

Office of Administrative Hearings (OAH) Procedures Transmittal		Transmittal Number: 09-12
Distribution:		Date: September 1, 2009
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ALB OAH Staff <input checked="" type="checkbox"/>	UPS ALJs <input checked="" type="checkbox"/>	Upstate LDSS <input checked="" type="checkbox"/>
	SUP ALJs <input checked="" type="checkbox"/>	
NYC OAH Staff <input checked="" type="checkbox"/>	NYC ALJs <input checked="" type="checkbox"/>	NYC Agencies <input checked="" type="checkbox"/>
	SUP ALJs <input checked="" type="checkbox"/>	
		Subject: New Issue Codes 114 and 460 Concurrent Benefits

For issues involving actions taken due to receipt of concurrent benefits, Communications Intake Unit (CIU) staff have, historically, used the same Fair Hearing Information System (FHIS) codes as for issues involving questions related to the correct district of responsibility. Since regulations pertaining to concurrent benefits differ from those pertaining to inter-jurisdictional disputes, effective August 16, 2009, new Temporary Assistance (**114**) and Food Stamp (**460**) codes were created to differentiate these issues.

Issues related to the district of responsibility, including IDD hearings, will continue to be coded using codes 125, 271 and 418 for Temporary Assistance (TA), Medical Assistance (MA) and Food Stamps (FS), respectively.

Situations involving concurrent benefits, as defined in 18 NYCRR 351.9(a) (2), arise when an agency claims that a recipient is simultaneously receiving benefits in two jurisdictions. Section 351.9(c) defines the action local districts must take when confronted with these situations. Further, Section 351.9(f) sets forth the individual's rights related to aid-to-continue.

Statewide issues related to concurrent benefits will be coded as follows:

Agency: NBFI/N0__ or NF__ (for NYC TA or FS) or NMAP/NBFI (for NYC MA) or LDSS (for Upstate)
Category: FA, SNA, FS or MA
Sub-category: None
Issue Code: **114 (Concurrent Benefits)** for Temporary Assistance
460 (Concurrent Benefits) for Food Stamps
219 (Any Medical Assistance Issue Not Identified by Other Code) -- existing code for MA issues
Action: Any
Aid Status: As appropriate

Other unrelated issues should not be added to the hearings scheduled on the NBFI calendar.

If you have any questions regarding this transmittal, you may contact your supervisor or Susan Fiehl at (518) 473-4779 or via email susan.fiehl@otda.state.ny.us.

A handwritten signature in black ink that reads "Susan Fiehl". The signature is written in a cursive style with a horizontal line underneath it.

Susan Fiehl, Assistant Director of Administration
Office of Administrative Hearings