

Attachment B

Frequently Asked Questions

1. Q. What happens when a case is incorrectly categorized as SNA when it should have been FA and IAR has been recovered from the individual's initial SSI payment?

A. The individual is not entitled to a refund of IA regardless of what program they should have been in. The individual received State and local benefits without federal participation to meet his basic needs. This is recoverable through the IA program no matter whether the benefits were correctly or incorrectly paid. There is no harm to the recipient. If he had received federally participating benefits, his initial SSI payment would have been reduced, since such benefits count as income for SSI eligibility.
2. Q. Can the cost of a burial be recovered as IA?

A. Yes, the cost of burial can be recovered as IA as long as the burial payment was made from only State and local funds.
3. Q. Can a D2- Child Visitation Allowance that is issued on a SNA case with a single individual in the household be recovered as IA?

A. Yes, child visitation payments paid to a single SNA household can be recovered as IA.
4. Q. If the entire shelter payment is issued in the first semi-monthly payment period can the entire shelter amount be recovered as IA.

A. Yes, the entire shelter payment would be added to the amount to be recovered. Any payments issued during the IA period via the BICS Issued Direct Payment lists and the Non-SVCS-Issued Indirect checks must be calculated in determining the amount of IA to be recovered.
5. Q. How is the IAR amount calculated when the SSI recipient is a single SNA-FNP mother who lives alone and has children in foster care and receives an increased shelter amount and fuel benefit in accordance with a plan to return the children to their home?

A. Normal IAR calculations would apply. Any payments issued for basic needs to the SNA recipient during the IA period and paid with state and local funds can be recovered. The children are not active on the case, therefore incremental budgeting for a multi-person household would not apply.
6. Q. What happens when a SSD receives an initial SSI direct payment and the SSA redetermines the individual's date of disability to a time period prior to the original date of disability, resulting in the SSD receiving a second initial SSI payment?

A. In accordance with Rodriguez v. Perales, the SSD would be limited to the amount it collected from the first initial payment for IA provided to a SNA recipient. The second initial SSI payment must be sent directly to the SSI recipient. No additional IA can be recovered.
7. Q. Are SSDs required to obtain an Interim Assistance Agreement signed by the applicant/recipient?

A. No, the statewide common application for public assistance benefits (LDSS-2921), Recertification (LDSS-3174) and Mail-In Recert/Eligibility Questionnaire (LDSS-4887) include the required IA authorization language. SSDs must be diligent in obtaining all adult household members' signature(s) on the application or recertification form.

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8. Q. When a Family Assistance (FA) case is re-categorized as SNA, will the signature(s) on the original application/recertification suffice for IAR?
- A. Yes, the signature(s) on the common application, recertification application and the Mail-In Recert/Eligibility Questionnaire (LDSS-4887) is adequate to support IAR from case that is re-categorized from FA to SNA.
9. Q. Who is required to sign the statewide common application for public assistance benefits (LDSS-2921), Recertification (LDSS-3174) and the Mail-In Recert /Eligibility Questionnaire (LDSS-4887) for a SSD to obtain IAR?
- A. All adult applicants and recipients of Temporary Assistance (TA) must sign either the Statewide Common Application form (LDSS-2921), the Recertification Application (LDSS-3174) or the Mail-In Recert/Eligibility Questionnaire (LDSS-4887) at the time of application or recertification.
10. Q. How is the LDSS-3021 "FA/SNA-FP/SSI Interagency Request" completed when an individual is recategorized from FA to SNA and the individual is determined eligible to receive SSI?
- A. If a person receives both FA and SNA during the IA period, the SSD must inform the SSA and process the case in the following manner:

The SSD must inform the SSA of how much FA was provided to the individual during the IA period. The LDSS-3021 "FA/SNA-FP/SSI Interagency Request" must be completed for Upstate SSDs. This form does not apply to New York City Centers because the process to accommodate this policy is automated. For rest of the state, this form is sent to local districts via the SSA when a Family Assistance (FA)/SNA-FP recipient is determined eligible to receive SSI.

In accordance with SSA regulations, an individual cannot receive duplicate federal funds, SSI and FA. The SSA must reduce the amount of an individual's initial SSI benefit by the amount of FA the individual received. For the SSA to accurately determine the amount of a FA recipient's initial SSI eligibility amount the SSD must provide timely and accurate benefit information.

The SSD must complete The LDSS-3021 "FA/SNA-FP/SSI Interagency Request" form utilizing the **incremental budgeting methodology** (not pro-rata) for the time period that an FA recipient was pending SSI eligibility and received FA. If there were FA/SNA-FP benefit changes during the time SSI eligibility was pending, the SSD must include on the form the month/year of the change, number of individuals on FA/SNA-FP, FA/SNA-FP amount and the FA/SNA-FP grant amount with SSI applicant removed from FA/SNA-FP unit. This form must be returned to the SSA FO within 10 working days of receipt. Once the SSA informs the SSD of the FA individual's SSI eligibility, the TA household's eligibility must be reevaluated and appropriate action taken including if necessary, reducing or discontinuing assistance.

The SSD may receive IAR only for the amount of SNA that was paid to the TA recipient for the remainder of the IA period up to the amount of the initial SSI payment.

Frequently Asked Questions

11. Q. Can attorney's fees be recovered from the initial SSI or post eligibility payment?
- A. Attorneys' can recover fees from their clients but only from the initial SSI amount remaining after IA is recovered. The State is paid the IAR amount before any other fees.
12. Q. If the check for the balance of the direct SSI payment received by the SSD cannot be sent to the SSI recipient (for example, if the recipient's whereabouts are unknown) or if it is returned, can the SSD retain the funds?
- A. No, Federal regulations mandate that if a SSD is unable to pay the excess IA funds to the SSI individual, the district must refund the excess to the SSA.
13. Q. Can the monthly amount of a SNA payment that is issued during the IA period for an amount more than the monthly SSI payment be recovered from the remaining initial SSI payment? For example, a single SNA individual was eligible to receive SNA payments from January 1, 2007 to June 30, 2007. The SSI eligibility period was February 2007 to June 2007, (the ongoing SSI payment began July 2007). During the IA period, the recipient received the following SNA payments and was eligible to receive the following SSI payments:

	Recipient Income	IA Payments	SSI
January	0	352	0
February	0	600	424
March	0	352	724
April	340	12	724
May	0	352	724
June	0	352	724
Total	340	2,020	3,320

In February, the SNA payment of \$600 included a payment for emergency housing. Can the entire \$600 be recovered from the total SSI received?

- A. Yes, even though the TA recipient was only eligible to receive an SSI payment of \$424 the entire \$600 SNA payment can be recovered from total amount of the initial SSI payment. The total monthly amount of SNA paid can be recovered from the total sum of the recipient's initial SSI payment as long as, for the month SNA was paid, the recipient was eligible to receive both an SNA payment and an SSI payment.
14. Q. Should the check date or issuance date be used to calculate the amount of IA paid?
- A. Any BICS issuances whose check date falls within the IA period entered must be used to calculate the IA amount paid.

Frequently Asked Questions

15. Q. When two different districts provide TA during the IA period, how is the initial SSI payment handled?
- A. SSA will send the initial SSI payment to the first district that has a valid IAR authorization on file. If additional SSD(s) provided IA during the IA period then the instructions in Section V.H of this ADM must be followed.
16. Q. How much assistance can be recovered as IA for a TA recipient in a multi person?
- A. A SSD can only recover the recipient's incremental share of the household TA grant. Put simply, the individual's incremental share is the difference between the household's grant with and without the individual included in the grant. For more information see Section V.F of this ADM.
17. Q. If an SSI recipient who is part of a multi-person household has an overpayment due to ineligibility for a month because of a lump sum received within the IA period, is any portion of the overpayment included in the IA amount?
- A. Yes, the incremental portion of that month can be recovered as IAR. CAMS must be adjusted to reflect the partial debt repayment. However, if the entire overpayment was recovered no IAR can be collected for the month.
18. Q. Can the amount of emergency SNA issued to a recipient who is part of a multi-person household during the IA period for a shelter payment to prevent an eviction be recovered as IA?
- A. No, the emergency payment is not considered IA because in a multi-person household the portion of the overpayment attributable to the SSI recipient cannot be determined. Standard recovery procedures apply including recouping the overpayment amount from the remaining household members' TA benefit.
19. Q. Can the actual amount of a utility and/or fuel payments made to a vendor during the IA period for a multi-person household be recovered as IA?
- A. No, regardless of the amount paid to the utility and/or fuel vendor during the IA period only the SSI recipient's incremental share of the TA budget deficit can be recovered as IA. Normal reconciliation procedures apply including establishing an overpayment that can be recouped from the remaining eligible family members' TA case.
20. Q. How should the amount of IA be calculated when a married couple both applied for TA on the same date, received SNA for the same time period and are eligible to receive SSI on the same date?
- A. The multi-person incremental budgeting method does not apply. Each individual's share of the total amount of SNA paid to the household is 50 percent. The 50 percent amount is used to determine the amount of IA that is recovered from each individual's initial SSI payment.

Frequently Asked Questions

21. Q. Should expunged Cash benefits be used to offset IA?
- A. No, expunged benefits must not be used to offset IA.
22. Q. Can IA be recovered from an individual who was categorically eligible for Safety Net Non-Cash Assistance Federally Participating (Case type 12)?
- A. No, IA can not be recovered from an individual categorically eligible for Safety Net Non-Cash Assistance Federally Participating (Case type 12), because it is not paid out of only State and local funds.
23. Q. What happens if the amount of the initial SSI payment is not enough to repay all of the interim assistance received?
- A. The SSD cannot collect any more money from the SSI recipient's SSI payments. The debt still exists and can be collected by any legal means such as foreclosing a lien on real property, but the SSD can not use any legal process to collect from the SSI payment.
24. Q. Is the IA amount reduced based on the time that an individual actually participates in work experience?
- A. The interim assistance program was established pursuant to federal statute and an agreement between New York State and the federal Social Security Administration. Supplemental Security Income (SSI) benefits are generally retroactive to the date of the SSI application and many states, including New York, provide assistance to individuals to meet basic needs during the pendency of the application. Interim assistance is designed to repay states for assistance furnished to an individual during the pendency of such individual's SSI application. The fact that an individual is required to participate in a work experience program during the pendency of the individual's SSI application does not change the fact that the individual received and retained public assistance benefits while waiting for an SSI eligibility determination. Interim assistance reimbursement merely repays the State for public assistance already furnished and prevents the recipient from obtaining duplicate benefits from two government sources during the same period of time.
- As such, the State's ability to recover interim assistance from the federal government is wholly separate from an individual's participation in any work experience or other public assistance employment program. The amount of interim assistance which can be recovered is not reduced by time spent participating in work activities.

