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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 91 LCM-48

Date: March 27, 1991

Division: Commissioner's
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation 352.22(o)
Filed Regulation 352.22(v)
Filed Regulation 504.5

ATTACHMENTS: Attachment I - 352.22(o) (available on-line)
Attachment II - 352.22(v) (available on-line)
Attachment III - 504.5 (available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR 352.22 (o) relating to domestic volunteers.
The final rule - Filed: 3/26/91 - Effective: 4/10/91.

18 NYCRR 352.22(v) relating to agent orange awards.
Filed as an emergency rule - 3/19/91 - effective 3/19/91.
The final rule - Filed: 3/19/91 - Effective: 4/3/91.

18 NYCRR 504.5 relating to time frames for requesting reconsideration of denials of applications.
The final rule - Filed: 3/26/91 - Effective: 4/10/91.

Michael J. McNaughton
Director, Local District
Policy Communications

Subdivision (o) of section 352.22 is hereby repealed and a new subdivision (o) is added to read as follows:

(o) Payment under the Domestic Volunteer Services Act. (1) Reimbursement received for out-of-pocket expenses made to individuals serving as retired senior volunteers, foster grandparents, senior health aides, senior companions or any other volunteer providing services under Title II of the Domestic Volunteer Services Act (Public Law 93-113) are exempt and disregarded in determining eligibility for and degree of need for public assistance.

(2) Reimbursement received for out-of-pocket expenses made to volunteers in the Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE) or any other programs under Title III of Public Law 93-113 (as amended by Public Law 95-510) are exempt and disregarded in determining eligibility for and degree of need for public assistance.

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f), 131(1) and 355(3), of the Social Services Law, I Cesar A. Perales, Commissioner of Social Services, do hereby add subdivision (v) to section 352.22, of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective when the Notice of Adoption is published in the New York State Register.

Dated: March 19, 1991

Signed: _____
Commissioner

This is to certify that this is the original of an order of the State Department of Social Services made on March 19, 1991

adding subdivision (v) to section 352.22 of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on January 9, 1991.

Dated: March 19, 1991

Signed: _____
Commissioner

Subdivision (v) is hereby added to section 352.22 to read as follows:

(v) Agent orange payments. Effective January 1, 1989, the following payments are exempt as income or resources when determining public assistance eligibility and benefit amount when such payments are received from any of the following sources:

- (1) payments provided from the Agent Orange settlement fund;
- (2) payments from any other fund established pursuant to the settlement in the In re Agent Orange product liability litigation; or
- (3) payments from court proceedings brought for personal injuries sustained by veterans resulting from exposure to dioxin or phenoxy herbicides in connection with the war in Indochina in the period of January 1, 1962 through May 7, 1975.

(Deleted material [brackets] , new material underlined.)

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f), and 363-a of the Social Services Law, I, Cesar A. Perales, Commissioner of Social Services, do hereby amend Section 504.5 of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective when the Notice of Adoption is published in the New York State Register.

Dated: March 26, 1991

Signed: _____
Commissioner

This is to certify that this is the original of an order of the State Department of Social Services, made on March 26, 1991 amending Section 504.5 of the official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on December 26, 1990.

Dated: March 26, 1991

Signed: _____
Commissioner

Paragraph (1) of subdivision (e) of section 504.5 is hereby amended to read as follows:

(1) If an application is denied, the applicant may appeal the denial by filing a written request for reconsideration with the department within [60] 45 days of the date of the notice of denial. A timely request stays any action to terminate a provider currently participating in the medical assistance program pending the decision on reconsideration.