

1998 Federal Poverty Guidelines

<u>Size of Family Unit</u>	<u>Poverty Guideline</u>
1	\$8,050
2	10,850
3	13,650
4	16,450
5	19,250
6	22,050
7	24,850
8	27,650

For family units with more than 8 members, add \$2,800 for each additional member.

NOTICE OF INTENT TO CHANGE
PUBLIC ASSISTANCE AND FOOD
EARNED INCOME DISREGARD

Case Number:
Loc. Off./Unit/Worker:

General Telephone No. for
Questions or Help:

Notice Date: May 21, 1998

LA NOTIFICACION ADJUNTA EN ESPAÑOL LE INDICARA INFORMACION QUE NECESITARA PARA AYUDARLE A COMPRENDER
BENEFICIOS.

This Notice is to tell you that this agency intends to CHANGE your benefits as follows:

PUBLIC ASSISTANCE: Beginning June 1, 1998 your public assistance benefit will go:

FROM _____ TO _____.

The benefit amount is the amount before recoupments or restrictions are taken.

Recoupment: If you have a recoupment in place, the same recoupment percentage will continue to be

Restriction: An example of a restriction is an amount taken from your benefit and paid directly to your
electric company.

This is because there is a change happening to the way we count earned income when we decide how much
get.

This is because our records show that someone in your household has earned income which is
assistance needs. Under State Law (Social Services Law 131-a(8)(a)(iii)), the percentage of income
from your earned income must be adjusted annually beginning in June 1998. The new amount of
reflects the changes in the most recently issued poverty guidelines issued by the United States Bureau
law, effective June 1, 1998, we cannot count the first \$90 in earned income you have and 45% of the rest
you have \$400 in earned income we could not count \$229.50.(the first \$90 plus \$139.50 which is 45% of

FOOD STAMPS: Beginning June 1, 1998, your FOOD STAMPS will go: FROM _____ TO _____.

This is because of the change to your public assistance benefits. The change in the earned income of
in your Food Stamps benefits. For every \$3 increase to your Public Assistance benefits due to the new
your Food Stamps may decrease by \$1. The Regulation which allows us to do this is 18 NYCRR 387.

MEDICAL ASSISTANCE: Your Medical Assistance benefits will continue unchanged.
The Regulation which allows us to do this is 18 NYCRR 360-3.3.

YOU HAVE THE RIGHT TO APPEAL THIS DECISION. READ BELOW ON HOW TO APPEAL THIS DECISION.

FAIR HEARING RIGHTS

RIGHT TO A FAIR HEARING: If you believe that the action(s) we are taking are wrong, you may request a S

- (1) Telephoning: (212) 417-6550 (please have this notice with you when you call) OR
- (2) FAX: Send this page to (518) 473-6735.
- (3) Walk-In: Bring a copy of this page to NYS Office of Temporary and Disability Assistance
Floor, New York, NY.
- (4) Writing: By sending a copy of this page, completed, to the Office of Administrative Hearing
Office of Temporary and Disability Assistance, PO Box 1930, Albany, NY 12201
Please keep a copy for yourself.

+++

++ I want a fair hearing. The Agency's action is wrong because _____

_____ IS Cente

Signature of Client: _____ Date: _____

Name (print): _____ Case Number: _____

Your Address: _____ Telephone Number: _____

You have the following number of days from the date of this notice to request a fair hearing:

Public Assistance - 60 Days

Food Stamps - 90 Days

If you request a fair hearing, the State will send you a notice informing you of the time and place
the right to be represented by legal counsel, a relative, a friend or other person, or to represent
you, your attorney or other representative will have the opportunity to present written and oral evid
action should not be taken, as well as an opportunity to question any persons who appear at the hear
right to bring witnesses to speak in your favor. You should bring to the hearing any documents such
receipts, medical bills, heating bills, medical verification, letters, etc. that may be helpful in pr

Note: If you request a hearing, a hearing will be scheduled: however, if at the hearing the hearing officer determines that
you are not complaining about an incorrect computation of your public assistance grant, the hearing officer may
determine that you did not have a right to a hearing on your public assistance grant.

CONTINUING YOUR BENEFITS: If you request a fair hearing before the effective date stated in this notice
receive your benefits unchanged until the fair hearing decision is issued unless at the hearing the
that the only thing you are complaining about is the change in State Law or Regulation. If the hear
the hearing that the only thing you are complaining about is the change in State Law or Regulation, t
notice will take effect immediately.

If you lose the fair hearing, you will owe any public assistance and food stamps that you should not
box(es) below if you wish to indicate that you do not want your aid continued and send this pa
request. If you do check the box(es), the action(s) described will be taken on the effective date as
appropriate program.

I do not want the following benefits to continue unchanged until the fair hearing decision is iss

+++

+++

+++ Public Assistance

+++ Food Stamps

LEGAL ASSISTANCE: If you need free legal assistance, you may be able to obtain such assistance by co
Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society or adv
Yellow Pages under "Lawyers".

ACCESS TO RECORDS: To help you get ready for the hearing, you have a right to look at your case file.
us, we will send you free copies of the documents from your file which we will give to the hearing o
Also, if you call or write to us, we will send you free copies of other documents from your file whic

Notice of Intent to Increase
Your Public Assistance and
Decrease Your Food Stamps, 6/98
Earned Income Disregard Increase (ROS)

Case Number:
Loc. Off./Unit/Worker: / /

General Telephone No. for
Questions or Help:

PUBLIC ASSISTANCE: This Notice is to tell you that this agency intends to INCREASE your benefits effective June 1, 1998 due to a change in the amount of the earned income disregard.

This is because our records show that someone in your household has earned income which is counted against your public assistance needs. Under State law (Social Services Law 131-a(8)(a)(iii)), the percentage of income that is disregarded from your earned income must be adjusted annually beginning in June 1998. The new amount of income disregard reflects the changes in the most recently issued poverty guidelines issued by the United States Department of the Census. Under the law, effective June 1, 1998, we cannot count the first \$90 in earned income plus 45% of the remainder. For example, if you have \$400 in earned income we could not count \$229.50 (the first \$90 plus \$139.50 which is 45% of the remainder).

Recoupment - If you have been notified previously that a recoupment is being taken against your grant, your grant will continue at the same percentage rate.

The law which allows us to do this is Social Services Law 131-a(8)(a)(iii).

FOOD STAMPS: We count your public assistance grant against your food stamps. Your food stamp benefit will decrease because your public assistance grant is increasing. For every \$3 your public assistance grant increases, your food stamps may decrease by about \$1. For example, if your public assistance goes up \$30, your food stamps will decrease by about \$10.

The Regulation which allows us to do this is 18 NYCRR 387.12.

MEDICAL ASSISTANCE: Your Medical Assistance benefits will continue unchanged.

The Regulation which allows us to do this is 18 NYCRR 360-3.3.

YOU HAVE THE RIGHT TO APPEAL THIS DECISION. READ BELOW ON HOW TO APPEAL THIS DECISION.

RIGHT TO A CONFERENCE: You may have a conference to review these actions. If you want a conference, you may request one as soon as possible. At the conference, if we discover that we made the wrong decision based on the information you provide, we determine to change our decision, we will take corrective action and notify you by written notice. You may ask for a conference by calling us at the number on the top of this notice or by writing a request to us at the address listed at the top of this notice. This number is used only for asking for a conference. It is not the way you request a fair hearing. If you ask for a conference you are still entitled to a fair hearing. If you want to have your benefits continue unchanged (aid continuing) until you get a fair hearing decision, you must request a fair hearing in the way described below. A request for a conference alone will not result in a fair hearing of your benefits. Read below for fair hearing information.

RIGHT TO A FAIR HEARING: If you believe that the above action(s) are wrong, you may request a State fair hearing by:

1. Telephoning: (PLEASE HAVE THIS NOTICE WITH YOU WHEN YOU CALL)

Notice of Intent to Increase
Your Public Assistance and
Decrease Your Food Stamps, 6/98
Earned Income Disregard Increase (ROS)

+++
+++ I want a fair hearing. The agency's action is wrong because:

Name of client (PRINT) _____

Signature of Client _____ Date _____

Client Address _____

Client Phone Number _____ County _____

Case Number _____

For Public Assistance, you have 60 days from the date your June 1998 Public Assistance benefits become available to request a fair hearing. For Food Stamps, you have 90 days from the date your June 1998 Food Stamps benefits become available to request a fair hearing.

The date your June 1998 benefits become available is:

- o The date you can access your public assistance and food stamp benefits with your plastic CBIC card is _____

If you request a fair hearing, the State will send you a notice informing you of the time and place of the hearing. You have the right to be represented by legal counsel, a relative, a friend or other person or to represent yourself. At the hearing you, your attorney or other representative will have the opportunity to present evidence to demonstrate why the action should not be taken, as well as an opportunity to question witnesses who appear at the hearing. Also, you have a right to bring witnesses to speak in your favor. You should bring any documents such as this notice, paystubs, receipts, medical bills, heating bills, medical records, etc. that may be helpful in presenting your case.

If you request a hearing, a hearing will be scheduled; however, if at the hearing the hearing officer determines you are not complaining about an incorrect computation of your public assistance grant, the hearing officer will determine that you did not have a right to a hearing on your public assistance grant.

CONTINUING YOUR BENEFITS: If you request a fair hearing within 10 days after your June 1998 food stamp benefits become available, your food stamps will be reinstated to the amount you received before the change until a hearing decision is issued. However, if you lose the fair hearing, you will owe any food stamps that you were not entitled to receive. We are required by Federal Law to recover any food stamp overpayments. We must make a claim for any food stamps you receive that you were not entitled to, which may be collected by reduction of future food allotments, lump sum installment payments or through legal action. If you want to avoid this possibility, check the box below. You can also indicate over the telephone or in a letter that you do not want reinstatement of your food stamps. If you check the box below, your benefit will not be reinstated to the amount it was before the food stamp issuance while you are waiting for your fair hearing.

If at the hearing, the hearing officer determines that you are not complaining about an incorrect computation of your benefits or that there has been a misapplication or misinterpretation of Federal Law or regulations, the hearing officer may determine that you were not entitled to have your food stamp benefits continue unchanged until a hearing decision is issued, and order that the reduction take effect immediately.

+++
+++ I do not want my benefits reinstated and continued unchanged until the hearing decision is issued.

LEGAL ASSISTANCE: If you need free legal assistance, you may be able to obtain such assistance by contacting your local Legal Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society by checking your Yellow Pages under "Lawyers" or by calling the number indicated on the first page of this notice.

ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS To help you get ready for the hearing, you have a right to access your case file. If you call or write to us, we will provide you free copies of the documents from your case file.