

NEW YORK STATE  
**DEPARTMENT OF SOCIAL SERVICES**  
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243-0001



BRIAN J. WING  
 Acting Commissioner

**ADMINISTRATIVE DIRECTIVE**

**TRANSMITTAL:** 97 ADM-3

**TO:** Commissioners of  
 Social Services

**DIVISION:** Temporary  
 Assistance

**DATE:** February 11, 1997

**SUBJECT:** Prohibition Against Concurrent Benefits

<b>SUGGESTED DISTRIBUTION:</b>	Directors of Income Maintenance, Medical Assistance Investigation Staff Fair Hearing Staff Staff Development Coordinators
<b>CONTACT PERSON:</b>	Call 1-800-343-8859 Temporary Assistance Regional Teams: Region 1 - 3-0332; Region 2 - 4-9344; Region 3 - 4-9307; Region 4 - 4-3231; Region 5 - 3-1469; Region 6 - 212-383-1658
	Health and Long Term Care: Sharon Burgess, ext. 3-5531 (userid DMA026)
	Legal Affairs: Ralph Camardo, ext. 4-5790 (userid AX2620)
<b>ATTACHMENTS:</b>	Attachment A: Denial Language - Single Applicant - available on-line Attachment B: Denial Language - Multiple Person Application - available on-line Attachment C: Discontinuance Language - Single Person Case - available on-line Attachment D: Individual Removal Language - Multiple Person Case - available in-line

**FILING REFERENCES**

Previous ADMs/INPs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
93 ADM-8 96 ADM-4		348 351.9 358-3.3(g) 358-3.6 359	134-a 139-a(3) 145-c	<u>PASB</u> : IX-B, 6-15  FSSB, VII-B, 5.1-2	<u>GIS</u> : 96 TA/DC003 96 TA/DC039

DSS-296EL (REV. 9/89)

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

**I. PURPOSE**

The purpose of this directive is to inform social services districts in New York State (local districts) of the prohibition against providing concurrent benefits in multiple jurisdictions, or in a single jurisdiction. The prohibition includes Home Relief (HR), Aid to Dependent Children (ADC), or other Public Assistance (PA) cash grants which are provided to cover basic needs, Food Stamp (FS) benefits, Medical Assistance (MA), and Home Energy Assistance Program (HEAP) benefits. This directive defines the terms of the concurrent assistance situation and explains the procedures for denying or discontinuing concurrent benefits. It also clarifies the type of notice to which a client is entitled when duplicate benefits are denied or discontinued, and explains the effects on the right to aid continuing when concurrent benefits are discontinued.

**II. BACKGROUND**

New section 351.9 was added to 18 NYCRR and sections 358-3.3(g), 358-3.6(a)(2)(vi) and 358-3.6(c)(2)(iii) of 18 NYCRR were amended to provide that no individual may receive benefits provided under Social Services Law in more than one assistance case at one time. Before these amendments, when assistance was discontinued because of the receipt of concurrent benefits, recipients were eligible for aid continuing for each case contested, provided that they requested the hearing before the effective date of the notice. This is no longer true. The amendments facilitate closing cases and denying applications when interstate matching (matching between New York State and another state) reveals that individuals are claiming benefits in more than one state and when finger imaging or intrastate matching (matching among districts within New York State) reveals the existence of duplicate cases within New York State. Local Districts were first notified of the concurrent assistance amendments in GIS # TA/DC003 of February 6, 1996.

**III. PROGRAM IMPLICATIONS**

Under the terms of the prohibition, local districts must deny or discontinue benefits, as defined in Section IV-A below, to any individual who is already receiving benefits for the same need. The prohibition applies to any program for which the Department is responsible, including the ADC, HR/VA, FS, MA and HEAP programs. It also applies to any other program that supplies basic grants, such as the General Assistance program of another state. General Assistance is the title given to non-federal assistance in most other states which authorize such benefits. In most cases, it is the equivalent of the HR program. The local district must take the closing or denial action whether the duplicate assistance is being applied for or received in the same district, across districts, or in another

state, territory or commonwealth. For applicants for assistance, documentation that the individual's needs are already being met elsewhere through a public program is a basis for denial of the application. Similarly, documentation of a duplication of assistance for a recipient is a basis for initiating a closing action for a single person case, or a deletion action in a multi-person case.

IV. REQUIRED ACTION

A. Definitions

Section 351.9 of Title 18 defines what constitutes the receipt of concurrent benefits and states the prohibition against receiving concurrent benefits:

Benefits: Include public assistance grants provided under the Social Services Law or under provisions of Title 18, such as Home Relief or Aid To Families With Dependent Children, and other public assistance grants that cover basic needs. The prohibition against concurrent benefits also includes any other program for which the Department is responsible, such as Food Stamps, Medical Assistance and the Home Energy Assistance Program (HEAP).

Concurrent Benefits: Benefits are concurrent if they are paid for the same needs of the same individual covering the same, or overlapping periods of time. Such benefits may be paid from the same PA program, for example ADC in two separate cases, or from more than one program - for example, in both an ADC case and an HR case. Receipt of Medical Assistance (MA), energy assistance or food stamps by an individual receiving public assistance is not considered "concurrent." However, receipt of MA in more than one case, or FS or HEAP in more than one case for the same individual for the same period of time is considered "concurrent." For example, MA and FS provided through an HR case may be considered concurrent benefits when also provided elsewhere through MA only and FS only cases.

Individual: Includes anyone receiving public assistance or benefits from other programs or activities for which the department is responsible, any legally responsible relatives of such recipient, or any adult payee for such recipient.

Verification: The information on which the concurrent benefits determination is based must establish with reasonable certainty that the individual is receiving or applying for concurrent benefits. Sources could include, but are not limited to: finger imaging, photographic images, official identification documents, or public records containing verifiable personal (biological or demographic) information that identifies the individual.

**B. Prohibition and Exception**

**Prohibition:** Receipt of concurrent benefits is prohibited. A local district must deny an application or discontinue an individual's benefits when it is determined that the individual is applying for or receiving concurrent benefits.

**Exception:** The requirement to deny or discontinue benefits may be suspended based upon individual case circumstances, but only if the local district determines that duplicate benefits are necessary and appropriate and the exception is documented in the case record.

**C. Discovery of Concurrent Benefits**

**1. Applicants:** When information is obtained that an applicant for assistance is already receiving benefits elsewhere, the local district must make a determination as to whether each of the necessary elements of a concurrent benefits situation exists:

- a) Is the application for the same individual for which assistance or application is reported?
- b) Does the reported assistance or application apply to the same need that the application addresses?
- c) Is the need being met for the same period of time that the application, if approved, would meet?

For example, when the information definitely establishes only the identity of the applicant, the local district may need to make collateral contacts with the other jurisdiction and/ or the applicant to determine that a concurrent assistance situation exists. In some cases, the time period of assistance elsewhere might be critical, since the applicant may have recently moved. If the applicant, for example, presents documentation of a case termination in another district, the district might not deny the application based on the receipt of concurrent assistance, but rather coordinate the new case opening with the closing date. However, once the local district determines that approval of the application would cause concurrent benefits, the local district must deny the application in the case of a single individual, or delete the individual from the application in a multiple person application.

**2. Recipients:** If the information source establishes that a recipient of assistance providing for basic needs is receiving assistance elsewhere to provide for the same needs, the local district must close the case if it is a

single person case, or remove the matched individual if it is a multi-person case. If the case is a recent opening, the local district may need to conduct further investigation into the to-date status of the case or application in the other jurisdiction. If the other case remains active, the local district must close the case or delete the individual.

3. **Cooperation To Determine District of Residence:** In order to assure that the appropriate actions are taken in the appropriate sequence, cooperation between districts is essential, whether both districts are notified simultaneously of a match, or one district discovers the concurrent assistance. First of all, the affected districts must cooperate in establishing which case requires the case closing or individual deletion action based upon the receipt of concurrent assistance. The primary reason for such action should be that reliable information establishes that the individual actually resides in the other district, and continues to receive assistance in the other district. For example, the matched individual may only pick up mail in one district while being identified as a renter in the other district: clearly, one district is the district of residence and the other is not. The district in which the individual does not reside must then close the case, or delete the matched individual. The districts must act jointly to assure that only appropriate assistance is provided and that concurrent benefits do not continue. After one district has taken the concurrent assistance action, the receipt of concurrent assistance will no longer exist as a basis for action in the second district. However, other issues may affect eligibility in the second district, such as residence and household income. Social services officials in local districts must cooperate in follow-up determinations of overpayment and possible fraud action. Concurrent benefit situations must also be evaluated by districts for Intentional Program Violation (IPV) prosecution and resulting disqualification penalties. (See "E" below.)
4. **Policy Change From 96 ADM-4 for Finger Image Match Action In Multiple Person Cases:** Administrative Directive 96-4 of January 25, 1996 directed that a multiple person case should be closed based upon the finger image match of one member of the case. (See page 8, Example #3 of 96 ADM-4.) This policy is amended and the following pen and ink change should be made to 96 ADM-4: As with other matches, discontinuances or denials based upon a finger image match must be directed at the matched individual(s) only. In Example #3 of 96 ADM-4, an ADC and FS family recertifies in County E, but one spouse is active in County F. The earlier

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directive states that " County E can close the case if the finger images of the client match those of a person already receiving PA or PA and FS." Under the new policy explained in this directive, County E must determine that the matched

spouse has left the county, and then delete that individual from the case. If County E determines that the whole family has left the county, however, a case closing would be appropriate.

Note: The policy regarding compliance with finger imaging remains unchanged as stated in 96 ADM-4: if any individuals who are required to be finger imaged in a PA or PA/FS case fail to meet this requirement, the entire case will be closed.

**D. Fair Hearing Notices (358-3.3)**

**1. Discontinuances:**

**Timely and Adequate Notice:** A timely and adequate notice must be sent to a PA, FS, or MA household when a determination is made to discontinue benefits for the receipt of concurrent benefits and one of the following conditions exists:

- (a) the individual is receiving concurrent benefits in another jurisdiction outside New York State (discovered through an inter-state match, for example);
- (b) the intra-state discontinuance action is taken after reliable determination that the individual is receiving concurrent assistance in another district, but prior to final determination that the individual has left the district taking the action.

Additionally, once one district has acted upon a case to eliminate concurrent benefits, any subsequent action by the other district on the same individual(s) must be based upon a reason other than concurrent assistance and subject to its own specific notice requirements.

**Right To Aid Continuing:** An individual whose benefits are being discontinued because of the receipt of concurrent benefits is entitled to aid continuing as defined in 18 NYCRR 358-2.5 for only one open case in New York State during the period in which the concurrent benefits are discontinued. The limitation of aid continuing to one open case in the State applies also to Food Stamp and Medical Assistance benefits when the affected household receives PA, FS and MA. The FS and/or MA must be continued on only one open case in the State. In most situations of intra-

state concurrent assistance, the same local district authorizing the PA aid continuing will authorize the FS and MA aid continuing. To the extent permitted by Part 358 of Department Regulations, local districts must issue

notices that do not permit aid continuing for more than one open case in the State at one time. Therefore, there is no right to aid continuing in intrastate actions taken by the district of non-residence; there is a right to aid continuing in interstate actions when a New York jurisdiction takes the discontinuance action.

**Exception to Timely Notice (PA, FS, MA):** A district need send only adequate notice to close a case or to delete an individual for the receipt of concurrent assistance, provided all of the following conditions exist:

- (a) the concurrent assistance exists within New York State (discovered, for example, through AFIS or another intra-state match);
- (b) the closing action is taken by the district in which it has been reliably determined the individual does not reside;
- (c) the recipient will continue to receive benefits in the same local district or in another local district in the State when the discontinuance takes effect.

Given the above three conditions, the notice must be sent no later than the effective date of the proposed action. The recipient has the right to a fair hearing with no right to aid continuing on the case that is being closed based upon the concurrent assistance determination. (Refer to MA Implications below for a description of specific MA requirements.)

**Exception to Timely Notice (NPA/FS):** A district need send only an adequate notice for discontinuance of FS for receipt of concurrent benefits if reliable information indicates that the individual has moved from the district or will no longer be residing in and obtaining FS benefits from that district. By cooperating in the determination of the district of residence prior to the discontinuance or deletion for receipt of concurrent assistance, districts establish a basis for the FS exception to timely notice. Additional exceptions to timely notice requirements are specified in the Food Stamp Source Book (FSSB, Section VII-B-5.1-2). Client notice and aid continuing requirements are detailed in subparagraph 3 of this Section of the Food Stamp Source Book.

2. **Denials:** A local district must send an adequate notice denying the PA, PA/FS, NPA/FS or MA application when it is determined that the applicant is receiving or has been approved to receive concurrent benefits on another case or application, either in the same district or in another local district or other jurisdiction either within or outside the State.

**E. Client Notices**

**1. Manual:**

Local districts must cite Regulation Section 351.9 in addition to the other required citations in manual notices for denials and discontinuances because of the receipt of concurrent benefits. If there is no right to aid continuing, the notice of discontinuance for the receipt of concurrent benefits must omit the statements referring to the right to aid continuing. The two sentences in the Right to a Conference section on the DSS-4016 (Notice of Intent To Change Benefits) beginning with "If you want to have your benefits continue...", and "A request for a conference alone will not result in continuation of your benefits..." must be crossed out. Additionally, the CONTINUING YOUR BENEFITS paragraph on the DSS-4016 should be crossed out. Examples of the recommended language for denial and discontinuance situations for concurrent benefits are presented in Attachments A through D of this Directive.

**2. Client Notices Subsystem (CNS):**

The Client Notices Subsystem (CNS) is being modified to support three Individual Reason Codes for denial or discontinuance actions based upon the receipt of concurrent assistance. The M99 code will be entered for individuals matched by AFIS. A new code, M98, will apply to individuals matched in non-AFIS intrastate matches. Finally, N66 will be used for individuals matched in interstate matches. Use of these codes and necessary case action codes will produce the appropriate notice meeting requirements specified here. Workers should restrict the undercare action to the removal of matched individuals for the concurrent assistance reason in order to assure appropriate notice procedures.

**F. Evaluation For Overpayment and Possible Fraud or IPV**

For a PA or NPA/FS denial or discontinuance based upon a determination of concurrent benefits, the local district must evaluate the situation for possible fraud and Intentional Program Violation under Parts 348 and 359, respectively, of Department Regulations. Apart from the fraud/IPV determination, the total amount of overpayment, if any, must be determined and



recovery action taken under Part 352.31(d) (PA) or 387.19 (FS) when appropriate. In order to prevent duplication of recovery, local districts must coordinate overpayment calculations and recovery plans with other local districts or jurisdictions involved in the concurrent situation. Generally, when a case is closed by district #1 for receipt of concurrent benefits and the recipient continues to receive assistance in district #2, the overpayment will be the amount of assistance issued in district #1 during the overlap period with the district #2 case.

G. Examples

Example #1: A finger image match report from the Automated Finger Image System (AFIS) establishes that an applicant for PA in County X is currently receiving PA in County Y. County X contacts County Y and establishes that the case there remains open. County X denies the application and notifies County Y of its action. The denial notice is sent on or before the effective date of the decision to deny (adequate).

Example #2: An interstate match of demographic data, including date of birth and Social Security Number, indicates that a recipient of PA in County Z is receiving PA in an adjacent state. County Z initiates a closing action based upon this information, sending a timely and adequate notice of the action because the other PA case is outside the State. This notice includes aid continuing language. County Z also informs the other jurisdiction of the action. The local district must cooperate with the other jurisdiction in determining if a fraud action and/or IPV referral are appropriate.

Example #3: County A is notified by the New York State Department of Social Services that an individual in a three person ADC case in County A has been matched on demographic data with an individual receiving HR in County B, in a single-person case. County A and County B share information on the individual to determine his/her actual district of residence. They establish that the individual actually resides in County B. County A deletes the individual from the ADC case and notifies County B of the action. The deletion causes a grant reduction for the case, and County A sends an adequate only notice for the reduction, with no aid continuing language. County B evaluates the ongoing HR case for the impact of unreported income from the County A case, and also evaluates the situation for possible fraud action and IPV referral. County A must assist County B in calculating the possible overpayment amount.

Example #4: County C and County D are notified at the same time by NYSDSS that an individual has an active HR case in each county. After examining its records, County C determines that several letters to the recipient have been returned with "addressee unknown" noted on the envelope. A call to the landlord of record establishes that the individual moved six months previously. County C contacts County D and the two agree

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that County C should initiate the closing action. County C sends an adequate only notice of discontinuance with no aid continuing language to the individual.

Note: In each of the above examples, the initial information on the possible receipt of concurrent assistance could also be obtained from sources other than an automated match - for example, from an individual. After a determination that the information is correct, the above procedures apply, regardless of the original source of the information.

**H. Food Stamp Implications**

The new and amended concurrent benefit regulations expand upon and reinforce existing federal regulations and State policy mandating that districts assure that no individual participates more than once a month, in more than one district, or in more than one household within the State, or across State lines, in the Food Stamp program.

**I. Medical Assistance Implications**

1. **General:** Individuals are prohibited from receiving MA through more than one PA or MA-Only case at one time. The policies described in this directive generally apply to MA.
2. **MA Notice Requirements:**

**Exception to Timely Notice:** As noted for PA, for discontinuance of MA based upon receipt of concurrent assistance existing within New York State, the district needs to send an adequate notice only for single-person cases. The individual has no right to aid continuing because he/she is receiving MA under another case in New York State. As noted for PA, in multi-person cases, MA is discontinued only for the individual who is receiving concurrent assistance. Denial notices need to provide for only adequate notice whether the concurrency is found to exist within or outside New York State.

**Timely and Adequate Notice:** As noted for PA discontinuance actions, timely and adequate notice and aid continuing must be provided for discontinuances to individuals determined to be receiving concurrent benefits in another State. Such assistance must also be provided when the concurrent assistance existed within New York State but the individual's assistance on one case has been discontinued, eliminating the concurrency.

V. SYSTEMS IMPLICATIONS

1. Upstate: Local districts must use the appropriate WMS "Individual Reason Code" to deny or discontinue assistance for receipt of concurrent assistance:

**M98:** denial or discontinuance based upon a non-AFIS intra-state match.

**M99:** denial or discontinuance based upon an AFIS match.

**N66:** denial or discontinuance based upon a non-AFIS inter-state match, or discontinuance for any intra-state match initiated prior to a final determination that the individual has left the district.

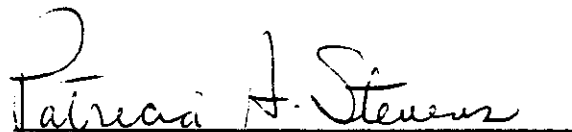
In non-CNS districts, workers should prepare manual notices by deleting aid continuing language as prescribed in Section IV.D. of this directive.

When closing a case or deleting an individual for receipt of concurrent assistance, workers should limit case changes to that action only, in order to assure that the specific notice requirements for the concurrent action and any other action(s) are met.

2. New York City: Instructions for New York City staff will be communicated separately from this directive.

VI. EFFECTIVE DATE

Immediately: concurrent benefits prohibition regulations were effective January 24, 1996.



Patricia A. Stevens  
Deputy Commissioner  
Division of Temporary Assistance