



General Information System (GIS) Message

Section 1

Transmittal:	24DC031 Upstate and New York City
Date:	June 4, 2024
To:	Subscribers
Suggested Distribution:	Commissioners, TA Directors, SNAP Directors, Employment Coordinators, Fair Hearing Officers, WMS Coordinators
From:	Valerie Figueroa, Deputy Commissioner, Employment and Income Support Programs
Subject:	Stewart v. Roberts: One-Time Standardized Restored Benefit (SRB) Payment to Eligible Class Members
Effective Date:	Immediately
Contact Information:	Temporary Assistance Bureau at: 518-474-9344 or otda.sm.cees.tabureau@otda.ny.gov
Attachments:	CNS Notice: Stewart Restored Benefit Payment

Section 2

The purpose of this General Information System (GIS) message is to provide social services districts (districts) with additional information related to the Stipulation and Order of Settlement in the class action lawsuit, *Stewart v. Roberts*. Districts were previously notified of *Stewart v. Roberts* in [20-ADM-08](#), [21-INF-04](#), and [23DC071](#).

Districts must issue one-time standardized restored benefit (SRB) payment to each identified and eligible class member who has an open Temporary Assistance (TA) case. This release will provide details of the steps that districts must take to comply with the Stipulation and Order of Settlement, including determining the amount of the SRB as well as issuing the SRB payment.

Consistent with the terms of the Stipulation and Order of Settlement, districts must, **within 60 days of the date of this document**, issue an SRB payment to each identified and eligible class member who has an open TA case. The SRB is calculated by multiplying \$140.00 by the number of full or partial months between the first TA denial or TA case closing **after July 20, 2015**, and the date the class member next received TA through district or OTDA action or May 10, 2020, whichever is earlier. The denial or case closing must have been due to a motor vehicle exceeding the applicable resource levels set forth in Social Services Law § 131-n.

For purposes of calculating the SRB, the date of receipt of the TA application upon which the denial was based shall be used by the district for the calculation; and, in the case of discontinuance/closure, the effective date that the TA benefits terminated/ceased shall be used for the calculation. Partial month benefits MUST NOT be prorated.

Class members are not required to establish or provide documentation of TA eligibility for all of the months between July 20, 2015, and May 10, 2020, to receive an SRB.

Example 1: Class member applied for TA and was denied on August 15, 2016, for excess resources due to a vehicle. The class member reapplied for TA on June 5, 2020, and was found eligible for ongoing TA as the vehicle is now exempt. The class member would receive an SRB payment in the amount of \$6,440. This amount is determined by calculating \$140 per month for 46 months (August 2016-May 2020). The SRB is through May 2020 as the household did not re-apply for TA until June 5, 2020, which is after settlement date of May 10, 2020.

Example 2: Class member applied for TA and was denied on September 15, 2017, for excess resources due to a vehicle. The class member reapplied for TA on July 20, 2019. They no longer have the vehicle and are determined eligible for ongoing TA. The class member would receive an SRB payment in the amount of \$3,220. This amount is determined by calculating \$140 per month for 23 months (September 2017-July 2019).

Payment and Notice Issuance

The SRB payment to each eligible class member will be made to the Electronic Benefit Transfer (EBT) account of the payee of the class member's TA case. In instances where the payment cannot be issued via an EBT account, the district is required to issue the SRB via check.

To issue the SRB payment to the EBT account, districts must use Payment Type Code "42: Replacement of Lost/Stolen Cash Grant".

Within five (5) business days of the issuance of an SRB to a class member, the district must mail a written Notice of Determination to the class member via CNS notice, using CNS Reason Code "X06: Stewart Restored Benefit Payment". See attachment.

For any class members identified after the effective date of this GIS, districts must issue an SRB either 60 days after the class member is issued a LDSS-5283: "Determination of Stewart Class Membership", or 60 days after this policy document, whichever comes first, provided the class member has an open TA case.

If the class member does not have an open TA case, an SRB **must not be issued**. In the event the class member subsequently receives ongoing TA, the SRB will be issued by the district of fiscal responsibility. The SRB payment must be issued within 60 days of case opening. If a Class Member is not currently eligible for TA, the district must memorialize this fact in the case comments of the Class Member's case record.

Districts are required to maintain a complete list of class members who were not eligible for TA at the time they were determined to be class members or at the time that payments were processed for class members, to ensure that if a class member does become eligible for payment at any later date, the SRB must be issued at that time, following the guidance in this GIS. Districts should also memorialize within the case record, an individual who is defined as a class member and the time the payment was processed.

The SRB provided to class members pursuant to this Stipulation and Order of Settlement shall not be considered as income or a resource for the class member or their household when determining TA eligibility. Furthermore, the SRB cannot be used to repay any existing, outstanding, or future TA overpayment. Additionally, the payment is considered a one-time lump sum payment for the Supplemental Nutrition Assistance Program (SNAP). It is to be excluded as income in the month received and is considered a resource thereafter for households not considered categorically eligible and subject to a resource eligibility test.

Districts should direct individuals with questions about the Stipulation and Order of Settlement or the payment to class counsel at (585) 295-5837 or carloan@empirejustice.org.