

**NOTICE OF INTENT TO CHANGE FOOD STAMP BENEFITS (Adequate Only)**

|  |            |  |                     |               |
|--|------------|--|---------------------|---------------|
| NOTICE DATE:   |            | NAME AND ADDRESS OF AGENCY/CENTER OR DISTRICT OFFICE   |                     |               |
| CASE NUMBER  | CIN NUMBER |  |                     |               |
| CASE NAME (And C/O Name if Present) AND ADDRESS                                      |            |  |                     |               |
| <div style="border: 1px solid black; width: 100%; height: 100%; margin: 5px;"></div> |            | GENERAL TELEPHONE NO. FOR QUESTIONS OR HELP _____<br><hr style="border-top: 1px dashed black;"/> <b>OR</b> Agency Conference _____<br>Fair Hearing information and assistance _____<br>Record Access _____<br>Legal Assistance information _____ |                     |               |
| OFFICE NO.   | UNIT NO.   | WORKER NO.   | UNIT OR WORKER NAME | TELEPHONE NO. |

We are CHANGING your Food Stamp Benefits, as explained below, next to the checked boxes  .

**FOOD STAMP BENEFITS NOT USED WITHIN 270 DAYS CANNOT BE REPLACED.**

1.  **INCREASE** your Food Stamp Benefits from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ effective \_\_\_\_\_ .  
 [name(s)] \_\_\_\_\_ has been added to your case.  
 Your Food Stamp Benefits certification period has been extended. Your benefits will now end in \_\_\_\_\_ .
  2.  **CONTINUE** your Food Stamp Benefits for [name(s)] \_\_\_\_\_ at \$ \_\_\_\_\_ effective \_\_\_\_\_ .  
 Your Food Stamp Benefits certification period has been extended. Your benefits will now end in \_\_\_\_\_ .
  3.  **REDUCE** your Food Stamp Benefits from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ effective \_\_\_\_\_ .  
 Your Food Stamp Benefits certification period has been extended. Your benefits will now end in \_\_\_\_\_ .
  4.  **DISCONTINUE** your Food Stamp Benefits as of \_\_\_\_\_ .
  5.  **OVERPAYMENT INFORMATION**  
 We are establishing a Food Stamp Benefits overpayment because you or your household got more in Food Stamp Benefits than you should have. See the Demand Letter and also, if your case is closing, the Repayment Agreement for more information on this overpayment. **This decision is based on 18 NYCRR 387.19.**  
 You currently have a Food Stamp Benefits overpayment. If your case is closing, see the Demand Letter and Repayment Agreement for more information on the amount you owe and how you will repay this overpayment.  
 The benefit above reflects a \_\_\_\_% reduction (recoupment) of \$ \_\_\_\_\_ in your benefits in order to repay your overpayment. **This decision is based on 18 NYCRR 387.19.**
  6.  We cannot add the following individuals to your case:  
 Name: \_\_\_\_\_ Reason(s) \_\_\_\_\_  
 Name: \_\_\_\_\_ Reason(s) \_\_\_\_\_  
 \_\_\_\_\_
  7.  If you are getting Public Assistance and/or Medical Assistance, this change will NOT affect those benefits.
  8.  **OTHER** \_\_\_\_\_  
 \_\_\_\_\_
- The reason for this action is: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- The above decision(s) is based on 18 NYCRR \_\_\_\_\_**
- Responsibility To Report Changes – See enclosed LDSS-3151: “Food Stamp Change Report Form” for information on when to report changes.

**BE SURE TO READ THE BACK OF THIS NOTICE FOR YOUR RIGHTS ON HOW TO APPEAL THIS DECISION.**

Enclosure

**DISTRIBUTION:** *White*-Client/Fair Hearing Copy

*Yellow*-Client Copy

*Pink*-Agency Copy

|       |          |              |
|-------|----------|--------------|
| NAME: | ADDRESS: | CASE NUMBER: |
|-------|----------|--------------|

- Although you may no longer be able to get Public Assistance, Food Stamp Benefits or Medical Assistance, you still may be able to get help with your heating costs by applying for the Home Energy Assistance Program (HEAP). You can get more information on HEAP by calling the general telephone number on the **front** of this notice.

### **CONFERENCE AND FAIR HEARING SECTION – DO YOU THINK WE ARE WRONG?**

If you think our decision was wrong, you can ask for a review of our decision. We will correct our mistakes. You can do both 1 and 2:

1. Ask for a meeting (conference) with one of our supervisors;
  2. Ask for a State fair hearing with a State hearing officer.
1. **CONFERENCE** (Informal meeting with us) If you think our decision was wrong or if you do not understand our decision, please call us to set up a meeting. To do this, call the conference phone number on the **front** of this notice or write to us at the address on the **front** of this notice. Sometimes this is the fastest way to solve any problem you may have. We encourage you to do this even when you have asked for a fair hearing.

If you only ask for a meeting with us, we will not keep your benefits the same while you appeal. Your benefits will stay the same only if you ask for a State fair hearing. (See Keeping your Benefits the Same)

2. **STATE FAIR HEARING** – You have 90 days from the date of this notice to ask for a fair hearing:

**KEEPING YOUR BENEFITS THE SAME:** We will restore your Food Stamp Benefits to the same level they were before this notice, if you ask for a fair hearing within ten (10) days of the postmark of the mailing of this notice. If you lose the fair hearing, you will have to pay back any Food Stamp Benefits you got, but should not have gotten, while you were waiting for the decision.

If you do not want your benefits to stay the same until the decision is issued, you must tell the State when you call for a fair hearing or, if you send back this notice, check the box or boxes below:

- I do not want to keep my Food Stamp Benefits the same until the fair hearing decision is issued.

**HOW TO ASK FOR A FAIR HEARING:** You can ask for a fair hearing by **mail**, by **phone**, by **fax** or **online**.

**Mail:** Send a copy of this notice to the Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance, P.O. Box 1930, Albany, New York 12201. Please keep a copy for yourself.

- I want a fair hearing. I do not agree with the agency's action. (You may explain why you disagree below, but you do not have to include a written explanation.)

**Phone:** 800-342-3334 (PLEASE HAVE THIS NOTICE WITH YOU WHEN YOU CALL.)

**Fax:** Fax a copy of the front and reverse of this notice to: (518) 473-6735 or

**Online:** Complete an online request form at: <http://www.otda.state.ny.us/oah/forms.asp>.

If you cannot reach the New York State Office of Temporary and Disability Assistance by phone, by fax, or online, please write to ask for a fair hearing before the deadline.

**WHAT TO EXPECT AT A FAIR HEARING:** The State will send you a notice that tells you when and where the fair hearing will be held.

At the hearing, you will have a chance to explain why you think our decision is wrong. You can bring a lawyer, a relative, a friend or someone else to help you do this. If you cannot come yourself, you can send someone to represent you. If you are sending someone who is not a lawyer to the hearing instead of you, you must give this person a letter to show the hearing officer that you want this person to represent you at the hearing.

At the hearing, you and your lawyer or other representative will have a chance to explain why we are wrong and a chance to give the hearing officer written papers that explain why we are wrong.

To help you explain at the hearing why you think we are wrong, you should bring any witnesses who can help you. You should also bring any papers you have, such as: pay stubs, leases, receipts, bills, doctor's statements.

At the hearing, you and your lawyer or other representative can ask questions of witnesses which we bring or which you bring to help your case.

**LEGAL ASSISTANCE:** If you think you need a lawyer to help you with this problem, you may be able to get a lawyer at no cost to you by contacting your local Legal Aid Society or other legal advocate group. For the names of other lawyers, check your Yellow Pages under "Lawyers".

**ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS:** To help you get ready for the hearing, you have a right to look at your case file. If you call or write to us, we will provide you with free copies of the documents from your file that we will give to the hearing officer at the fair hearing. Also, if you call or write to us, we will provide you with free copies of other documents from your file that you think you may need to prepare for your fair hearing. To ask for documents or to find out how to look at your file, call us at the Record Access phone number on the **front** of this notice or write to us at the address on the **front** of this notice.

If you want copies of documents from your case file, you should ask for them ahead of time. They will be provided to you within a reasonable time before the date of the hearing. Documents will be mailed to you only if you specifically ask that they be mailed.

**INFORMATION:** If you want more information about your case, how to ask for a fair hearing, how to see your file, or how to get additional copies of documents, call us at the phone numbers on the **front** of this notice or write to us at the address on the **front** of this notice.