

(OTDA LETTERHEAD)

To: _____ Date: _____
 _____ Temporary Assistance Case No(s) (CAN) _____

 _____ New York Case Identifier(s) _____

Second-Level Desk Review Determination

Dear _____:

The *Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections*, dated _____, submitted for a review of the distribution and disbursement of child support collections received on the case(s) identified above, has been **completed**. The New York State Office of Temporary and Disability Assistance (OTDA) reviewed the accuracy of the *First-Level Desk Review Determination* performed by the _____ County Social Services District's Support Collection Unit (SCU) and Temporary Assistance (TA) Unit. Your request for a second-level desk review included did not include additional but previously unavailable documentation to support your claim. Additionally, your request for a second-level desk review disputed facts within the *First-Level Desk Review Determination* as follows: _____

_____. Any facts that you identified to us that you disputed, and any additional but previously unavailable documentation, if provided, were considered in the review.

The result of the second-level desk review is as follows:

- OTDA confirms the *First-Level Desk Review Determination* of the SCU/TA Unit. No additional payments are owed to you. The support collected to date has been distributed and disbursed and all payments due to you have been paid to you.
- OTDA is amending the *First-Level Desk Review Determination* of the SCU/TA Unit. It has been determined that an additional pass-through cumulative excess support payment for the desk review period of _____ to _____ is owed to you in the amount of \$_____. The additional payment owed to you has been, or will be, made available to you on your Electronic Benefit Transfer (EBT) card or through a check no later than 30 calendar days from the date of this determination. Please refer to the revised worksheet attached.
- OTDA is amending the *First-Level Desk Review Determination* of the SCU/TA Unit. It has been determined that too much pass-through cumulative excess support has been paid to you and you now owe \$ _____. Note that recovery of the overpayment may be pursued by any authorized means and this may occur within 30 calendar days. Please refer to the revised worksheet attached.

The following additional information is provided in support of the decision provided above:

- As instructed on the *First-Level Desk Review Determination* letter that you received, if you dispute specific facts contained in the *First-Level Desk Review Determination*, you may request a second-level desk review by the New York State Office of Temporary and Disability Assistance by submitting a written request within 20 business days of the date of this determination. Your *Request to New York State for a Second-level Desk Review of the Distribution*

and Disbursement of Child Support Collections was postmarked on _____ and therefore was not submitted timely. Therefore, the second-level desk review is concluded.

- A desk review is available upon written request from a recipient of TA who is or was receiving child support services and believes that they did not receive a support pass-through payment to which they are entitled. According to our records, you are not the recipient of TA who is entitled to claim non-receipt of a support pass-through payment. Therefore, a desk review would not be appropriate and the second-level desk review is concluded. In order to discuss the concerns that you may have and determine the appropriate next action, you may contact the New York State Child Support Customer Service Helpline toll-free at 1-888-208-4485 (TTY 1-866-875-9975), Monday through Friday from 8:00 AM to 7:00 PM. A listing of recognized Relay Service providers can be found at http://www.fcc.gov/cgb/dro/trs_providers.html.
- As instructed on the *Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections*, you may request a second-level desk review of the distribution and disbursement of your child support collections if you dispute specific facts contained in the SCU/TA Unit *First-Level Desk Review Determination*. According to our records, no first-level desk review was requested or conducted by the SCU/TA Unit. Therefore, a second-level desk review is not appropriate. In order to discuss the concerns that you have and determine whether a first-level desk review is the appropriate next action, you may contact the New York State Child Support Customer Service Helpline toll-free at 1-888-208-4485 (TTY 1-866-875-9975), Monday through Friday from 8:00 AM to 7:00 PM. A listing of recognized Relay Service providers can be found at http://www.fcc.gov/cgb/dro/trs_providers.html.
- As instructed on the *First-Level Desk Review Determination* letter that you received, you may request a second-level desk review of the distribution and disbursement of your child support collections if you dispute specific facts contained in the SCU/TA Unit's *First-Level Desk Review Determination*. Your second-level desk review request is addressing concerns about information outside of the scope of the *First-Level Desk Review Determination* and those concerns do not change the first-level desk review results provided. Therefore, the second-level desk review is concluded.
- To discuss the concerns that have been raised about your order of support and which are outside of the first -level desk review, you may contact the New York State Child Support Customer Service Helpline toll-free at 1-888-208-4485 (TTY 1-866-875-9975), Monday through Friday from 8:00 AM to 7:00 PM. A listing of recognized Relay Service providers can be found at http://www.fcc.gov/cgb/dro/trs_providers.html.
- To discuss the concerns that have been raised about your TA case and which are outside of the first-level desk review, you may contact your case worker to discuss issues regarding your TA case. If you are unsure how to contact your local Social Services District office, please call 1-800-342-3009 for assistance.
- Your second-level desk review request includes a period of time outside of the period covered by the *First-Level Desk Review Determination* and therefore will not change the first-level desk review results provided. For this reason, the second-level desk review is concluded. You may request a desk review of this period of time by completing a *Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections*. The form and related instructions are included with this determination letter. Once you complete and mail the desk review request form, the local district will conduct a review of the distribution and disbursement of collections received for the period of time indicated and provide a *First-Level Desk Review Determination* for that new period of review.
- The type of second-level desk review you requested included a pass-through payment review and/or a cumulative excess support payment review. Review of your case records indicate that the type of desk review to be conducted is different from that indicated on your desk review request form. As a result of a conference held, the type

of first-level desk review(s) conducted included a pass-through payment review and/or a cumulative excess support payment review, and the type of second-level desk review(s) conducted is/are the same.

Other: _____

A copy of any revised and/or additional calculation worksheets and any new documentation considered in the second-level desk review is enclosed. A copy of this second-level determination has been provided to the SCU and TA Unit with direction to issue a payment or initiate recovery action, if applicable.

Sincerely,

New York State Office of Temporary
and Disability Assistance
Second-Level Desk Review
Telephone Number: _____

NOTE: If you are owed an additional payment, the TA Unit may distribute that payment to you on your Electronic Benefits (EBT) card or, in some circumstances, by check, not later than 30 calendar days from the date of this determination letter. If too much support has been paid to you, the TA Unit may recover the overpayment through any authorized means within 30 calendar days from the date of this determination letter.

If we have indicated that your second-level desk review request has been completed, the decision rendered herein is the final decision as issued by OTDA. If you dispute specific facts contained in this *Second-Level Desk Review Determination* conducted by OTDA, you may file for a review of this second-level determination under Article 78 of the New York State Civil Practice Law and Rules within four months of the date of this decision.

Legal Assistance may be available to you through a local not-for-profit legal services corporation such as:

which can be reached at the following telephone number: _____