

In the Matter of the Appeal of

E P

from a determination by the New York City
of Social Services (hereinafter called the agency)

Department

:
:
DECISION
:
WITHOUT
FAIR
HEARING
:

Whereas the appellant's representative requested that a decision be rendered without an evidentiary hearing as to a discontinuance of Public Assistance benefits and whereas the agency was afforded an opportunity to respond to said request and due deliberation having been had, it is hereby found:

1. The appellant is in receipt of Public Assistance benefits.
2. By notice dated February 5, 1986, effective February 15, 1986, the agency determined to discontinue the appellant's benefits because the appellant failed to confirm that she was participating in an approved treatment program.
3. By letter dated February 15, 1986, the appellant's representative requested that a decision be issued without an evidentiary hearing.
4. By letter dated April 30, 1986, the agency determined to discontinue Public Assistance benefits, effective May 5, 1985, because the appellant failed to confirm her participation in an approved rehabilitation program.
5. By letter dated May 12, 1986, the appellant's representative requested that the April 30, 1985, determination be included as part of the original appeal.

6. The agency has, of this date, failed to respond to the appellant's request for a decision without a fair hearing.

The material submitted by the appellant's representative shows that the agency failed to comply with the provisions of Section 131 (5) of the Social Services Law as implemented by 85 ADM-17. These procedures require that the appellant be afforded an opportunity to explain the alleged non-compliance with employment-related requirements. The agency's Notices of Intent did not comply with the requirements set forth in the cited Directive. Accordingly, the agency's determinations of February 3, 1986, and April 30, 1986, were incorrect. The agency is directed to continue the appellant's assistance.

DECISION: The determinations of the agency are not correct and are reversed. The agency must immediately comply with the directives set forth above as required by Section 358.22 of the Department's Regulations.

DATED: Albany, New York

JUL 9 1986

CESAR A. PERALES
COMMISSIONER

BY 

Commissioner's Designee