

In the Matter of the Appeal of :
R M : 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 80 Centre Street, New York, New York, on November 13, 1984, before Arthur Rakus, Administrative Law Judge, at which the appellant, the appellant's representative and a representative of the agency appeared. The appeal is from a determination by the agency relating to the adequacy of 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. The appellant is in receipt of a regularly recurring Authorization to Participate in the Food Stamp Program for a household of three persons.
2. On October 11, 1984, the appellant requested a fair hearing to review the determination of the agency to reduce the appellant's Food Stamp benefits from \$119.00 per month to \$54.00 per month in October, 1984, and from \$119.00 per month to \$59.00 per month in November, 1984.
3. The agency has reduced the appellant's Food Stamp benefits from \$119.00 per month to \$54.00 per month in October, 1984, and from \$119.00 per month to \$59.00 per month in November, 1984, without notice or reason.
4. The agency was notified by the State Department of Social Services that the appellant's assistance is to continue unchanged pending issuance of the fair hearing decision.

Section VII C, of the New York State Food Stamp Manual provides that timely and adequate advance notice of any decrease in, or termination of, Food Stamp benefits detailing the reasons for the proposed action shall be sent to the

recipient.

In this case, the credible evidence establishes that in October, 1984, and in November, 1984, the agency, without notice of reason, reduced the appellant's benefits in the amounts of \$65.00 and \$60.00 respectively. Therefore, the determination of the agency to reduce the appellant's benefits was not proper. The agency is directed to cease any further reduction of appellant's benefits, to restore the appellant's benefits retroactively from the date of agency's action and to provide full benefits 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

JAN 4 1985

CESAR A. PERALES,
COMMISSIONER

BY 
Commissioner's Designee