

# Protecting Your Benefits

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Each year, people have problems with receiving public assistance benefits. If you know your rights and plan in advance, some problems can be prevented.

## **If it is important, put it in writing- on paper or online**

When it comes to your benefits, what you say to Department of Social Services (DSS) representatives over the phone, in a phone message, or in person may not be put in your DSS records. It may be difficult to remember exactly what was said during the conversation. Also, if there is a problem later on, you may speak to a different representative.

It is important to **write down** important information and give it to the DSS office. You should still talk to DSS representatives in person or by phone. But, also submit important information or documents in writing. Try to get a receipt from the DSS office and keep a copy of the information or papers. Examples of important things include: address changes, adding someone to your benefit case, and asking for more time to provide documents.

There are also two online options for you to track your case process and keep records:

1. You can go to [myBenefits](#) to apply for assistance and upload documents. After you create an account, you can apply for assistance and track your application process online. You can select your preferred language at the bottom of the [myBenefits](#) page.
2. You can use the NYDocSubmit app ([NYDocSubmit | OTDA](#)) with your cell phone. Download the free NYDocSubmit mobile app from the [Apple App Store](#) or the [Google Play Store](#). You can take a photo of a document, enter identifying information and submit the document on the app. The screen will show you a tracking number to help identify your document. You can write it down or take a screenshot to keep for future reference. For more information, go to [NYDocSubmit](#).

## **Keep track of what happens**

Keeping notes can be very helpful if you later have to go to a Fair Hearing, because you can use your notes as evidence to show what you did and when you did it. You should take notes during your interactions with DSS, especially:

1. When you received paperwork from the DSS office.
2. When you contacted the DSS office.
3. What you talked about with a DSS representative.
4. The name and phone number of the DSS representative you spoke with.

You can use a calendar to track what happens. Example: you call a DSS representative and leave a voicemail message reporting that you started a new job. You could write down on the calendar the time you called, the phone number you called, and what you said in your voicemail.

## **Keep copies**

If you can, try to keep a copy of all paperwork that you give to or receive from the DSS office. If you received papers in the mail from the DSS office, you should also keep the envelope. Information on the envelope can prove when the paperwork was mailed to you.

It is important to be organized. Some people keep everything about their DSS benefits in a large envelope or in a folder. You can also track your documents online using the NYDocSubmit app ([NYDocSubmit | OTDA](#)) or at [myBenefits](#).

## **Get a receipt**

When you give paperwork to a DSS representative, keep a copy of it AND get a receipt. The receipt shows what information you gave to the DSS office and when you gave it to the DSS office. If the DSS office loses your paperwork, you can show that you did provide it. Also, by keeping a copy, you can easily provide the

paperwork again.

If the DSS office tells you that you did not provide information on time, a receipt will prove what you provided to the DSS office, and when you provided it. This can be very important if you need to ask for a Fair Hearing. If the office is closed and you're putting paperwork in the DSS dropbox, take a photo of yourself leaving your paperwork in the dropbox.

You can also upload and track your documents online using the NYDocSubmit app ([NYDocSubmit | OTDA](#)) or at [myBenefits](#).

### **Submit paperwork on time**

As part of your case, the DSS office will often ask you to give them paperwork and information by a certain date. You should write the date on your calendar so that you do not forget to provide the papers on time.

If you cannot give the DSS office what they are asking for by the deadline, you should tell the DSS office in writing and by phone. You have the right to request an extension of time so you can get the requested information. If you have tried to get the document but cannot get it, you have the right to ask the DSS office for assistance.

You can also upload and track your documents online using the NYDocSubmit app ([NYDocSubmit | OTDA](#)) or at [myBenefits](#).

### **Go to appointments**

Try to show up at any required appointments. If you need to cancel or reschedule an appointment, call the DSS office as soon as possible and send information in writing explaining why you need to reschedule and asking for a new appointment.

### **Fair Hearings**

If a problem comes up and you cannot fix it by contacting a DSS representative, you should request a Fair Hearing. There is a deadline to request a hearing, so request it right away. You can request a Fair Hearing by mail, telephone, fax, online, or in person. Your request goes through a New York State agency called the Office of Temporary and Disability Assistance (OTDA).

**Mail:**

You can get a Fair Hearing Request form here: [Request Hearing | Fair Hearings | OTDA](#).

Fill out the Fair Hearing Request Form and mail the form 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 get a Fair Hearing Request Form here: [Request Hearing | Fair Hearings | OTDA](#).

After filling out the Fair Hearing Request Form, you can fax the form to 1-518-473-6735. Keep the fax verification for your records.

**Phone:**

You can request a Fair Hearing by calling 1-800-342-3334 (toll-free). Keep a record of the confirmation number.

If you use TDD equipment, you can dial 711 to reach New York Relay and request that the operator call 1-877-502-6155.

**Online:**

To request a Fair Hearing online, go here: [Request Hearing | Fair Hearings | OTDA](#).

The form is available online in several languages.

**In person:**

You can request a Fair Hearing in person at these two locations only:

New York City

Office of Temporary and Disability Assistance

Office of Administrative Hearings

14 Boerum Place, 1st Floor

Brooklyn, New York 11201

Albany

Office of Temporary and Disability Assistance

Office of Administrative Hearings

40 North Pearl Street

Albany, New York 12243

Requesting a Fair Hearing can protect your DSS benefits and allow you to explain what happened to a judge. You should request a Fair Hearing even if a DSS representative tells you something like “Do not bother to request a Fair Hearing, you are going to lose anyway.”

If the problem is fixed by the Fair Hearing date, but you have not yet received written proof that the problem is fixed, you should go to the Fair Hearing and try to get written proof.

You can withdraw your Fair Hearing request online here: [Withdraw Request](#). You can print and mail or fax a Fair Hearing withdrawal request here: [Cancel Hearing | Fair Hearings | OTDA](#). You may withdraw a request by calling this toll-free number: 1-877-209-1134. If you use TDD equipment, you can dial 711 to reach New York Relay and request that the operator call 1-877-502-6155.

### **Problems with DSS representatives**

If a DSS representative has been unprofessional, you have the right to make a complaint. You should make the complaint in writing and include a brief description of what happened, when it happened, and where it happened. Try to be specific. Remember to keep a copy of the complaint. You can send your complaint to the local DSS commissioner ([Local Departments of Social Services | Directories](#)).

This is an example complaint:

"My name is John Doe and I am writing to complain about John Smith, a DSS representative. I have called Mr. Smith four times because my Medicaid card is not working and I cannot fill my prescriptions. I left voicemail messages on March 1st, March 3rd, and March 7th. Mr. Smith never returned my call. I called again on March 12th and finally spoke to Mr. Smith and told him that my card was not working. Mr. Smith told me he does not know what is wrong with my card and that he could not deal with it now. I asked him how I could get my prescription filled and he told me "that's your problem" and hung up on me."

Filing a complaint should not affect your eligibility for benefits. If you have filed a complaint and believe you are being punished for making a complaint, you should contact an attorney or legal aid office.

If you have a problem with a DSS representative, in addition to submitting a complaint:

- Do not be rude when speaking with DSS office staff. You have a right to be treated with courtesy, and if a DSS representative is rude or treats you unfairly, you may feel angry. However, if you are rude in return, it will likely not help to fix the problem and could create more issues.
- Do not assume that the DSS representative is aware of what is happening. DSS representatives handle many cases, laws may change, and they may make a mistake. If you have a question about or problem with what a DSS representative told you, you may want to check with a supervisor.

Legal Assistance of Western New York, Inc. ®

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 our office.

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