

Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

www.lawny.org

Applying for Public Assistance

How do I apply for Public Assistance?

Applying for Public Assistance can be different depending on which county you are in. You should start by contacting your local Department of Social Services (DSS). They should provide you with information on how to apply in your county.

Though Public Assistance is separate from Food Stamps and Medicaid, you should be able to apply for all three at the same time. You do not have to apply for all three unless you want to. DSS should tell you about your rights and duties as someone receiving public assistance. Normally, you are given an appointment as part of your application process. Your appointment may be on a different day.

NOTE: Your local Department of Social Services (DSS) shares information about who is applying for assistance with local law enforcement. ***If you have an outstanding warrant, you could be arrested at your welfare application appointment.***

What happens next?

You should do your best to attend your appointment. If you cannot make your appointment you should tell DSS as soon as you can and ask to reschedule. If you do not attend your appointment, DSS could deny your application.

At your appointment you will be interviewed by a DSS worker. During this interview the worker should:

- Review your application.
- Answer any questions you might have.
- Assist you in filling out your application if needed.
- Decide if you are eligible for emergency SNAP/Food Stamps.

- Tell you about any other services that would be helpful to you.
 - Tell you how to apply for any services that would be helpful to you.
- Decide whether or not you are able to work.
- Give you a form telling you what documents you need to bring when you come back.

Finally, the DSS worker may tell you to call them to setup another appointment. The purpose of that follow-up appointment is so you can give them the documents they are asking for.

What if the DSS worker and I disagree about whether I am able to work?

If you disagree with the DSS worker about if you are able to work, you should explain why to the interviewer. The DSS worker should then schedule an employment review for you. You should go to the employment review and all other appointments until a final decision has been made. You may feel you cannot work because of a physical, mental, or emotional problem. If you claim one of these reasons you will need to provide proof from your doctor or psychiatrist. Your proof will have to say that you are unable to work and the reason why. Your doctor may not agree that you are unable to work. Your doctor may instead say that you are “limited.” This means that you can work under certain conditions. If your doctor says you are limited then DSS will still require you to participate in employment-related activities.

If you are work-limited then your assignment should reflect that. This means that you should not be asked to do things that conflict with what your doctor said you can do.

What if the DSS worker thinks I will not qualify for assistance?

If the DSS worker thinks you will not qualify for assistance he or she may ask you to sign a form that will withdraw your application. If you withdraw your application then you will have to submit another application if you want to get benefits later.

You do not have to agree with them. You cannot be forced to withdraw your application. If you do not agree to withdraw your application then DSS must still accept your application. You can request that the application process continue.

What should I know about the papers I have to provide?

A DSS worker should give you a form which shows the papers you will need to provide to get benefits. Try to get as many as possible. You should keep track of what you did to try to get them. If you cannot get one or more of the documents DSS requests, let your worker know as soon as possible.

What if I am unable to keep an appointment while applying for Public Assistance?

Call to reschedule it. If you do not show for an appointment, your application could be denied.

What happens at my follow-up appointment with DSS?

At this appointment you will give DSS the documents they asked for. If you cannot provide those documents, you may be asked to provide acceptable substitutes.

What if I could not get one or more of the documents asked for?

Tell DSS right away. DSS has a duty to help you get them. However, you must tell DSS that you need help. You can ask for help verbally or in writing. If you give DSS a written request for help, this may help prove that you asked for help. If you do not tell them that you need help they will assume you did not try to get the documents.

How will I know whether my application is approved or denied?

You should receive a written decision no later than 30 days after submitting your application. Remember that you cannot be forced to withdraw your application. If you haven't heard within 30 days, contact DSS and ask. In some cases, DSS can take 45 days to decide if you are eligible for cash assistance.

What happens if my application is approved?

You should receive a written notice telling you that you are approved. The notice must tell you the amount of benefits you will get every month. It will also list your expenses and who they think is in your household. You should look this over to see if it is correct. If it is not correct or if you do not understand something you should contact DSS.

What happens if my application is denied?

You should receive a written notice telling you that your application was denied. The notice should say why you were denied. You should read what the notice says carefully. If you still have questions about why you were denied, you should contact DSS. If you believe that the denial was incorrect, you can ask for a Fair Hearing. Fair Hearings are handled by the New York State Office of Temporary and Disability Assistance, also called OTDA.

How do I Request a Fair Hearing?

You can request a Fair Hearing by mail, telephone, fax, or by using the Internet.

MAIL:

You can mail your request to:

**New York State Office of Temporary and Disability Assistance
Office of Administrative Hearings
P.O. Box 1930
Albany, New York 12201-1930.**

FAX:

You can fax your request to (518) 473-6735.

TELEPHONE:

You can request a hearing by telephone by calling **1-800-342-3334**

INTERNET:

To request a hearing using the Internet, you should go to <http://www.otda.state.ny.us/>. It involves a few steps but it is the fastest and easiest way to ask for hearing. When you open that page, look on the left side for a box that says "Programs & Services." Click on that box. Look at the example below if you need help.

What should I know about a Fair Hearing?

You have 60 days from the notice to ask for a fair hearing about public assistance and Medicaid. You have 90 days from the date of the notice to ask for a fair hearing about food stamps. Information about asking for a fair hearing is on the back of the notice. If you are already getting benefits and you have gotten a notice that your benefits will stop, you can usually keep getting your benefits if you ask for a fair hearing before the day your benefits stop.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of Legal Assistance of Western New York, Inc.

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