

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

November 16, 2012

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To: Subscribers

Suggested Distribution: Commissioners, TA Directors, SNAP Directors, Employment Coordinators, EAS Bureau, Staff Development Coordinators, WMS Coordinators, Fair Hearing Staff, Medicaid Staff, HEAP Coordinators

FROM: Phyllis Morris, Acting Deputy Commissioner, Center for Employment and Economic Supports

SUBJECT: Exemption of Disaster Unemployment Assistance (DUA)

EFFECTIVE DATE: Immediate

CONTACT PERSON: Temporary Assistance Bureau at 1-800-343-8859 ext. 4-9344
Employment Services Advisor or Employment and Advancement Services
Bureau at (518) 486-6106 for employment related questions

The purpose of this GIS is to provide information about the Temporary Assistance (TA), Supplemental Nutrition Assistance Program (SNAP), Home Energy Assistance Program (HEAP) and Medicaid (MA) treatment of the following disaster payments to victims of Superstorm Sandy.

- Federal assistance provided under P.L. 93-288, section 312(d) (Disaster Relief Act of 1974), as amended by P.L. 100-707. This includes assistance paid to residents of the disaster areas, and people who live outside the areas, who lost their jobs as a direct result of the storm. This also includes Disaster Unemployment Assistance (DUA) paid beginning 10/29/2012 through the Department of Labor to persons directly affected by the disaster whose employment or self-employment has been lost or interrupted as a result of Superstorm Sandy;
- Comparable disaster assistance payments provided by State or local governments, or by disaster assistance organizations such as the American Red Cross or Salvation Army; and,
- Federal Emergency Management Assistance (FEMA) payments made when there is a disaster or an emergency.

TEMPORARY ASSISTANCE: For TA, 18 NYCRR §352.22(f) and §352.16(a) authorizes the exemption of these payments as income and resources for the purposes of determining eligibility for TA (Family Assistance, Safety Net Assistance, Emergency Assistance for Families).

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: For SNAP, 18 NYCRR §387.11 and §387.9 exclude disaster payments as income and resources. In addition, any insurance payments for property damage that households may receive as a result of this disaster are treated as a reimbursement. As specified in FSSB XII-G-4, reimbursements for past or future expenses that do not exceed actual expenses and are not a gain or benefit to the household are excluded as income.

MEDICAID: For MA, disaster payments are excluded as income and resources in the same manner as for SNAP. Regulatory authority is provided in §360-4.6(a)(1)(xxvi) for income and §360-4.6(b)(11) for resources.

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HOME ENERGY ASSISTANCE PROGRAM: HEAP allows for the exemption of these payments as income and resources for the purposes of determining eligibility for the HEAP program. Any insurance payments that households may receive as a result of this disaster are also exempt.

Exemption from SNAP Work Requirements

Social services districts should remind workers that individuals who are receiving unemployment insurance benefits, which includes the receipt of DUA, are exempt from SNAP work requirements (18 NYCRR §385.3). Unlike regular unemployment insurance benefits, DUA payments are excluded as income and resources for TA, SNAP, and MA. Workers will not be able to rely on unearned income code "49" to confirm that the individual is receiving DUA. Therefore, a case note should be entered into the case file, including a notation (case note) on the Welfare-to-Work Caseload Management System, to identify individuals who are receiving DUA. Workers must confirm that an individual is not receiving unemployment insurance benefits or DUA before assigning to a SNAP work activity or imposing a SNAP employment sanction in accordance with 18 NYCRR §385.12.