



# Office of Temporary and Disability Assistance

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## Administrative Directive Memorandum

### Section 1

<b>Transmittal:</b>	23-ADM-07
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	August 17, 2023
<b>Subject:</b>	Replacement Procedure for SNAP and/or TA Benefits Stolen via Skimming, Cloning, Phishing or Other Fraudulent Methods
<b>Suggested Distribution:</b>	Commissioners, SNAP Directors, TA Directors, CAP Coordinators, Staff Development Coordinators, Fraud Directors, Fair Hearing Staff, WMS Coordinators
<b>Contact Person(s):</b>	SNAP Policy Bureau at (518) 473-1469 or <a href="mailto:snapbureau@otda.ny.gov">snapbureau@otda.ny.gov</a> Temporary Assistance (TA) Bureau at (518) 474-9344 or <a href="mailto:tabureau@otda.ny.gov">tabureau@otda.ny.gov</a> Audit & Quality Improvement at (518) 473-6035 Electronic Benefit Transfer (EBT) Bureau at (518) 402-3102 or <a href="mailto:otda.sm.cees.ebt@otda.ny.gov">otda.sm.cees.ebt@otda.ny.gov</a>
<b>Attachments:</b>	<a href="#">Attachment 1 - LDSS-5215 - Request for Replacement of Stolen Supplemental Nutrition Assistance Program (SNAP) and/or Temporary Assistance (TA) Benefits</a> <a href="#">Attachment 2 - LDSS-5222 - Action Taken on your Request for Replacement of Stolen Supplemental Nutrition Assistance Program (SNAP) Benefits Temporary Assistance (TA) Benefits</a> <a href="#">Attachment 3 - LDSS-5223 - Action Taken on your Request for Replacement of Stolen Temporary Assistance (TA) Benefits</a> <a href="#">Attachment 4 – Letter to Household: EBT Scam Alert and Replacement Benefits Update</a>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
<a href="#">23 TA/DC002</a> <a href="#">22 TA/DC106</a> <a href="#">22 TA/DC097</a>			Title IV, Sec 501(b) of the Consolidated Appropriations Act, 2023; Social Services Law (SSL) § 152-d		

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## Section 2

### I. Summary

This Administrative Directive Memorandum (ADM) advises social services districts (districts) of the policies and requirements governing the replacement of Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance (TA) cash benefits stolen electronically. Recent changes in federal and State law permit districts to replace stolen SNAP and TA cash benefits in certain circumstances.

### II. Purpose

The Consolidated Appropriations Act of 2023 and the New York State Social Services Law (SSL) § 152-d allow New York State to replace SNAP and/or TA cash benefits that were stolen through electronic means such as EBT card skimming, cloning, third party misrepresentation, or other similar fraudulent methods like phishing (scam-related benefit theft). The authorizing legislation, however, limited the amount and frequency of the replacement benefits.

This directive establishes the policies and requirements governing the replacement of stolen SNAP and/or TA cash benefits, including the process by which impacted households can apply for replacement benefits. Additionally, this directive introduces the *LDSS-5215 – “Request for Replacement of Stolen Supplemental Nutrition Assistance Program (SNAP) and/or Temporary Assistance (TA) Benefits”* (LDSS-5215), along with instructions, manual determination notices, and updated online consumer education information.

### III. Background

A nationwide rise in the prevalence of scam-related benefit theft has targeted SNAP and TA households. Until recently, federal law and regulations did not allow for the use of SNAP funds to replace electronically stolen SNAP benefits. The passage of the federal Consolidated Appropriations Act of 2023 included provisions for the United States Department of Agriculture (USDA) to permit states to use SNAP funds to replace SNAP benefits that were stolen through electronic means such as EBT card skimming, cloning, third party misrepresentation, or other similar fraudulent methods like phishing, as described in GIS [22TA/DC097](#).

Similarly, SSL § 152-d, which allows the replacement of electronically stolen TA cash benefits, was enacted. The statute permits the replacement of TA benefits that were stolen through electronic means such as EBT card skimming, card cloning, third party misrepresentation, or other similar fraudulent methods like phishing.

### IV. Program Implications

Beginning August 21, 2023, households who believe their SNAP or TA cash benefits have been stolen electronically may submit a request for replacement benefits using the *LDSS-5215 – “Request for Replacement of Stolen Supplemental Nutrition Assistance Program (SNAP) and/or Temporary Assistance (TA) Benefits”* (LDSS-5215), which is described in more detail below. The information below describes the applicable requirements for the replacement of both SNAP and TA cash and the actions districts must take when processing applications for the replacement of stolen SNAP and TA cash benefits.

#### Replacement of Stolen SNAP and TA Cash Benefits

Replacement requests for stolen SNAP and TA cash benefits must meet the following criteria to be approved and issued:

**Type of Theft:** To be eligible for a replacement benefit, the theft must be determined to have been scam-related (card skimming, card cloning, third party misrepresentation, or other similar fraudulent

methods like phishing). Incidents involving lost cards, the physical theft of cards, voluntarily giving an EBT card or card information to someone they know, or transactions conducted by anyone authorized to access the case benefits, including Authorized Representatives, are **not** eligible for replacement.

**Date of Theft:** Under current federal rules, only SNAP theft transactions occurring on or after October 1, 2022, through September 30, 2024, may be eligible for replacement. TA related theft transactions occurring on or after January 1, 2022, may be eligible for replacement.

**Type of Benefit:** Replacement benefits issued under this policy are limited to SNAP and TA cash benefits. SNAP benefits considered eligible for replacement include regular, ongoing SNAP, restored, replacement or retroactive issuances, Disaster SNAP (D-SNAP), and supplemental Emergency Allotments (EA). As Pandemic EBT (P-EBT) food benefits are not SNAP or TA benefits, P-EBT food benefits are not eligible to be replaced. Additionally, the Consolidated Appropriations Act of 2023 did not permit the replacement of P-EBT food benefits.

In addition, Family Assistance (FA), Safety Net Assistance (SN-FP), Safety Net Cash Assistance (SN-CSH), Safety Net Non-Cash Assistance (SN-FNP), Emergency Safety Net Assistance (ESNA) and Emergency Assistance to Families (EAF) may be eligible for replacement. Benefits eligible for replacement also include replacement issuances.

Pandemic Emergency Assistance Fund (PEAF) payments are not eligible for replacement.

**Frequency of Replacement Benefits:** For SNAP, a household may receive up to two instances of replacement SNAP benefits in each Federal Fiscal Year (FFY), which runs October 1 – September 30.

For TA, households may receive up to two instances of replacement TA cash benefits for the time period of January 1, 2022, through September 30, 2022. Thereafter, until September 30, 2024, households may not receive more than two instances of replacement TA cash benefits in a single FFY. Beginning October 1, 2024, households will only be eligible to receive one replacement TA cash benefit in a single FFY.

**Timeliness of Claim Submission:** Households have thirty (30) days from the date they discovered the theft to submit a request for replacement using the LDSS-5215. However, for SNAP retroactive claims with dates of theft from October 1, 2022, to the effective date of this ADM, and TA retroactive claims with dates of theft from January 1, 2022, to the effective date of this ADM, households must complete and submit the replacement application to the district by October 31, 2023, or within thirty (30) days from the date they discovered the theft, whichever is later.

Please note: OTDA is sending general information letters to households who previously reported scam-related benefit theft to their district or to OTDA, or whose information was forwarded to OTDA. These letters explain the replacement process and the requirement to submit a replacement application to their local district. This correspondence is general and does not contain specific information about a household's case or reported benefit theft. These households will receive the letter in both English and Spanish. The New York City Human Resources Administration (NYC-HRA) will send a separate, personalized letter to impacted households in NYC.

## V. Required Action

### Replacement Benefit Application

As previously noted, the *LDSS-5215 – “Request for Replacement of Stolen Supplemental Nutrition Assistance Program (SNAP) and/or Temporary Assistance (TA) Benefits”* (LDSS-5215) has been created to allow households to request replacement of stolen benefits. The application will be available to download and print from the [OTDA website](#) and must be made available to households

at district offices upon request. The application collects information from the household about the theft and includes an attestation that the reported information is true and accurate. In order for the district to review eligibility for replacement, the household **must** list the transactions that were made without their consent or knowledge, and through which their benefits were electronically stolen.

To be considered complete, the application must contain the following information:

- Signature
  - Digital signature on a NYC online application is also sufficient. An online application will be available on myBenefits for Upstate in a future release.
- Case name and cardholder name (if different)
- Case Number or Client Identification Number (CIN)
- Name of requesting individual (if signed by someone other than the “Case Name” or “Cardholder”). If the requesting individual is a non-household member, they must be separately recorded as an authorized representative prior to applying on behalf of the household.
- Detailed transaction information for each reported theft transaction (dates, benefit types, amounts, retailer names and locations).
- Date the household discovered the theft. Note: In situations where the date of discovery listed on the application is obviously a typographic error, or where the household does not know the date, the date of discovery is equal to the date the application is signed. If the field is left blank on the application, it may be assumed that the household does not know the Date of Discovery.

A completed application must be submitted to the district according to the timeliness standards noted in the “Timeliness of Claim Submission” section above in order for a replacement request to be considered.

For households residing **outside** of New York City, applications may be submitted through any of the following means:

- **In-Person:** Households can drop off the application in-person at the district office
- **By Mail:** Households can mail the application to the district office
- **Mobile App:** Households can upload the LDSS 5215 via [NYDocSubmit](#), if the household lives in a participating district.

The application form must be physically signed (or in compliance with alternative signatures as described above) and dated. Regardless of submission method, a copy of this application, along with any documentation, notations and eligibility determination, must be imaged and maintained in the household’s case record.

For households in New York City, a local equivalent, HRA-210, “Request for Replacement of Stolen Supplemental Nutrition Assistance Program (SNAP) and/or Cash Assistance (CA) Benefits” has been approved for use. The HRA-210 application may be submitted online. Applying online is the fastest, easiest way to apply.

- **Online:** [www.nyc.gov/hra](http://www.nyc.gov/hra) to access the application, or directly at <https://www.nyc.gov/site/hra/help/benefitreplacement.page>.
- **By Mail:** If households cannot apply online, they can obtain a paper application:
  - Print a claim form available at [www.nyc.gov/hra](http://www.nyc.gov/hra).
  - Call Infoline 718-557-1399 and request a form be mailed.
  - Households can mail a completed paper application to: Department of Social Services, P.O. Box 02-9121, Brooklyn GPO, Brooklyn, NY 11202
- **In Person:** Visit a Benefits Access Center (BAC), SNAP Center, or HASA Center to request, complete, or submit a form. Find centers at <https://www.nyc.gov/site/hra/locations/locations.page>

## Timelines to Review and Process Requests for Replacement of Stolen Benefits

Households that have discovered a scam-related benefit theft on their EBT card account should immediately report the card stolen and request a replacement card. Households may report their card stolen using any of the following methods, which are available 24 hours a day, 7 days a week:

- **By telephone:** The toll-free EBT Customer Service Helpline, 1-888-328-6399.
- **Online:** By visiting <http://www.connectebt.com>.
- **Mobile App:** The free ConnectEBT Mobile App is available for download in the Apple App Store and Google Play Store.

**Note:** When reporting the card stolen using these methods, households will also have the option to order a replacement card.

The submission of the LDSS-5215 does not constitute a report of theft. Replacement benefits may not be issued to any EBT account unless the compromised EBT card has been deactivated. Households should be made aware of the option to receive a temporary vault card while their replacement card is in production. Districts must confirm that the household has secured its EBT account by reporting their card lost or stolen and having requested a replacement EBT card since the last date of alleged theft.

### SNAP

Upon receipt of the LDSS-5215 (or local equivalent), districts will have thirty (30) calendar days to review the application, make a replacement eligibility determination, issue replacement benefits, and provide appropriate notice to the household.

### TA

Upon receipt of the LDSS-5215 (or local equivalent), districts must review the application, make a replacement eligibility determination, and provide appropriate notice to the household within thirty (30) calendar days. The district must issue replacement benefits within **five (5) business days** AFTER the district has verified TA cash benefits were stolen and eligible for replacement.

### Validation Criteria for Assessing Claims of Scam-Related Benefit Theft

Districts must evaluate each application to determine the validity of the scam-related benefit theft claim. The LDSS-5215 serves as self-attestation that a household's SNAP and/or TA cash benefits have been stolen through electronic means. Evaluation by districts will include a review of the Electronic Payment Processing and Information Control (EPPIC) transaction history and/or Specialized Fraud and Abuse Reporting System (SFARS) to verify to the extent possible that the stolen benefits specified by the household match the transactions in EPPIC/SFARS. Districts are advised to look for indications of scam-related benefit theft such as:

- Online balance inquiries made by households who typically do not conduct online balance inquiries;
- Online balance inquiries that are not followed by an online purchase;
- Attempts to use a card that has been reported lost/stolen/damaged/deactivated for purchases or balance inquiries, especially after the date/time benefits were stolen\*;
- Atypically timed balance inquiries;
- Large purchases by households who typically make smaller purchases;
- Household attestation that they were not in the location of the theft at the time of the theft;
- Online purchases sent to an address unknown to the household\*;
- Several high dollar transactions occurring in a short timeframe;
- Atypical out-of-state transactions;
- Small transactions of just a few dollars or less prior to the alleged theft (balance tests);
- Transactions at retail locations that the household typically does not visit;
- Any reportedly unauthorized PIN changes\*;

- Large transactions that liquidate the entire account balance;
- Transactions immediately following the availability of a benefit deposit;
- Atypically timed transactions (i.e., middle of the night); and
- Any other spending patterns that are inconsistent with an individual household's spending patterns, as evidenced by a review of EPPIC and/or SFARS.

**Note:** Items indicated by an asterisk (\*) are only visible in EPPIC.

A combination of one or more of these factors may support the validity of the claim. Districts will determine the validity of the claim against the totality of factors presented, along with household attestation, any evidence presented by the household, transaction data, and any other available evidence, such as knowledge of compromised EBT processors.

### **Replacement Request Frequency**

For both SNAP and TA, prior to approving any replacement request and issuing a replacement benefit, district staff must review the household payment history for the current FFY to verify that the household has not already received the maximum number of allowable replacement benefits as defined above. This includes reviewing the payment history for any previously active cases in another district in the current FFY.

### **Cross District Replacement Applications**

In some circumstances, households may have experienced theft in a district of residence where they no longer reside. When a stolen benefit was issued by a Rest of State (ROS) district other than the applying household's current ROS district of residence, the current district of residence must process this application and issue any replacement benefits if appropriate.

However, when a stolen benefit was issued by a ROS district and the household subsequently applies for a replacement benefit in NYC, the household must apply to the district that issued the stolen benefit.

This is also true of households relocating from NYC to ROS.

### **Enhanced Review**

In some circumstances, an enhanced review of the replacement application and transaction history may be necessary. Districts are required to apply an enhanced review when households submit subsequent replacement applications in the same FFY. Districts may consider other factors when determining which requests will be subject to an enhanced review, including operational needs. Regardless, the enhanced review process must be applied consistently and may not impose any additional requirements or restrictions on the household. For example, enhanced reviews may simply involve the elevation of review to second level supervisory staff.

For households submitting subsequent replacement applications, districts will also ensure the household has received sufficient education on safeguarding benefits.

### **Approval of Replacement Requests and Calculation of Replacement Benefits**

If the scam-related benefit theft claim is determined to be valid and all other criteria are met, the district will approve and authorize a replacement benefit payment. For both SNAP and TA, the replacement benefit amount is either the sum of the individual theft transactions that were reported and validated, or an amount equal to two (2) times the SNAP OR TA cash benefits received by the household in the most recent complete month the household received SNAP or TA cash benefits before their benefits were stolen, whichever is less. In cases where both SNAP and TA benefits were stolen from a household's EBT account, the replacement amount must be determined separately for each benefit type.

For SNAP, the monthly benefit includes regular, ongoing SNAP, expedited and single issuances, prorated, restored or retroactive issuances, Disaster SNAP (D-SNAP), and Emergency Allotment supplements (EA). For TA, the monthly benefit includes ongoing TA cash as well as emergency benefits issued to an EBT card.

For example, a household reports that \$650 worth of SNAP or TA benefits had been stolen due to skimming on June 15<sup>th</sup>, 2023, and the claim was validated. The household received monthly SNAP or TA benefits totaling \$250 in May. The household is eligible for a replacement benefit of \$500 ( $\$250 \times 2 = \$500$ , which is less than \$650) so long as all other conditions are met.

However, if instead, the same household last received monthly SNAP or TA benefits totaling \$400 in May, they would be eligible to receive a replacement benefit of \$650 (\$650 is less than  $\$400 \times 2 = \$800$ ) so long as all other conditions are met.

The 'amount of theft' used to calculate the replacement benefit for a given 'instance' of replacement is based upon the entire occurrence of theft that was reported. An occurrence of theft may span more than a single transaction. The occurrence of theft may take place over a few days, or a case may remain compromised with ongoing theft transactions for several months. In other words, the 'amount of theft' is the combined total loss resulting from (a single or multiple) theft transactions: beginning with the first theft transaction following the original skimming (or phishing, etc.) episode in which the EBT account was compromised and including every subsequent theft transaction until the compromised EBT card was deactivated.

Districts must review and compare the EBT transaction history to the household's attestation on the LDSS-5215 to determine which of the reported transactions were due to theft. In situations where more theft transactions appear in the transaction history than have been documented by the household on the LDSS-5215, only the sum of the reported theft transactions detailed on the LDSS-5215 may be considered when determining the amount of theft for the purpose of calculating the replacement benefit.

Like all SNAP payments, a replacement SNAP benefit payment must be issued in whole dollars. If a calculated replacement SNAP payment amount contains cents, it must be rounded down to the nearest whole dollar when authorizing the payment.

Replacement TA payments can be issued with cents.

## Denial of Claims

Districts must review the transactions reported as theft by the household to determine whether or not the benefits were stolen through electronic means as described above. Replacement requests will be denied where:

- The household cannot provide sufficient information, or the available EBT transaction record does not contain sufficient evidence to support the validity of the claim (for example, applications between NYC and Upstate as noted above in "Cross District Replacement Applications");
- The request does not adhere to the specified timelines for reporting:
  - Greater than thirty (30) calendar days from the date of theft **discovery**, or
  - For retroactive claims, after October 31, 2023 or greater than thirty (30) days from the date of discovery, whichever is later;
- For SNAP, the date of theft is prior to October 1, 2022 or after September 30, 2024;
- For TA cash, the date of theft is prior to January 1, 2022;
- The alleged theft was not resulting from electronic means (via EBT card skimming, cloning, third party misrepresentation, or other similar fraudulent methods like phishing);
- There were no eligible SNAP or TA benefits stolen.

- For example, a household in receipt of P-EBT only, may have had their P-EBT card skimmed and their P-EBT benefit balance stolen. P-EBT only cases can be easily identified by the card holder CIN, which will always begin with the letter “i” and will not have a corresponding case number present in WMS.
- The household has previously received **two (2)** instances of replacement benefits in the FFY.
  - Note: beginning October 1, 2024, households may only receive **one (1)** TA replacement benefit every FFY.

## Noticing

Districts must notify households that have applied for replacement benefits of their determination **within thirty (30) calendar days** from the date the household submits the LDSS-5215 or approved local equivalent. This is true even for applying households who have no WMS history such as P-EBT only recipients.

For ROS districts, new CNS reason codes have been developed for use with this replacement benefit process. See “ROS CNS” in Section VI – Systems Implications for additional information regarding the new CNS codes.

For NYC, CNS is not currently available as a noticing option. Additionally, certain replacement applications processed by ROS districts will not be able to utilize CNS as a noticing method (such as P-EBT only applications). Therefore, new manual notices have been developed to facilitate noticing in these circumstances. Due to the differences in eligibility criteria and processing requirements between the SNAP and TA replacement benefits, separate manual Action Taken notices have been created to notify households of the district’s determination:

- **SNAP:** *LDSS-5222: “Action Taken on your Request for Replacement of Stolen Supplemental Nutrition Assistance Program (SNAP) Benefits”*
- **TA:** *LDSS-5223: “Action Taken on your Request for Replacement of Stolen Temporary Assistance (TA) Benefits”*

In situations where both replacement SNAP and TA cash benefits are requested, the district must evaluate eligibility to receive a replacement benefit independently for **each benefit type** and issue a notice for each program.

## Intelligent Auto Fill (IAF)

Both the LDSS-5222 and the LDSS-5223 are available as IAF (ROS only) and are accessible from the myWorkspace Forms and the Centraport “Forms” dropdown menu. Saved forms will be indexed to IEDR Category 9 (Correspondence/Manual Notices).

Note: Although manual notices have been developed in addition to CNS notices, districts are strongly encouraged to utilize CNS noticing whenever feasible.

## Reporting

OTDA is required to report replacement application and issuance information to USDA on an ongoing basis. In addition, districts are required to report TA replacement information to OTDA. Though much of this required data will be gathered directly by OTDA, there are several data elements that must be tracked at the district level. On a quarterly basis, districts are therefore required to calculate and report the following information to OTDA:

- Total number of replacement SNAP and TA applications Denied, including the following breakdown by denial category and program:
  - **Timeliness:** Number of denials based on untimely submitted applications
  - **Frequency:** Number of denials based on applications from households who previously met the replacement cap for the FFY



- **Invalid Claims:** Number of denials for all other reasons (i.e., not enough information, unsigned, not eligible for replacement, etc.)
- Total number of Households that were denied.
  - For example, a household may have submitted three (3) applications for replacement SNAP or TA benefits, all of which were denied. They would be counted once.
- Total number of all SNAP and TA theft transactions reported on replacement applications, broken down by the following:
  - Approved Applications
  - Denied Applications
- Total Value of stolen SNAP and TA reported on replacement applications, broken down by program.

With the implementation of this replacement process districts no longer need to send individual reports of stolen benefits directly to OTDA via [skimming@otda.ny.gov](mailto:skimming@otda.ny.gov), as previously directed in [22 TA/DC097](#). More detailed instructions about when these reports will be due and how to submit them will be forthcoming in subsequent guidance.

### **Fair Hearings**

Households have the right to a Fair Hearing if they disagree with the determination made regarding their request for replacement benefits. Districts are encouraged to attempt to resolve any disputes that may arise over the adequacy of the replacement benefit amount or the determination to deny a replacement request at an optional agency conference in advance of a scheduled Fair Hearing. No additional replacement benefits may be issued based on the requested Fair Hearing while the Fair Hearing is pending unless the district and the household have resolved the dispute. Note: Hearings about scam-related benefit theft will be assigned issue code 157 for TA and issue code 456 for SNAP.

If a household is determined to be eligible for additional replacement benefits as a result of a Fair Hearing determination, the additional replacement benefit issuance would not be treated as a separate countable instance of replacement benefits for the purpose of determining whether a household received the maximum two instances of replacement benefits in an FFY. Districts must note such additional payments in the case record.

## **VI. Systems Implications**

### **ROS Payment Information**

For the purposes of this new replacement benefit process, single issuance payment type codes were created for both SNAP and TA.

### **TA: Payment Type “N9 – Replacement of Skimmed Electronic Benefit-PA”**

Payment Type “N9” can be issued on any of the following **Case Types**:

- 11 Family Assistance (FA)
- 12 Safety Net Assistance (SN-FP)
- 16 Safety Net Cash Assistance (SN-CSH)
- 17 Safety Net Non-Cash Assistance (SN-FNP)
- 19 Emergency Assistance to Families (EAF)

Payment Type “N9” can be issued with any of the following **Transaction Types**:

- 02 Opening
- 05 Change
- 06 Recertification/Reauthorization
- 07 Closing
- 08 Recertification/Closing
- 09 Open/Close

- 10 Reopening
- 11 Reactivation
- 14 Closed Case Maintenance

### Payment Date

TA cash benefits that were **stolen during the period on or after 01/01/22 through 09/30/22** must have a replacement benefit Payment Authorization Date of **01/01/22 – 09/30/22**, regardless of the date the worker authorizes the replacement benefit:

- For example, a replacement application is submitted on **07/10/23** stating that a TA cash benefit was stolen on **05/01/22**. The worker authorizes the replacement benefit on **08/01/23** using the Payment Authorization Date of **01/01/22 - 09/30/22**.

For TA cash benefits that were **stolen on or after 10/01/22**, the Payment Authorization Date range **must** be equal to the **current** FFY.

- For example, a replacement application is submitted on **07/27/23** stating that a TA cash benefit was stolen on **07/01/23**. The worker authorizes the replacement benefit on **08/04/23** using the Payment Authorization Date of **10/01/22 - 09/30/23**, which is the current FFY.

**Note:** See “Issuances Resulting from Fair Hearings” section on how to issue payments due to a Fair Hearing decision.

### SNAP: Payment Type “Q7 – Replacement of SNAP benefits stolen through Skimming”

Payment Type Q7 can be issued on any of the following Case Types:

- 11 Family Assistance (FA)
- 12 Safety Net Non-Cash Assistance (SN-FP)
- 16 Safety Net Cash Assistance (SN-CSH)
- 17 Safety Net Non-Cash Assistance (SN-FNP)
- 31 Non-Public Assistance Food Stamps (NPA-FS)
- 32 Public Assistance and Non-Public Assistance Mixed Household (FS-MIX)

Payment Type Q7 can be used with any of the following Transaction Types:

- 02 Opening
- 05 Change
- 06 Recertification/Reauthorization
- 07 Closing
- 08 Recertification/Closing
- 09 Open/Close
- 10 Reopening
- 11 Reactivation
- 14 Closed Case Maintenance

### Payment Date

For SNAP benefits that were **stolen on or after 10/01/22**, the Payment Date is determined **by the date the replacement payment is issued**, not the date of theft, nor the date of application. The Payment Date **must** be equal to the **current** FFY.

For SNAP, the Payment Date is therefore limited to FFY 2023 or FFY 2024:

- Payment From: 10/1/22 - Payment To: 9/30/23, or
- Payment From: 10/1/23 – Payment To: 9/30/24

**Note:** See “Issuances Resulting from Fair Hearings” section on how to issue payments due to a Fair Hearing decision.

- For example, a replacement application is submitted on **09/15/23** stating that a SNAP benefit was stolen on **07/01/23**. The worker authorizes the replacement benefit on **10/13/23** using the Payment Date of **10/01/23 - 09/30/24**, which is the current FFY Year in this example.

## **ROS CNS**

OTDA has developed approval and denial CNS reason codes for both TA and SNAP in addition to the new manual *LDSS-5222: “Action Taken on your Request for Replacement of Stolen Supplemental Nutrition Assistance Program (SNAP) Benefits”* (LDSS-5222) and *LDSS-5223: “Action Taken on your Request for Replacement of Stolen Temporary Assistance (TA) Benefits”* (LDSS-5223).

In situations where a notice is required for both SNAP and TA, workers may use these reason codes to issue notice language for both programs in the same transaction.

**TA:** Three new CNS reason codes are available for approval and denial of replacement benefits. These codes may be used on Case Types 11, 12, 16 and 17.

- X07: Skimmed TA Benefits Issuance-Approval
- X08: Skimmed TA Benefits Issuance-Denial
- X09: Skimmed TA Benefits Issuance-Approval-Not Full Replacement Amount

These reason codes are limited fill codes and may be used with WMS transaction type: 02-Opening, 05-Change, 06-Recertification/Reauthorization, 07-Closing, 08-Recertification/Closing, 10-Reopening or 11-Reactivation.

All three reason codes may also be used to produce a standalone notice with a 00 transaction. For example, a 00 transaction can be used to generate and send an X08 Denial notice to a closed case. Or conversely, in situations where a replacement TA cash benefit (N9) is issued with transaction type 09 or 14, a separate 00 transaction following the payment transaction can be used to generate and send either an X07 or X09 Approval notice.

**SNAP:** Two new CNS reason codes have been developed for SNAP. Both codes may be used on Case Types 11, 12, 16, 17, 31, or 32.

**“X07 - SNAP Skimmed Benefits Issuance – Approval” (X07).** This reason code is designed to be used in combination with new SNAP pay type, Q7 FS-SKIM. It is a limited fill code and requires manual entry of: “Request Date,” “Request \$ Amount,” & “Approved \$ Amount.” This code may be used with WMS transaction type: 02 Opening, 05 Change, 06 Recertification/Reauthorization, 07 Closing, 08 Recertification/Closing, 10-Reopening, or 11 Reactivation.

**“X08 - SNAP Skimmed Benefits Issuance – Denial” (X08).** This reason code is designed to notify a household that their request for replacement SNAP benefits is not approved. It is a limited fill code and requires manual entry of: “Request Date,” “Request \$ Amount,” and requires the selection of one option from a list of possible denial criteria. This code may be used with WMS transaction type: 02 Opening, 03 Denial, 05 Change, 06 Recertification/Reauthorization, 07 Closing, 08 Recertification/Closing, 10 Reopening, 11 Reactivation.

Both reason codes may also be used to produce a standalone notice with a 00 transaction. For example, a 00 transaction can be used to generate and send an X08 Denial notice to a closed case. Or conversely, in situations where a replacement SNAP benefit (Q7) is issued with transaction type

09 or 14, a separate 00 transaction following the payment transaction can be used to generate and send an X07 Approval notice.

## **BICS**

For BICS payment purposes, new Payment Type Code Q7 will be treated the same as any other single issue EBT SNAP benefit payment code.

For BICS payment and claiming purposes, new Payment Type Code N9 will be treated the same as any other single issue EBT cash benefit payment code. Depending on the payment authorization BICS receives from WMS, PT N9 may be claimed as one of the following BICS composite Items:

- RF2, Sch. A – OTHER-NON-ASSIST-FP
- RF2, Sch. C – OTHER-NON-ASSIST-FP
- RF2, Sch. C – OTHER-NON-ASSIST-FNP-MOE
- RF2, Sch. C – OTHER-NON-ASSIST-FNP-NON-MOE
- RF2, Sch. F – CASH-PAYMENTS-FP

All payments will interface to the RF2 claiming package in the Automated Claiming System (ACS).

## **New York City/Downstate**

For the purposes of this new replacement benefit process, three (3) single issuance codes were created to issue replacement SNAP and TA cash benefits. The new issuance codes are case type dependent.

### **TA: Issuance Code “RE - Replacement for Skimmed Electronic Benefit-PA”**

Issuance Code “RE” can be issued on any of the following **Case Types**:

- 11 Family Assistance (FA)
- 12 Safety Net Federally Participating (SNFP)
- 16 Safety Net Cash Assistance (SNCA)
- 17 Safety Net Non-Cash Assistance (SNNC)
- 19 Emergency Assistance to Families (EAF)

Issuance Code “RE” can be issued on any of the following **Case Statuses**:

- 01 Applying (AP)
- 10 Active (AC)
- 14 Closed (CL)
- 15 Denied (RJ)
- 17 Single Issue (SI)

## **Payment Date**

TA cash benefits that were **stolen during the period on or after 01/01/22 through 09/30/22**, must have a replacement benefit Payment Authorization Date of **01/01/22 – 09/30/22**, regardless of the date replacement benefit is authorized:

- For example, a replacement application is submitted on **07/10/23** stating that a TA cash benefit was stolen on **05/01/22**. The replacement benefit is authorized on **08/01/23** using the Payment Authorization Date of **01/01/22 - 09/30/22**.

For TA cash benefits that were **stolen on or after 10/01/22**, the Payment Authorization Date range **must** be equal to the **current** FFY.

- For example, a replacement application is submitted on **07/27/23** stating that a TA cash benefit was stolen on **07/01/23**. The replacement benefit is authorized on **08/04/23** using the Payment Authorization Date of **10/01/22 - 09/30/23**, which is the current FFY.

**Note:** See “Issuances Resulting from Fair Hearings” section on how to issue payments due to a Fair Hearing decision.

### **SNAP Issuance Codes (RC & RD)**

#### **Issuance Code “RC – Replacement for Skimmed Electronic Benefit FS-PA”**

Issuance Code “RC” can be issued on any of the following **Case Types**:

- 11 Family Assistance (FA)
- 12 Safety Net Federally Participating (SNFP)
- 16 Safety Net Cash Assistance (SNCA)
- 17 Safety Net Non-Cash Assistance (SNNC)

Issuance Code “RC” can be issued on any of the following **Case Statuses**:

- 01 Applying (AP)
- 10 Active (AC)
- 14 Closed (CL)
- 15 Denied (RJ)
- 17 Single Issue (SI)

#### **Issuance Code “RD – Replacement for Skimmed Electronic Benefit FS-NPA”**

Issuance Code “RD” can be issued on the following **Case Type**:

- 31 Non-Public Assistance Food Stamps (NPA-FS)

Issuance Code “RD” can be issued on any of the following **Case Statuses**:

- 01 Applying (AP)
- 10 Active (AC)
- 14 Closed (CL)
- 15 Denied (RJ)
- 17 Single Issue (SI)

### **Payment Date**

For both new SNAP Issuance Codes (RC & RD), SNAP benefits that were **stolen on or after 10/01/22**, the Payment Date range is determined by **the date the replacement payment is issued**, not the date of theft, nor the date of application. The Payment Date **must** be equal to the **current** FFY.

For SNAP, the Payment Date is therefore limited to FFY 2023 or FFY 2024:

- Payment From: 10/1/22 - Payment To: 9/30/23, or
- Payment From: 10/1/23 – Payment To: 9/30/24

**Note:** See “Issuances Resulting from Fair Hearings” section on how to issue payments due to a Fair Hearing decision.

- For example, a replacement application is submitted on **09/15/23** stating that a SNAP benefit was stolen on **07/01/23**. The worker authorizes the replacement benefit on **10/13/23** using the Payment Date of **10/01/23 - 09/30/24**, which is the current FFY in this example.

### **Issuances Resulting from Fair Hearings**

As noted in Section V: “Fair Hearings,” there may be circumstances where a district is directed in a “Decision After Fair Hearing” to reverse a prior determination and requires the issuance of replacement benefits for a previous replacement application. For both SNAP and TA, if the decision

finds that a supplement must be issued to correct a previously issued replacement benefit, then the Payment Date is equal to the Payment Date of the original replacement benefit referenced in this decision. This is true even if the replacement benefit occurred in the previous FFY.

Similarly, if the decision reverses a denial and orders the issuance of a replacement benefit that was previously denied, then the Payment Date is determined by the date on which the denial notice was issued. This is true even if the denial occurred in the previous FFY.

## VII. Forms Ordering Information

- The English version of the LDSS-5215, the LDSS-5222, and the LDSS-5223 are web-only forms. These forms are also available on the OTDA Intranet website in the following languages: Arabic, Bengali, Chinese, French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu and Yiddish.
- The above referenced documents have been posted to the OTDA Intranet website at: [http://otda.state.nyenet/ldss\\_eforms/](http://otda.state.nyenet/ldss_eforms/) and are available for downloading by local districts for reproduction locally.
- The LDSS-5215, the LDSS-5222, and the LDSS-5223 are web-only forms; therefore, they are only available online and are not available in hard copy from OTDA.
- Questions concerning web-only forms should be directed to BMS Document Services at: (518) 474-9522.

## VIII. Communications/Outreach/Training

The [OTDA EBT Scam Alert webpage](#) is the primary online repository for public information on the eligibility criteria and instructions for how to request a replacement benefit. The page will include a link to the replacement application and instructions. The webpage also has a short URL to simplify the ability to use the link in any district communications: [otda.ny.gov/EBTscam](http://otda.ny.gov/EBTscam)

This webpage also includes information on the risks posed by card skimming, cloning, and phishing, and how EBT cardholders can help better safeguard their benefits. Guidance was distributed to local districts via the following General Information Systems Messages (GIS): [22TA/DC097](#); [22TA/DC095](#) (superseded by [22TA/DC097](#)); [22TA/DC106](#) and [23TA/DC002](#). These documents describe the various ways to protect EBT benefits, including a link to a flyer, a public service announcement available on YouTube, and retailer guidance issued by USDA.

In addition, information on replacement benefits will be shared on the agency's social media channels. OTDA will also provide information on the replacement policy to SNAP contractors, advocacy groups, Community Based Organizations (CBO's) and other organizations that typically assist SNAP and TA clients.

In service to marginalized communities, OTDA will provide outreach messaging, print resources and technical assistance to service providers who primarily work with individuals who have disabilities including the Center for Disability Services, Center for Independence of the Disabled NY, and the NYS Office for People with Developmental Disabilities. Similarly, the New York State Office for the Aging serves a population of low-income seniors through the local Area Association on Aging (AAA) offices. OTDA will similarly provide outreach, resources, and training and technical assistance to equip the more than 60 local AAA offices to include this important information in their client services.

Training for social services staff on the new policy for replacement benefits will be available beginning in late summer. District Staff Development Coordinators will be notified upon its availability.

**IX. Effective Date**

August 21, 2023

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**Issued By:**

**Name:** Valerie T. Figueroa

**Title:** Deputy Commissioner

**Division/Office:** Employment and Income Support Programs / NYS Office of Temporary and Disability Assistance