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Governor

**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
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**Robert Doar**  
Acting Commissioner

## Informational Letter

### Section 1

<b>Transmittal:</b>	04-INF-05
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	February 18, 2004
<b>Subject:</b>	Disregard Certain Veterans Administration (VA) Payments Made to Biological Children of Women Vietnam Veterans and Extend to Safety Net Assistance Families the Disregard of VA Payments Made to Vietnam Veterans' Children with Spina Bifida
<b>Suggested Distribution:</b>	Temporary Assistance Directors, Food Stamp Directors, Top Coordinators, Medical Assistance Directors, Staff Development Coordinators, Child Assistance Program Directors, Employment Coordinators, Accounting Supervisors
<b>Contact Person(s):</b>	Temporary Assistance Central Team 1-800-343-8859, extension 4-9344 Medicaid Local District Liaison: Upstate - (518) 474-8216; NYC - (212) 268-6855 Fiscal Contacts: Region I-IV: Patricia Humphrey at (518) 474-7549 email: Patricia.Humphrey@dfa.state.ny.us, Fax (518) 486-6350 Region V- Michael Borenstein at (631) 854-9704, E-mail: Michael.Borenstein@dfa.state.ny.us, Fax (212) 383-2539 Region VI- Marian Borenstein at (212) 383-1735, E-mail: Marian.Borenstein@dfa.state.ny.us, Fax (212) 383-2539
<b>Attachments:</b>	None
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		352.22 352.22 (ab) 352.22 (ac) 387.9 387.11	38 US Code 1823 (c), 7CFR 273.9 c (10), PL 104- 204	TASB Chapter 19 Page 373 FSSB Section 16 page 8 Section 12 page 22	GIS 98 TA/DC018

## **Section 2**

### **I. Purpose**

The purpose of this Informational Letter is to notify Social Services Districts (SSDs) that there have been two changes to 18 NYCRR 352.22. The first change is an amendment to 352.22 (ab) which extends to Safety Net Assistance (SNA) families, the disregard of Veterans Administration (VA) payments made to, or on behalf of, Vietnam veterans' natural adult or minor children for any disability resulting from spina bifida as income or resources, in determining eligibility, or degree of need.

The second change is an additional subdivision has been added to 18 NYCRR 352.22. This subdivision, 18 NYCRR 352.22 (ac), disregards certain payments made by the VA to biological children of women Vietnam veterans as income or resources, in determining eligibility, or degree of need, for SNA families and federally funded temporary assistance benefits.

### **II. Background**

18 NYCRR 352.22 (ab) provided SSDs with authority to disregard VA payments made to or on behalf of Vietnam veterans' natural adult or minor children for any disability resulting from spina bifida as income or resources, in determining eligibility, or degree of need, for federally funded public assistance benefits. To extend this disregard to SNA families 18 NYCRR 352.22 (ab) has been amended.

The change to add 18 NYCRR subdivision 352.22 (ac) to 18 NYCRR 352.22 was made to comply with the federal law 38 US Code 1823 (c), which requires federal or federally assisted programs to disregard certain payments made by the VA to biological children of women Vietnam veterans.

### **III. Program Implications**

#### **A. Expand 18 NYCRR 352.22 (ab) to SNA Families**

SSDs must disregard VA payments made to or on behalf of Vietnam veterans' natural adult or minor children for any disability resulting from spina bifida, as income or resources, in determining eligibility, or degree of need, for SNA families and federally funded temporary assistance benefits.

#### **B. Disregard Certain VA payments made to Women Vietnam Veterans**

SSDs must disregard VA payments made for covered birth defects to or on behalf of the adult or minor biological children of women Vietnam veterans' in service in the Republic of Vietnam during the period beginning on February 28, 1961 and ending on May 7, 1975. These VA payments are disregarded as income or resources in determining eligibility or degree of need for SNA families and federally funded temporary assistance benefits.

Covered birth defects means any birth defect identified by the VA as a birth defect that is associated with the service of women Vietnam veterans in the Republic of Vietnam during the period beginning on February 28, 1961 and ending on May 7, 1975, and that has resulted, or may result, in permanent physical or mental disability.

### **C. Food Stamp Implications**

Veteran's payments made to or on behalf of Vietnam Veteran's adult natural or minor children for any disability resulting from spina bifida have been and continue to be, excluded as both income and resources for the purposes of determining eligibility and benefit levels for the Food Stamp Program. Additionally, SSDs must now also disregard Veteran's payments made to or on behalf of the adult or minor biological children of women Vietnam Veteran's for covered birth defects as described above. These VA payments are disregarded as income and resources for the purposes of determining Food Stamp eligibility and benefit levels.

### **D. Medicaid and Family Health Plus Implications**

Veteran's payments for any disability resulting from spina bifida made to or on behalf of an adult or minor child born to Vietnam Veterans of either sex have been and continue to be disregarded as both income and resources for the purpose of determining eligibility for the Medicaid/Family Health Plus. Additionally, SSDs must now disregard Veteran's payments made to or on behalf of the adult or minor children born to female Vietnam Veterans for covered birth defects as described above. These VA payments are disregarded as income and resources for the purposes of determining Medicaid/Family Health Plus eligibility.

### **E. Effective**

Both of these changes are effective retroactive to December 10, 2003. SSDs must rebudget effected cases at the next client contact or next recertification.

### **Issued By**

**Name: Patricia A. Stevens**

**Title: Deputy Commissioner**

**Division/Office: Division of Temporary Assistance**