

In the Matter of the Appeal of	:	
R S	:	DECISION
from a determination by the Suffolk County Department	:	AFTER
of Social Services (hereinafter called the agency)	:	FAIR
		HEARING

A fair hearing was held at Hauppauge, New York, on May 25, 1983, before Nathan J. Slegel, Administrative Law Judge, at which the appellant, the appellant's representative and representatives of the agency appeared. The appeal is from determinations by the agency relating to the discontinuance of a grant of Home Relief and of an Authorization for Medical Assistance. An opportunity to be heard having been accorded all interested parties and the evidence having been taken and due deliberation having been had, it is hereby found:

1. Appellant, age forty-seven, was in receipt for himself alone of a grant of Home Relief and of an Authorization for Medical Assistance. Also in the household is his eighteen year old son who has a separate application for a grant of Home Relief that is pending. In addition, there is in the household a twenty year old daughter, a recipient of student loans, who is temporarily outside of the home while attending college at SUNY at B
2. On February 7, 1983, and on March 25, 1983, the agency determined to discontinue appellant's grant of Home Relief and Authorization for Medical Assistance for the reasons that his "income exceeds standards".
3. The Notice of Intent stated as to Medical Assistance, that there would be "no coverage".

Section 358.8 of the Regulations of the State Department of Social Services provides that "Except as set forth in this section, in cases of any proposed action to discontinue or reduce assistance payments, Medical Assistance Authorization or to change the manner or method of assistance payments to protective, vendor or two-party payments, timely and adequate notice thereof

detailing the reasons for the proposed action shall be sent to the recipients. Under this requirement: (1) Timely means that the notice is mailed at least ten days before the date of the action, that is, the date upon which the action would become effective. (2) Adequate notice means a written notice that includes details of reasons for the proposed action, explanation of the individual's right to a conference, his right to request a fair hearing, and the circumstances under which assistance payments or Medical Assistance Authorization is continued if a fair hearing is requested.

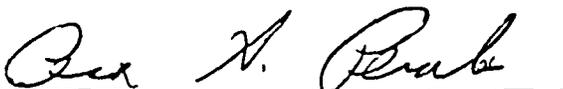
In the instant case, the notice sent by the agency was inadequate. The notice did not give a citation as to which regulation was being relied upon, it did not detail the reason for the agency action, nor was a separate determination made as to appellant's Medical Assistance eligibility. Appellant was not properly advised as to how the agency arrived at its decision.

The agency's determination therefore, cannot be upheld. It should also be noted that unless the above-named requirements are met in any new notice sent by the agency regarding appellant's eligibility, the same result will ensue.

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

DATED: Albany, New York

JUL 14 1983



Cesar A. Perales
COMMISSIONER



BY
Peter Mullany
DEPUTY COUNSEL