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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 91 LCM-119

Date: June 21, 1991

Division: Office of the
Commissioner

TO: Local District Commissioners

SUBJECT: Zebley Notices from SSA

ATTACHMENTS: None

This is to notify all local social services districts that the Social Security Administration (SSA) expects to send out notices to all Zebley class members about July 11, 1991. (See 90 LCM-133, 90 LCM-150, and 91 LCM-5 for prior Zebley information).

Potential Zebley class members are all children who were denied Supplemental Security Income (SSI) between January 1980 and February 1990. (Cases denied after February 1990 will be treated differently and will receive an automatic readjudication without responding to a mailing.) SSA notices are expected to be sent to 35-45,000 previous SSI denials in NYS. These notices will inform individuals that they may be entitled to readjudication of the denial. Once this notice is received by the client, concerned parties (e.g., the aged out child, the parents, or other caretakers) must request readjudication of their claim within 120 days. The request can be made in person, by phone, or by mailing the postcard included in the SSA mailing, to the nearest Social Security Office.

Local Social Services Districts should be prepared to provide information and assistance to individuals and agencies involved with Zebley class members. Parents, caregivers, etc. of children presently active on state/local programs should be encouraged to take advantage of this opportunity for readjudication. Generally, qualifying for SSI will result in the family having significantly more income.

Date June 21, 1991

Trans. No. 91 LCM-119

Page No. 2

Any child denied SSI after January 1, 1980 should be advised to request a readjudication even if they do not receive a Zebley notice. If the child is not currently receiving SSI, a new initial application should also be filed with SSA. Local Commissioners should give particular attention to children in programs that they have direct responsibility for. For example, for children in foster care, Local Commissioners should file for readjudication on behalf of the child.

It is important to note that SSI payments for those SSI eligible children who were previously denied SSI, will be retroactive to the original date of application. This may result in a substantial retroactive payment of thousands of dollars.

To assist local social services districts in identifying and tracking Zebley class cases, the Department will be providing each district with a list of active and closed HR, AFDC, MA and foster care recipients who are potential Zebley class members. This list can be used to identify clients who should file for SSI immediately and request readjudications of previous denials. In districts with Disabled Client Assistance Programs (DCAP), these clients may be appropriate referrals to your local DCAP program. A few months after the initial SSA notice is mailed, the Department also expects to provide each district with a list of potential Zebley class members who have not responded to the SSA notice.

Children presently receiving SSI, who had previously been denied, will also be entitled to a readjudication of the period between the date of the initial denial and subsequent receipt of SSI. It is anticipated that these cases will be among the first receiving decisions and checks for retroactive eligibility periods.

The financial benefits to the clients, as well as to individual counties and the State, can be substantial; both retroactively and prospectively. It is especially critical that responsible parties act within the 120 day period if they are to protect potential retroactive benefits.

For assistance, please contact Department staff:

Lloyd Moses, Office of Disability Determinations (518) 473-0070 or 1-800-342-3715, extension 3-0070.

MA Eligibility County Representative, Division of Medical Assistance 1-800-342-3715, extension 3-7581 or New York City Representative at (212) 587-4853.

Abe Anolik, Division of Income Maintenance (518) 474-7218 or 1-800-342-3715, extension 4-7218.

Veronica Lynch, Division of Family & Children Services (518) 474-9452 or 1-800-342-3715, extension 4-9452.

Gregory Kaladjian
Executive Deputy Commissioner