Office of Administrative Hearings (OAH)	Transmittal Number: 95-25
Procedures Transmittal	Date: June 27, 1995

Distribution:

			Subject:
ALB OAH Staff [X]	UPS ALJs/ [X] SUP ALJs [X]	Upstate LDSS [X]	New Issue Code: 994 McMahon v. Dowling Disabled Adult Children (DAC)
NYC OAH Staff [X]	NYC ALJs/ [X] SUP ALJs [X]	NYC Agencies [X]	

In accordance with the Stipulation and Order in the McMahon v. Dowling class action lawsuit, the New York State Department of Social Services sent notices to 4,080 individuals statewide advising them of their potential for Medical Assistance (MA) under the Disabled Adult Child (DAC) provisions, section 1634(c) of the Social Security Act. That section extends MA eligibility to certain disabled individuals who lose SSI eligibility due to the entitlement to or increase in Social Security child's insurance benefits. Some individuals were not properly identified as DAC individuals and may have lost their MA or were made subject to a spenddown incorrectly. A person who meets DAC criteria who lost SSI benefits between July 1, 1987 and October 31, 1992 and whose MA eligibility was not initially determined in accordance with the DAC provision are class members of this lawsuit.

A new issue code, 994, has been established to identify these types of cases for tracking purposes. Fair hearing requests should be coded as follows:

Agency:	LDSS or NMAP
Category:	MA
Subcategory:	None
Action:	INAD
Issue Code:	994

The individuals who were sent the notice, referred to as the McMahon v. Dowling notice, were instructed to complete and return a DAC request form to their local social services district (within 60 days from the date of receipt) if they wanted a redetermination of MA eligibility/payment or reimbursement of past medical bills. The local district, as a result of the redetermination, will send the client a DSS-3868, Notice of Medical Assistance Review and/or a DSS-3869, Notice of Reimbursement by the Medical Assistance. These notices should indicate that the client is a class member in the McMahon v. Dowling court case. A copy of a DSS-3868 is attached for your reference. More detailed information regarding eligibility for MA under the DAC provisions is contained in 95 LCM-28 and GIS 95 MA/010, as summarized in Sharon Silversmith's memorandum dated March 24, 1995. Questions should be directed to your supervisor.

Mark Lacivita, Director of Administration
Office of Administrative Hearings

Attachment