

In the Matter of the Appeal of :
C S :
from a determination by the NEW YORK CITY Department :
of Social Services (hereinafter called the agency) :
DECISION
AFTER
FAIR
HEARING

A fair hearing was held at 80 Centre Street, New York, New York, on April 10, 1985, before Yvette Pomeranz, 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 reduction of a grant of Aid to Dependent Children and 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 is in receipt of a grant of Aid to Dependent Children for herself and her two minor children. Also residing in the household are appellant's sister, a Supplemental Security Income recipient, appellant's father, and appellant's niece. Appellant's father receives Aid to Dependent Children as payee for appellant's niece. The household receives an Authorization to Participate in the Food Stamp Program.

(2) On December 24, 1984, the agency determined to reduce appellant's grant from \$243.50 semi-monthly to \$202.50 semi-monthly, because of the removal of the needs of a household member.

(3) On February 11, 1985, the agency determined to change appellant's Public Assistance grant from \$202.50 semi-monthly to \$216.00 semi-monthly because of a change in budgeting procedures. The agency further determined on February 11, 1985 to reduce appellant's Authorization to Participate in the Food Stamp Program from \$211.00 monthly to \$130.00 monthly because of the increased household income.

(4) On January 8, 1985, the appellant requested a fair hearing to review the December 24, 1984 determination of reduction of the Public Assistance grant.

(5) On February 22, 1985, the appellant requested a fair hearing to review the February 11, 1985 determinations change of the Public Assistance grant and reduction of Food Stamp benefits.

(6) The agency has reduced appellant's assistance before the date of this hearing.

(7) The agency has stipulated at the hearing to restore the appellant's assistance and Food Stamp benefits retroactively from the date of the agency's actions, and to provide full assistance and Food Stamp benefits to the appellant, thereby withdrawing the foregoing determinations.

Inasmuch as the agency has made the above stipulation, there are no issues to be decided. It is noted that should the agency determine to implement its previously contemplated actions, new Notices of Intent are required and that such notices must contain a copy of the appellant's Public Assistance and Food Stamp budgets. The agency is reminded of the requirements set forth in 81 ADM-55 and the March, 1982 Consolidated Food Stamp Correspondence to include a copy of the budget when there is a reduction or termination of benefits and to cite the applicable Regulation in Aid to Families with Dependent Children cases.

DECISION: There are no issues to be decided. However, the agency, if it has not already done so, is directed to issue a grant and Food Stamps in accordance with its stipulation made at the hearing and to immediately comply with the Directives set forth above as required by Section 358.22 of the Department's Regulations.

DATED: Albany, New York

CESAR A. PERALES, COMMISSIONER

APR 25 1985

BY


COMMISSIONER'S DESIGNEE