

In the Matter of the Appeal of :  
D F : DECISION  
from a determination by the New York City Department : without a  
of Social Services (hereinafter called the agency) : FAIR  
: HEARING

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

1. The appellant and her two children have been in receipt of an authorization to receive Medical Assistance benefits.

2. The appellant was recertified for such benefits on May 30, 1984.

3. By notice June 4, 1984, the agency approved a continuation of Medical Assistance benefits for only the appellant's two children for the period July 1, 1984, through June 30, 1985, thereby effectuating a termination of the appellant's benefits without timely and adequate notice.

4. By letter, dated June 12, 1984, the appellant's representative requested a decision without a fair hearing. By letter dated June 19, 1984, the agency was afforded the opportunity to reply.

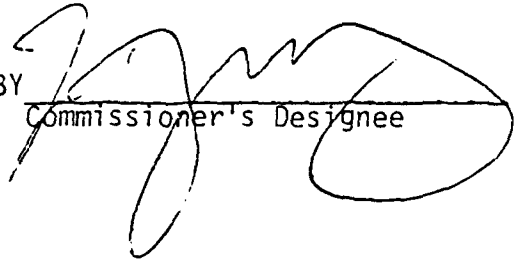
Sections 358.8 and 360.15 of the Regulations of the State Department of Social Services requires that a Notice of Intent to terminate Medical Assistance benefits specify the reason for such action. The record in this case shows that the agency deleted the appellant's Medical Assistance benefits for herself by notice dated June 4, 1984, without specifying any reason for such action. Accordingly, the agency action was incorrect and the agency is directed to continue the appellant's Medical Assistance benefits until adequate notice is provided.

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

AUG 9 1984

CESAR A. PERALES,  
COMMISSIONER

BY   
Commissioner's Designee