transaction type, appropriate WMS reason code with PA case reason code "X01". The payment line conventions **must** mirror the underpayment amount and timeframe stated in the previously issued <u>Doe</u> CNS notice. The individual will be notified of the payment via CNS.

If the reported TA <u>Doe</u> case is **closed** in the owing district, that district must issue a "W1" payment using an open/close (09) transaction type with WMS reason code "060-Change

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in state law or agency policy" and the reported <u>Doe</u> member's CIN. Districts must use WMS inquiry to ascertain the current mailing address of the individual and update the LDSS-3209 accordingly when authorizing payment. The payment line conventions **must** mirror the underpayment amount and timeframe stated in the previously issued <u>Doe</u> notice. Districts must send a manual "Doe-X01" notice (attached) when authorizing payment with an open/close transaction (09) for a case reported on the WINR9482. Districts must reproduce the attached two-sided notice locally. Districts must issue a completed notice to the <u>Doe</u> individual when authorizing a payment and maintain a copy of the notice in the case record.

Districts **must not** use the PA case reason codes "L20-<u>DOE</u> Underpayment (L20)" or "L22-<u>DOE</u>-Underpayment Issued by Other Than where-found District (L22)", **unless** the district adjusts the underpayment calculation or amount stated in the original <u>Doe</u> notice. If the district makes an adjustment, the district must issue the adjusted "W1" or "W2" payment, with a new <u>Doe</u> CNS notice using PA reason code "L20" or "L22", instead of using PA reason code "X01" or the manual"Doe-X01" notice.

NYC – Required Action

NYC cases will be reported when TA cases received a <u>Doe</u> notice and did not receive a PA Single Issuance Code "77" <u>Doe</u> payment and the applicant/payee's CIN had an individual status code of "AC-Active", "SI-Single Issue" or "SN-Sanctioned" on case type "11-FA", "12-SNFP", "16-SNCA" or "SNNC" at any point on or after September 14, 2007.

<u>Reported cases must be resolved by the district owing the payment within thirty (30) days from the report date.</u>

The report may display duplicate payees with the same case number. The district must determine which individual is entitled to payment and issue the "77" payment to the selected individual using his/her CIN and the shared case number. The "77" payment will remove both individuals and the case number from the report.

The total amount of the underpayment and timeframe identified on the original <u>Doe</u> notice must be used to issue the <u>Doe</u> payment. The COLD application in CentraPort is available to reproduce a <u>Doe</u> notice that was issued using CNS, and the <u>Doe</u> file/Excel spreadsheet is available to provide the needed information contained in the laser letter sent to <u>Doe</u> members.

If the reported TA <u>Doe</u> case is **active**, a "77" payment is issued as a TA Single Issue (SI) transaction with an appropriate WMS reason code.

If the reported TA <u>Doe</u> case is **closed,** a "77" payment is issued as a TA Single Issue (SI) with an appropriate WMS reason code. Districts must use WMS inquiry to ascertain the current address of the individual.

The district must not use PA case reason codes "L20" or "L22", **unless** an adjustment is made to the underpayment calculation or amount stated in the original <u>Doe</u> notice. If NYC makes an adjustment, the district must issue the adjusted "77" payment with a new <u>Doe</u> notice using PA reason code "L20" or "L22".

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Issued By:
Name: Russell Sykes
Title: Deputy Commissioner
Division/Office: Center for Employment and Economic Supports