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 | INFORMATIONAL LETTER |
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TRANSMITTAL: 90 INF-53

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: October 1, 1990

SUBJECT: Food Stamps: Complaint Procedures/Requirements

SUGGESTED

DISTRIBUTION: Food Stamp Directors
 Income Maintenance Directors
 Staff Development Coordinators

CONTACT PERSON: County Food Stamp representative at 1-800-342-3715,
 extension 4-9225.

ATTACHMENTS: Food Stamp Complaint Procedure (poster) - not
 available on-line.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		387.2(r)	7 CFR 271.6	FSSB	
		387.2(s)	7 CFR 272.6	VIII-B-1	

The purpose of this release is to transmit the revised "Food Stamp Complaint Procedure" poster which is required to be prominently displayed in all PA and NPA waiting areas. This release will also remind local districts of their responsibility and requirements (as outlined in the Food Stamp Source Book) for handling civil and non-civil complaints under the Food Stamp program.

I. Civil Complaints

Local districts shall not discriminate against any applicant or recipient in any aspect of program administration including, but not limited to, program access and delivery of services based on age, race, color, sex, handicap, religious creed, national origin, or political beliefs.

A. Complainant Responsibilities

Persons who believe they have been subject to discrimination as specified above may file their complaint within 180 days of the alleged discrimination by writing to the:

Secretary of Agriculture
Department of Agriculture
Washington, D.C. 20250

and/or the:

New York State Department of Social Services
Food Stamp Bureau
40 N. Pearl Street - Room 7A
Albany, New York 12243

B. Local District Responsibilities

Local districts are required to:

1. Accept verbal complaints in the event the individual alleging discrimination declines to submit a complaint in writing. In this event, the local district is required to record the complaint and, if possible, obtain the following information:
 - a. the complainant's name, address, and phone number (or other means of contacting);
 - b. the name and location of the office accused of discriminatory practices;

- c. the circumstances which prompted the allegation;
 - d. the nature of the alleged discrimination (i.e., race, color, creed ...);
 - e. names and addresses of any witnesses;
 - f. the date(s) the alleged discrimination occurred.
2. Promptly forward all civil complaints filed with the local district to the Secretary of Agriculture along with a copy to NYSDSS - Food Stamp Bureau.
 3. Publicize the complaint procedures described above in addition to prominently displaying the following mandated posters in all local PA and NPA food stamp offices:
 - a. "AND JUSTICE FOR ALL" (USDA) Form AD-475, November 1985
 - b. "FOOD STAMP RIGHTS" (USDA) FNS-183, December 1978
 - c. "FOOD STAMP COMPLAINT PROCEDURES" (NYSDSS)

NOTE: This poster has been recently revised. Two copies are transmitted with this INF. Additional copies may be obtained by contacting your food stamp county representative.
 4. Provide information concerning non-discrimination laws, complaints, and participant rights to households within ten (10) days of request.
 5. Obtain racial/ethnic data on complainants and report this data to NYSDSS annually on form FNS-101.

II. Non-Civil Complaints

A non-civil complaint is any written or oral communication made to a social services district or SDSS by or on behalf of an applicant for or recipient of food stamp benefits (other than a complaint for which there is a right to a fair hearing) alleging dissatisfaction with:

- A. the action or failure to act in a particular case;
- B. the manner in which the local district generally handles its cases;
- C. the local district's facilities and/or services, or the manner in which it generally conducts business;
- D. other facilities or services used by the local district for providing care and services for its clients; or

E. any other aspect of local district administration not mentioned above.

F. Complainant Responsibilities

Persons who believe any of the above, including processing standards and/or delivery of services, were provided unsatisfactorily and have not obtained a satisfactory resolution from the local food stamp office may also file a complaint with NYSDSS Food Stamp Bureau. Complaints received by SDSS should include:

1. complainant's name, address and phone number (or other means of contacting);
2. the county involved;
3. complainant's case number (if applicable);
4. all pertinent information concerning the allegation.

G. Local District Responsibilities

1. Every complaint received must be promptly acknowledged.
2. The basis of the complaint must be reviewed and investigated to determine the validity of the complaint.
3. The local district is responsible for reviewing its own activity in order to determine what appropriate action is required.
4. When a complaint has been referred to the local district by NYSDSS, a response must be submitted to the Department within 20 days covering all matters pertaining to the complaint, including:
 - a. facts gathered by the local district concerning the complaint; and
 - b. any action taken by the local district to resolve the issue and whether the complainant is satisfied with the explanation/action provided.

III. General Information

The NYSDSS Food Stamp Bureau will follow up on all food stamp complaints received by the Department. Corrective action will be taken where warranted in addition to responding to the complainant on the State agency's disposition of the complaint.

To help accommodate civil complaint reporting requirements, districts are encouraged to develop and maintain a "complaint tracking system" that would identify:

- A. complainant's case number, name, address, and phone number;
- B. date received;
- C. type of complaint (i.e.; civil, non-civil);
- D. reason for complaint;
- E. who/where the complaint was referred for action (office/unit/worker);
- F. resolution due date;
- G. date resolved.

Questions concerning this release or requests for mandated posters may be directed to your county's food stamp representative.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance