
In the Matter of the Appeal of
[REDACTED]

from a determination by the New York City
Department of Social Services

:
:
: **DECISION**
: **AFTER**
: **FAIR**
: **HEARING**
:
:

JURISDICTION

Pursuant to Section 22 of the New York State Social Services Law (hereinafter Social Services Law) and Part 358 of Title 18 NYCRR, (hereinafter Regulations), a fair hearing was held on January 12, 2018, in New York City, before an Administrative Law Judge. The following persons appeared at the hearing:

For the Appellant

[REDACTED]

For the Social Services Agency

G. Reynolds, Fair Hearing Representative

ISSUE

Was the Agency's determination not to reimburse the Appellant for car service transportation in order to attend a Fair Hearing on October 11, 2017, correct?

FINDINGS OF FACT

An opportunity to be heard having been afforded to all interested parties and evidence having been taken and due deliberation having been had, it is hereby found that:

1. On October 11, 2017 the Appellant attended Fair Hearing (FH# 7607799Z) seeking review of the Agency's determination to deny the Appellant's application for Public Assistance, Medical Assistance and SNAP benefits.

FH# 7626558M

2. On October 12, 2017, the Appellant requested this fair hearing seeking car service reimbursement in the amount of \$70.00 in order to attend a Fair Hearing on October 11, 2017.

APPLICABLE LAW

Section 358-5.9 of the Regulations provides in part:

- (a) At a fair hearing concerning the denial of an application for or the adequacy of public assistance, medical assistance, HEAP, SNAP benefits or services, the appellant must establish that the agency's denial of assistance or benefits was not correct or that the appellant is eligible for a greater amount of assistance or benefits.

18 NYCRR 358-3.4(d) provides, in part, that:

Upon request of the appellant, the social services agency must provide necessary transportation and transportation expenses to and from the fair hearing for the appellant and appellant's representatives and witnesses and payment for appellant's necessary child care costs and for any other necessary costs and expenditures related to the fair hearing.

DISCUSSION

The record establishes that on October 11, 2017 the Appellant attended Fair Hearing (FH# 7607799Z) seeking review of the Agency's determination to deny the Appellant's application for Public Assistance, Medical Assistance and SNAP benefits.

At the hearing, the Appellant testified that she requested this fair hearing seeking car service reimbursement in the amount of \$70.00 (\$35.00 each way) in order to attend a Fair Hearing on October 11, 2017. The Appellant also testified that on the day of the hearing she was advised to go to the 16th floor carfare window and was advised that only reimbursement for public transportation (Metrocards) can be provided at that window and was advised to contact Agency's center. The Appellant also testified that she went to the Agency's center and submitted a letter from her doctor stating that the Appellant unable to use public transportation together car service receipts and that the Agency failed to reimburse the Appellant for the transportation expenses in the amount of \$70.00. At the hearing, the Appellant produced a letter from [REDACTED] dated January 2, 2018, a business card from El Barrio's car service with the handwritten notation of the date and the fee charged together with Notice of Fair Hearing for October 11, 2017.

The back page of the Fair Hearing appointment letter provides that, "The local agency must provide for transportation for you, your representatives and witnesses and for child care and other costs related to attending this hearing, if necessary. Please be prepared to present verification of these costs including medical verification of inability to travel by public transportation, to the local agency."

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At the hearing, the Agency did not controvert the Appellant testimony.

Based on the foregoing, the record establishes that the Agency's determination not to reimburse the Appellant for car service transportation in order to attend a Fair Hearing on October 11, 2017, cannot be sustained.

DECISION AND ORDER

The Agency's determination not to reimburse the Appellant for car service transportation in order to attend a Fair Hearing on October 11, 2017 is not correct and is reversed.

1. The Agency is directed to immediately process the Appellant's request for reimbursement for car service transportation to attend a fair hearing on October 11, 2017 in the amount of \$70.00.
2. The Agency is further directed to advise the Appellant in writing of its determination.
3. The Agency is directed to reimburse the Appellant for car service transportation in the amount of \$70.00, if otherwise eligible.

Should the Agency need additional information from the Appellant in order to comply with the above directives, it is directed to notify the Appellant promptly in writing as to what documentation is needed. If such information is requested, the Appellant must provide it to the Agency promptly to facilitate such compliance.

As required by 18 NYCRR 358-6.4, the Agency must comply immediately with the directives set forth above.

DATED: Albany, New York
03/05/2018

NEW YORK STATE OFFICE OF
TEMPORARY AND DISABILITY ASSISTANCE

By



Commissioner's Designee