
INFORMATIONAL LETTER

TRANSMITTAL: 99 INF-8

TO: Commissioners of
 Social Services

DIVISION: Temporary
 Assistance

DATE: May 3, 1999

SUBJECT: Food Stamp Program Application Requirements

SUGGESTED

DISTRIBUTION: Temporary Assistance Directors
 Food Stamp Directors
 Staff Development Coordinators
 CAP Coordinators

CONTACT PERSON: Regional Representatives: Region I (518-473-0332);
 Region II (518-474-9344); Region III (518-474-9307);
 Region IV (518-474-9300); Region V (518-473-1469);
 Region VI (212-383-1658)

ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
90 ADM-41		387.5		FSSB	GIS 91-
89 ADM-21		387.6		Sections	IM/DC043
95 INF-39		387.8		VIII-C-6-	91 LCM-89
95 INF-8		387.14(a)(4)		2 #5	89 LCM-177
94 INF-34		358-2.2		IV-H	Client
91 INF-60		Subpart			Booklets
88 INF-83		358-3			DSS-4148A
		358-5.6			DSS-4148B
					DSS-4148C

The purpose of this Informational Letter (INF) is to remind social services districts of basic application requirements and other requirements of the Food Stamp Program (FSP). The United States Department of Agriculture (USDA) recently completed an operational review of New York State's FSP and certain deficiencies and concerns were noted in their report. This Office was required to submit a corrective action plan to the USDA to address the identified deficiencies and concerns. This INF is part of that corrective action plan and has been written to remind all districts of certain FS application requirements.

To ensure compliance with FSP application requirements districts must:

- Make FSP applications readily accessible to anyone that requests one.
- Notify all applicants of their right to file an application on the day of their first contact with the food stamp office.
- Ensure that households whose applications for certain other program benefits are denied are not required to file another application for food stamp benefits.
- Notify applicants of their right to reapply for FSP benefits at any time after they withdraw an application.
- Adhere to all of the timeliness standards concerning the processing of applications, notice requirements and fair hearing rights.

Detailed information on these requirements is provided below:

I. APPLICATION ACCESS/FILING RIGHTS

Any person has the right to file an application for food stamps either directly, through an authorized representative or through the mail by completing the State-prescribed form and filing it with the district on the day the application is requested or at a later date at the discretion of the household. Each household has the right to file an application form during food stamp office hours. The applicant must be advised that he/she does not need an interview before filing an application and may file an incomplete application form so long as the form contains the applicant's name and address, and it is signed by a responsible member of the household or the household's authorized representative. Client informational books DSS-4148A, DSS-4148B and DSS-4148C fulfill these advisement requirements.

If a household phones or writes to a food stamp office to request an application or information, the local district must mail an application form on the same day the request is received, unless a household member prefers to come to the appropriate food stamp office to pick up or file an application.

The household must be provided the address and telephone number of the appropriate food stamp office for filing an application. However, a household may leave an application at any food stamp office within the district. If an application is not left at the appropriate office, the office must offer to forward the application to the appropriate office the same day, if the household has completed enough information so that it meets filing requirements as set forth above.

The date of applicant filing is the date the signed form, containing at least the applicant's name and address is received through the mail or in person by the district.

An interview with the applicant/authorized representative is not required prior to the filing of an application.

II. SEPARATE DETERMINATIONS:

A household whose Temporary Assistance (TA) application is denied must not be required to file a new food stamp application but must have their food stamp eligibility determined or continued on the basis of the original application filed for TA and FS purposes.

III. RIGHT TO REAPPLY

A household may voluntarily withdraw its application for food stamps at any time prior to the determination of eligibility without any consequences to its right to reapply at any time subsequent to the withdrawal.

IV. TIMELINESS STANDARDS

All social services districts must:

1. Act promptly on all FS applications and provide FS benefits retroactive to the day of application to those households that have completed the application process and have been determined eligible.
2. Approve and issue benefits or deny applications for TA and NTA FS applicants within 30 days of receipt of an identifiable application. An identifiable application is one which contains a legible name and address of the applicant or authorized representative and a signature.

When it appears that the district cannot determine a household's eligibility and cannot provide the opportunity to participate within 30 days of the filing date, the district must determine the cause of the delay and take appropriate action. See FSSB Section IV-H.

V. NOTICE REQUIREMENTS

Action Taken On Your Food Stamp Case

This notice must be used to inform households of the decision made regarding an application or recertification for food stamps. It is also used when a household which is applying for TA and FS is determined eligible for FS before eligibility for TA is determined. This situation is most likely to occur when the applicant household's food stamp eligibility is determined pursuant to expedited processing rules. For additional information please refer to 89 ADM-21.

VI. FAIR HEARING RIGHTS

An Applicant/Recipient (A/R) has the right to challenge certain determinations or actions of a district which affect eligibility and benefit amounts. The right to request a fair hearing cannot be limited or interfered with in any way.

Appellants and or Recipients have the right to:

1. In certain situations a recipient has the right to aid continuing until the issuance of the fair hearing decision or the expiration of their certification period, whichever occurs first (see 18 NYCRR 358-3.6). It is important to understand that when a Food Stamp case is closed due to action taken from a recertification, the Food Stamp benefit will not be continued. After the Fair Hearing decision has been issued, any benefit due the recipient will be restored (FSSB VIII-C-G-2#5);

Recipients have the right to request that their benefits not be continued or reinstated until the fair hearing decision is issued;

2. Examine the case record and to receive copies of documents in the case record which are needed to prepare for the fair hearing, to the extent authorized by and within the time periods set forth in 18 NYCRR 358-3.7;
3. Examine and receive copies of all documents and records which will be submitted into evidence at the fair hearing by the district, to the extent authorized by and within the time periods set forth in 18 NYCRR 358-3.7;
4. The rescheduling (adjournment) of the hearing, to the extent authorized by 18 NYCRR 358-5.3;
5. Be represented by an attorney or other representative at any conference and hearing, or to represent themselves;

6. Have an interpreter at any fair hearing, at no charge if the Applicant/Recipient does not speak English or is deaf. The Applicant/Recipient should advise the Office prior to the date of the fair hearing if they will need an interpreter;
7. Appear and participate at the conference and fair hearing, to explain their situation, to offer documents, to ask questions of witnesses, to offer evidence in opposition to the evidence presented by the district and to examine any documents offered by the district;
8. Bring witnesses to and present written and oral evidence at any conference or fair hearing;
9. Make a request to the district to receive necessary transportation or transportation expenses to and from the fair hearing for the applicant/recipient and their representatives and witnesses and to receive payment for their necessary child care costs and for any other necessary costs and expenditures related to their fair hearing;
10. Have the fair hearing held at a time and place convenient to the applicant/recipient as far as practicable, taking into account circumstances such as their physical inability to travel to the regular hearing location;
11. Bring an action in court to review any adverse fair hearing decision; and
12. Request the removal of the hearing officer in accordance with 18 NYCRR 358-5.6

Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance