

In the Matter of the Appeal of :
N K : DECISION
from a determination by the New York City Department : AFTER
of Social Services (hereinafter called the agency) : FAIR
: HEARING

A fair hearing was held at , H B ,
New York, on January 9, 1985, before Robert Evans, Administrative Law
Judge, at which the appellant and the appellant's representative appeared.
The appeal is from a determination by the agency relating to the dis-
continuance of an Authorization to Participate in the Food Stamp
Program.

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 had been receiving an Authorization to Participate
in the Food Stamp Program for three person household. However, presently
there are only two persons in the household since July, 1984.

(2) On October 1, 1984, the appellant requested this fair hearing
to review the agency's determination to discontinue the appellant's
Food Stamp benefits from June, 1984, to the present, without notice or
reason.

(3) The agency has discontinued appellant's Authorization to
Participate in the Food Stamp Program from June 1984, to the present with-
out notice or reason.

(4) Although duly notified, the agency presented no evidence or
records at the hearing.

Section VIII (c) of the New York State Food Stamp Manual Provides that
timely and adequate notice of a discontinuance of an Authorization to Part-
icipate in the Food Stamp Program detailing the reasons thereof shall be

sent to the Food Stamp recipient.

The credible evidence establishes that on or about June, 1984, the agency, without notice or reason, discontinued the appellant's Food Stamps benefits. Therefore, the determination of the agency to discontinue appellant's Food Stamp benefits is not proper. The agency is directed to restore appellant's Food Stamp benefits retroactively from the date of the action. 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 Regulations.

DATED: Albany, New York

CESAR A. PERALES
COMMISSIONER

JAN 31 1985

BY 
Commissioner's Designee