

In the Matter of the Appeal of

: DECISION  
AFTER  
: FAIR  
HEARING

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from a determination by the Suffolk County Department  
of Social Services (hereinafter called the agency) :

A (sit hearing was held at Hauppauge, New York, on September 13, 1982, before Benedict Schiraldi, Administrative Law Judge, at which the appellant, the appellant's representative and representatives of the agency appeared. The appeal is from a determination by the agency relating to the discontinuance of a grant of Aid to Dependent Children and a Food Stamp Authorization. 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, thirty-four years of age, and three minor children, including L , are currently in receipt of a grant of Aid to Dependent Children and Food Stamps. Also in the household is the father of appellant's minor daughter, L . He is not married to the appellant.

(2) On July 28, 1982, the agency determined to discontinue appellant's assistance and Food Stamp Authorization for the reason "per special investigation request". No other information was provided in the notice or with the notice for the discontinuance.

(3) The agency has continued to provide assistance unchanged through the date of this hearing.

Section 158.3(a) of the Regulations of the State Department of Social Services provides that in cases of any proposed action to discontinue or reduce assistance payments, timely and adequate advance notice thereof, detailing the reasons for the proposed action shall be sent to the recipient.

The agency's action appears to be based on appellant's failure to report change in household composition, but its Notice of Discontinuance is entirely silent as to the reasons for the proposed action.

The New York State Department of Social Services, in Administrative Directive 81 ADM-15, issued on December 9, 1981, required that recomputation of Food Stamp eligibility be made and required that copies of budgets be sent with the Notices.

The record in this case establishes that the agency failed to provide the appellant with adequate notice detailing the reasons for the proposed discontinuance

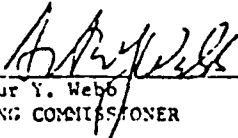
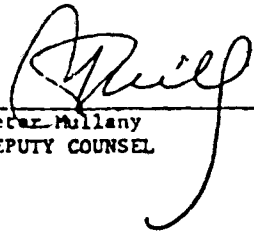
of her grant of assistance and Food Stamps. In addition, the agency failed to comply with the aforesaid directive in that eligibility for Food Stamps was not made. The determination of the agency to discontinue appellant's assistance and Food Stamp Authorization is not correct. The agency is directed to continue to provide assistance and Food Stamp Authorizations to the appellant. It is noted that should the agency determine to implement its previous action, a Notice of Intent detailing the reason for the proposed action is required.

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 by Section 358.22 of the Department's Regulations.

DATED: Albany, New York

SEP 29 1982

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 Arthur Y. Webb ACTING COMMISSIONER	BY	 Peter Millany DEPUTY COUNSEL
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