



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

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Executive Deputy Commissioner

Local Commissioners Memorandum

Section 1

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| Transmittal: | 15-LCM-02 |
| To: | Local District Commissioners |
| Issuing Division/Office: | Center for Employment and Economic Supports |
| Date: | April 1, 2015 |
| Subject: | Revisions to the LDSS-4004 "NOTICE OF INTENT TO CHANGE PUBLIC ASSISTANCE GRANT AND/OR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) BENEFITS FOR NONCOMPLIANCE WITH EMPLOYMENT RELATED REQUIREMENTS (TIMELY AND ADEQUATE) AND NOTICE OF EFFECT ON MEDICAID BENEFITS" |
| Contact Person(s): | OTDA Employment Services Advisor or Employment and Advancement Services Bureau at (518) 486-6106 |
| Attachments: | Attachment 1 - LDSS-4004 (Part A) Attachment 2 - LDSS-4004 (Part B) |
| Attachment Available Online: | <input checked="" type="checkbox"/> |

Section 2

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform social services districts (districts) of revisions to the LDSS-4004 "NOTICE OF INTENT TO CHANGE PUBLIC ASSISTANCE GRANT AND/OR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) BENEFITS FOR NONCOMPLIANCE WITH EMPLOYMENT RELATED REQUIREMENTS (TIMELY AND ADEQUATE) AND NOTICE OF EFFECT ON MEDICAID BENEFITS," and to provide information to districts on the use of the revised form.

II. Background

Districts are required to provide a timely and adequate notice of intent to reduce or discontinue Temporary Assistance (TA) and/or Supplemental Nutrition Assistance Program (SNAP) benefits (Client Notice System (CNS) generated letter, LDSS-4004, or approved local equivalent) to inform the household that an individual in the assistance

unit/SNAP household is sanctioned from TA and/or SNAP benefits because he/she has refused or failed to participate in employment requirements.

When issuing the notice of intent to impose an employment related sanction, districts must ensure that at a minimum, the notice of intent includes the following information: identifies the date(s) of noncompliance; identifies the specific act of noncompliance which may include the name of the provider/work site or the specific employment activity/requirement (e.g., work experience, vocational education, job readiness training) that the individual refused or failed to comply; the factors used to determine the length of the sanction period; and the length of the durational sanction period, if any. The notice template developed by OTDA regardless of whether it is a notice generated through the Client Notice System (CNS) or a manual notice (LDSS-4004) also includes language to inform the individual of a right to a fair hearing to contest any determination included in the letter issued by the district and of the individual's opportunity to restore eligibility for TA, if otherwise eligible, by applying, if necessary and complying with employment requirements. An individual may demonstrate compliance with TA employment requirements at any time, but must still serve the remainder of the durational sanction period, if any regardless of any change in employability status. An individual may resume participation in the SNAP program before the end of the durational sanction period if the individual documents that he/she is exempt from SNAP work requirements, provided that the SNAP household is otherwise eligible for SNAP benefits.

III. Program Implications

A. Revised Form

The manual notice of intent (LDSS-4004) has been revised into separate notices (LDSS-4004A and LDSS-4004B) and to include the following information:

- The LDSS-4004A (Part A) should be used to impose a TA employment sanction. The LDSS-4004B (Part B) should be used to impose a SNAP employment sanction or otherwise notify the household of any change in SNAP benefits that occurred when a TA employment sanction is imposed.
- Language has been added to specify that an individual may also provide documentation to support an exemption from work requirements. The exemption determination is made based on the criteria outlined in 18 NYCRR 385.2 for TA and 18 NYCRR 385.3 for SNAP.
- Language has been included in Part A for the worker to identify the individual's response to the conciliation notice issued by the district consistent with 18 NYCRR 385.11.
- An "other" selection was added to Part B in case the change in the household's SNAP eligibility was not otherwise covered by the existing selections.
- Language has been added to Part B to state that the individual did not demonstrate compliance with SNAP work requirements to avoid the SNAP sanction. This

language has also been added to the SNAP section of the CNS generated notice of intent. Districts were informed of the requirement to offer conciliation including the opportunity to demonstrate compliance to avoid a SNAP sanction by 14-ADM-06.

Districts must continue to ensure that notices of intent are consistent with the requirements of 18 NYCRR 385.12. Districts are encouraged to use CNS to generate the notice of intent, but may use the manual notice of intent (LDSS-4004), as determined appropriate by the district. In all instances, a copy of the notice of intent must be maintained (physically or electronically) as part of the case record. Notices that are issued through CNS are maintained on COLD, but districts must maintain a physical or electronic (scanned) copy of a manual notice of intent. Additionally, districts who issue a manual notice of intent are reminded to also include a copy of the ABEL budgets and a copy of the budget narrative (LDSS-3951 for TA and LDSS-3961 for SNAP).

B. Forms Ordering Information

The revised LDSS-4004 (Part A and Part B) has been posted on the OTDA Intranet website at http://otda.state.nyenet/ldss_eforms/default.htm and may be available for downloading by local districts for reproduction locally, depending on print specifications. The revised form (Part A and Part B) will also be available to districts through Intelligent Auto Fill (IAF) and for downloading by districts for reproduction locally.

- The revised English and Spanish versions of the above listed form (Part A and Part B) are printed by the New York State Office of Temporary and Disability Assistance. Districts may request a supply of the revised form using the process described below.
- Effective **May 11, 2015**, all previous versions of the manual LDSS-4004 **must be recycled** and replaced with the “(Rev. 12/14)” version.
- Any future requests for printed copies of the English and/or Spanish versions of the notice, should be submitted to the New York State Office of Temporary and Disability Assistance (OTDA) using either the OTDA 876EL (DOC) or OTDA 876 EL (PDF) available at the link above and either mail, fax or e-mail it to:

Office of Temporary and Disability Assistance
BMS Document Services and Operational Support
PO Box 1990
Albany, NY 12201

E-mail: forms.orders@otda.ny.gov
Social Services Districts (SSD) online forms ordering system: <http://formorders/>
Fax: (518) 402-0084

- Questions concerning ordering forms should be directed to BMS Document Services at 1-800-343-8859, ext. 4-9522.

C. Local Equivalent Forms

Districts that plan to use or are using or a local equivalent form in lieu of the CNS generated notice of intent or manual LDSS-4004 "NOTICE OF INTENT TO CHANGE PUBLIC ASSISTANCE GRANT AND/OR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) BENEFITS FOR NONCOMPLIANCE WITH EMPLOYMENT RELATED REQUIREMENTS (TIMELY AND ADEQUATE) AND NOTICE OF EFFECT ON MEDICAID BENEFITS," must develop (or revise the language) on the local equivalent form to be consistent with the language on the LDSS-4004 (Rev. 12/14) and submit the revised local form to the Office for approval, no later than **May 4, 2015**. Any local equivalent to the LDSS-4004 must be submitted and approved by OTDA before the form is used locally.

Revised local forms should be submitted to the following address:

Office of Temporary and Disability Assistance
Division of Operations and Program Support
Bureau of Management Services
40 N. Pearl Street
Albany, New York 12243

Issued By

Name: Phyllis Morris

Title: Deputy Commissioner

Division/Office: Center for Employment and Economic Supports