



Office of Temporary and Disability Assistance

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Administrative Directive

Section 1

Transmittal:	15-ADM-09
To:	Local District Commissioners
Issuing Division/Office:	Center for Employment and Economic Supports
Date:	December 29, 2015
Subject:	Return of Interim Assistance Reimbursement (IAR) Funds Incorrectly Collected from the Social Security Administration (SSA)
Suggested Distribution:	Accounting Supervisors; Fair Hearing Officers; Staff Development Coordinators; Temporary Assistance Directors
Contact Person(s):	Temporary Assistance (TA) Bureau at 1-800-343-8859 extension 4-9344
Attachments:	Attachment A - Sample Letter for Amended Recovery to SSI Recipient
Attachment Available Online:	<input checked="" type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
14 ADM-02 09 ADM-18 08 ADM-11 08 ADM-06 94 ADM-01 11 INF-10 10 INF-15 13 LCM-15			SSL 158 SSL 211	TASB Chapter 10	

Section 2

I. Summary

This Administrative Directive (ADM) communicates the required actions Social Services District (SSD) must perform to comply with the Interim Assistance Reimbursement (IAR) agreement between New York State (NYS) and the Social Security Administration (SSA), in the event the SSD recovers an incorrect amount of interim assistance (initial or post – eligibility) from the SSA with respect to a current or former temporary assistance (TA)¹ recipient. Per SSA, SSDs must no longer return any amount of IA incorrectly recovered from the retroactive payment (initial or post – eligibility) of SSI benefits with respect to a current or former TA recipient directly to the recipient. SSDs must now return any incorrectly recovered IA amount to the SSA.

The SSD must not transmit any amount of incorrectly recovered IA funds to the current or former TA recipient because the SSA would not be able to comply with their disbursement rules.

II. Purpose

This Administrative Directive (ADM) communicates the required actions an SSD must perform to comply with the Interim Assistance Reimbursement (IAR) Agreement between New York State (NYS) and the Social Security Administration (SSA) in the event the SSD recovers an incorrect amount of interim Assistance (initial or post- eligibility) from the SSA with respect to a current or former TA recipient.

III. Background

As currently prescribed in 08 ADM-11, “Interim Assistance Consolidated Policy and Procedures,” 11 INF-10, “Electronic Interim Assistance Reimbursement (eIAR) Implementation Questions and Answers,” and the Temporary Assistance Source Book (TASB), Chapter 10 - Section L, when an SSD determines that it has incorrectly recovered any amount of IA from the retroactive payment (initial or post – eligibility) of SSI benefits with respect to a current or former TA recipient, the funds which were incorrectly recovered must be returned to the recipient by the SSD. Reasons for incorrectly recovered benefits may include, but are not limited to unused benefits, returned benefits (for example: return of rent by a landlord), adverse fair hearing decisions in which SSD calculations have been disputed or incorrect temporary assistance categorization as Safety Net Assistance (SNA) rather than Family Assistance (FA).

SSA has now provided guidance that any amount of incorrectly recovered IA (initial or post-eligibility) by the SSD must be returned directly to SSA who will then disburse any retroactive SSI benefits owed the recipient according to SSA’s rules.

IV. Program Implications

Per SSA, SSDs must no longer return any amount of IA incorrectly recovered from the retroactive payment (initial or post – eligibility) of SSI benefits with respect to a current or former TA recipient. SSDs must now return any amount of incorrectly recovered IA (initial or post – eligibility) directly to the SSA as instructed below.

¹ Whenever ‘Temporary Assistance’ or ‘TA’ is used in this document, it means ‘Family Assistance’ and ‘Safety Net Assistance.’ Statutorily, these programs are referred to as ‘Public Assistance’.

V. Required Action

A. Social Services District (SSD) Actions Required for Returning an Amount of IA Incorrectly Recovered to the Social Security Administration

The SSD must not transmit any amount of incorrectly recovered IA (initial or post-eligibility) recovered from the retroactive payment of SSI benefits with respect to a current or former TA recipient directly to such individual. The SSD must transmit any amount of incorrect IAR (initial or post-eligibility) received by the SSD directly to the SSA Field Office (FO) that services the SSI beneficiary. The transmission of these incorrectly recovered funds to the SSA relates only to federal SSI funds collected by the SSD directly from the SSA.

Note: New York SSI State supplements issued prior to 10/1/2014 were issued by the SSA on behalf of NYS and included in the federal SSI payments. Any amount of incorrectly recovered IAR payments remitted prior to that date must be returned in total to the SSA.

In those instances where Recovery of Equivalent Benefits (REB) is incorrectly recovered from any retroactive payment of New York Supplemental Security Income State Supplement Program (SSP) benefits, the district must return the REB funds directly to OTDA and not to SSA. Additional instructions related to the REB process will be provided in a later ADM.

The SSA must disburse initial and post eligibility payments to the SSI beneficiary in accordance with their own regulations and procedures, which may include paying the SSI recipient in installments or to a dedicated account. The SSD must not transmit any amount of incorrectly recovered IA funds to the current or former TA recipient because the SSA would not be able to comply with their disbursement rules.

When returning incorrectly recovered IAR funds to SSA, the SSD must:

1. Send a remittance check to the SSA FO that services the SSI recipient
2. Record on the check the current or former TA recipient's social security number (SSN) and note "excess IAR payment" on the check to indicate the reason for the return of funds.
3. In the event of more than one instance of incorrect recovery for multiple recipients, separate checks must be remitted for each recipient.
4. Attach to the check a cover letter with the recipient's name, SSN, the reason for the return of funds (excess IAR payment), the SSD name and Grant Reimbursement (GR) code, the address where a receipt for the funds received should be sent, and SSD contact information, including a telephone number and email address

The IAR funds must be returned to the FO that services the SSI beneficiary. To find the appropriate FO, you may go to the following link: <https://secure.ssa.gov/ICON/main.jsp> and enter the zip code for the recipient's mailing address. You may also go to www.socialsecurity.gov, scroll down and click on "Contact Us" under items of interest and then "Find an Office".

B. Social Services District (SSD) Actions Required In Regard to the Supplemental Security Income (SSI) Recipient

When an SSD determines that all or a portion of a current or former TA recipients initial retroactive (initial or post – eligibility) payment of SSI benefits has been incorrectly recovered as IAR , the SSD must, in addition to the above actions, notify the current or former TA recipient of the SSD’s incorrect recovery by mailing an amended LDSS-2425A “Repayment of Interim Assistance Notice,” or approved local equivalent, and a cover letter that explains the change. The remarks section on the LDSS 2425A should state that this is an amended form and include a brief explanation for the change and a reference to the cover letter.

A cover letter on SSD’s letterhead must be sent with the amended LDSS-2425A. The cover letter must include the following information:

1. The reason for the amended LDSS-2425A
2. The origin of the incorrectly recovered funds
3. The amount of incorrect IAR
4. That the incorrect IAR was returned to the SSA pursuant to SSA rules, including date(s)
5. Instructions that SSI recipients may contact the SSA FO which services them with any questions regarding disbursement of funds related to the incorrect IA recovery. Recipients may contact the SSA by telephone at 1-800-772-1213 or by visiting the SSA website at www.ssa.gov.

A sample cover letter can be found in attachment A of this document.

VI. Systems Implications

None

VII. Effective Date

Immediately

Issued By

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Title: Deputy Commissioner

Division/Office: Center for Employment and Economic Supports