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Governor

**New York State**  
**Office of Temporary and Disability Assistance**  
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Commissioner

### Administrative Directive

#### Section 1

<b>Transmittal:</b>	06-ADM-16
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Child Support Enforcement (DCSE) and Division of Employment and Transitional Supports (DETS)
<b>Date:</b>	December 13, 2006
<b>Subject:</b>	Desk Reviews of the Distribution of Child Support Payments
<b>Suggested Distribution:</b>	Child Support Enforcement Coordinators Support Collection Unit Supervisors Temporary Assistance Workers Staff Development Coordinators Accounting Staff Resource and Recovery Staff
<b>Contact Person(s):</b>	Division of Child Support Enforcement at 1-800-343- 8859 or NYC 1-212-961-8269 Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344 Office of Legal Affairs – Susanne Dolin at 1-518-474-9833
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Request for a First-Level Desk Review of the Distribution of Child Support Payments</li> <li>2. Information and Instructions for Completing the “Request for a First-Level Desk Review of the Distribution of Child Support Payments” Form</li> <li>3. Calculations Worksheet Desk Review of Pass-Through Payments</li> <li>4. Information and Instructions for Completing the “Calculations Worksheet Desk Review of Pass-Through Payments”</li> <li>5. Calculations Worksheet - Desk Review of Excess Support</li> <li>6. Information and Instructions for Completing the “Calculations Worksheet Desk Review of Excess Support”</li> <li>7. Determination of the Request for a First-Level Desk Review of the Distribution of Child Support Payments</li> <li>8. Request to New York State for a Second-Level Desk Review of the Distribution of Child Support Payments</li> <li>9. Information and Instructions for Completing the “Request to New York State for a Second-Level Desk Review of the Distribution of Child Support Payments”</li> <li>10. Determination of the Second-Level Desk Review</li> </ol>
<b>Attachment Available On – Line:</b>	Yes

## Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
90-ADM-41 97-ADM-7 99-ADM-5	Dear TA Director Letter dated January 4, 2006	347.12 347.13 347.25			LDSS-4148A Dear TA Director Letter dated November 17, 2005

## Section 2

### I. Summary

This administrative directive provides specific procedures for local district and state staff to conduct desk reviews for current or former recipients (collectively, “recipients”) of public assistance who dispute child support collections and disbursements. The term “public assistance” will be used throughout this administrative directive, and includes family assistance (temporary assistance) and safety net assistance. Implementation of these procedures will ensure that local district staff conduct desk reviews in a timely and uniform manner and, when appropriate, expedite payments to recipients. Coordination between child support and other social services district staff is critical to the success of the desk review process.

### II. Purpose

The purpose of this administrative directive is to provide the specific instructions and requirements necessary for requesting, conducting, and reporting the results of pass-through and excess support desk reviews of the distribution of child support payments as set forth in New York State Regulations, 18 NYCRR 347.25, and also includes supplemental instructions and forms for implementing the process.

### III. Background

New York State Regulations, 18 NYCRR 347.25, “Desk Reviews of the Distribution of Child Support Payments,” provides for a process for desk reviews of the distribution of child support payments.

A desk review is a procedure for current and former recipients of public assistance who are or were receiving child support services to dispute the amount of or claim non-receipt of:

- a pass-through payment;
- an excess current support payment; or
- an excess arrears payment.

The regulation provides a first-level desk review to be conducted initially by the local district Support Collection Unit or the New York City Office of Child Support Enforcement (SCU). A second-level review by the State Division of Child Support Enforcement (DCSE) is available to the recipient after completion of the first-level review by the SCU.

Desk review requests have historically been received through various avenues and through various mechanisms. Desk reviews were conducted by DCSE or the State Division of Employment and Transitional Supports (DETS) staff, and involved staff from several program areas and agencies to finalize a written response. The results were reported to the individuals requesting the review and to the local district Temporary Assistance Units (TAU), formerly called the “Income Maintenance Units.” The TAU is tasked with issuing a payment to the recipient or arranging for recoupment of an overpayment, if appropriate, through the desk review process.

Two “Dear Temporary Assistance Director” letters, dated November 17, 2005 and January 4, 2006, respectively, were issued and provided further detailed information regarding excess support desk reviews. The November 17, 2005 letter discussed the automated excess support process, the countable payments eligible to be offset by child support, and certain excess support notices. The January 4, 2006 letter discussed the procedures for handling the first and second-level excess support review processes.

Experience with the current processes has provided for a thorough understanding of the desk review process and needs. It is clear that the desk review process involves records from both the child support and the public assistance programs and, as such, desk reviews generally require contact with the other respective program. This administrative directive consolidates prior instructions given to the local Social Services District (SSD) workers and provides for a more efficient and streamlined approach. The new approach involves both the child support and public assistance programs, and provides the forms and instructions necessary for efficient first and second-level desk reviews. As such, the procedure provided in this administrative directive provides for regulatory compliance while enhancing and standardizing the process.

#### **IV. Program Implications**

The implementation of the procedures contained in this administrative directive will allow the SCU and SSD offices to satisfy the requirements of the pertinent regulations by providing a streamlined process and the forms necessary to address the pass-through and excess support desk review requests, and expedite, where appropriate, child support payments to recipients. For purposes of this directive, the term “SCU” will refer to the child support program and the term “SSD” will refer to the public assistance program.

Experience with desk review requests has demonstrated a negligible volume statewide.

#### **V. Required Action**

The SCU and SSD workers are tasked with calculating and responding to first-level pass-through payment, excess current support payment, and excess arrears support payment desk review requests. The SCU is tasked with support of first-level desk review requests by receiving and maintaining records of the desk review requests; by conducting a

conference, if requested; by providing CSMS payment and disbursement information as required on the calculation worksheets; and by taking CSMS case actions that will allow for the disbursement of payments.

The SSD is tasked with first-level desk review requests by providing WMS/BICS disbursement record information as required on the calculation worksheets; by taking any actions that would allow for the release of any held payments; and by reporting the results of the desk review request to the recipient, the SCU, and the TAU.

With respect to second-level desk reviews, DCSE staff are responsible for receiving the desk review requests and conducting review of the CSMS payment and disbursement information provided with the first-level determination. DETS staff is responsible for reviewing the WMS/BICS disbursement records and reporting the results of the second-level desk reviews to the requesting recipient, DCSE, the SCU, the SSD, and the TAU.

**A. Desk Review Defined**

A "desk review" is an accounting of the collections and disbursements made on behalf of a current or former recipient of public assistance who is or was receiving child support enforcement services.

A desk review is conducted upon the written request of a recipient who believes that the distribution of child support payments made was incorrect. It involves an examination of information contained in public assistance case records and child support enforcement accounts, and must result in a written determination to the recipient which includes an explanation of how the SCU distributed support collections received on behalf of the recipient for the month(s) reviewed and how the SSD disbursed pass-through and excess support payments.

A desk review is conducted jointly by the SCU and SSD. A second-level review is available from DCSE and DETS, only after completion of a first-level review by the SCU and SSD.

**B. Period Subject to Desk Review**

A desk review is limited to an accounting of the collections and disbursements made during the calendar year in which the desk review is requested and the calendar year preceding the calendar year in which the desk review is requested.

**C. Eligibility**

A desk review of support payments may be requested by a current or former recipient of public assistance for the month(s) during which an assignment of support rights was in effect.

**D. Request Procedures**

1. Notification of a recipient's rights to a desk review is provided through:

- Custodial Parent Handbook “What You Should Know About Your Rights and Responsibilities,” LDSS-4148A.
  - Monthly “Report of Support Collected,” OTDA Form LDSS-3677 and LDSS-3677 NYC.
  - Notices produced by the Client Notice System (CNS) as a result of the monthly automated process, such as “Excess Support (Sys. Gen.) Active Case” and “Excess Support (Worker Authorized) Active Case” letters (please refer to the November 17, 2005, “Dear Temporary Assistance Directors” letter for details).
2. Recipients who wish to request a desk review must obtain a desk review request form by telephoning the New York State Customer Service Helpline (CSH) at 1-888-208-4485 after December 8, 2006. The desk review request form and instructions will also be posted to ERS for local district access should an in person request be received.
  3. The CSH will provide the standard request form “Request for a First-Level Desk Review of the Distribution of Child Support Payments” (Attachment 1), and will provide “Information and Instructions for Completing the Request for a First-Level Desk Review of the Distribution of Child Support Payments” Form (Attachment 2) to assist in completion of this form; and a cover letter which provides the SCU address for return of the request form.
  4. The recipient must complete and submit to the SCU address provided on the cover letter the standard request form and may include documentation to support their request.
  5. The recipient must specify on the desk review request form the reason(s) for requesting the review, the month(s) for which a review is requested and the type of distribution in question, which can be one or more of the following:
    - Pass-through payments; and/or
    - Excess current support payments; and/or
    - Excess arrears support payments.

**Support pass-through payments** consist of up to the first \$50.00 per household per month of current child, current spousal, or both current child and spousal support payments collected towards the monthly support obligation by the SCU. A pass-through payment is disbursed to the public assistance household as a special payment issued through WMS/BICS. This payment is made only with respect to current support collections, not past-due support/arrears. As such, pass-through payments are not issued for support payments applied towards child support and/or spousal support arrears. A pass-through payment cannot exceed the combined monthly support obligation(s) for the household or the monthly amount of support that the noncustodial parent timely paid.

**Excess current support payments** occur when the amount of support collected and retained (kept) by the SSD for a given month, minus any pass-through payments, is greater than the total amount of countable public assistance issued to the family for that month. The result is the excess support amount. These payments must be issued to the recipient as a special payment through WMS/BICS. Please note that excess current support is not part of the automated process.

**Excess arrears support payments** occur when the amount of support collected and retained (kept) by the SSD exceeds the total amount of all countable public assistance payments, less any repayments or recoupments of countable public assistance (see the “Dear Temporary Assistance Director” letter dated November 17, 2005 for the SSD’s responsibility to identify sources of repayment or recoupment), plus issued pass-through payments and excess current support payments, over the life of the public assistance case. For purposes of an excess arrears support desk review request, the accounting period for a desk review is limited to the timeframe identified in Section V.B. above.

Excess arrears support payments are issued through an automated process. Any additional excess arrears support payments due to the recipient must be issued to the recipient as a special payment through WMS/BICS.

## **E. First-Level Desk Review**

### **1. SCU Procedures**

- a. Upon receipt of a “Request for a First-Level Desk Review of the Distribution of Child Support Payments,” the SCU and SSD jointly conduct the desk review and the SSD will issue the results of the review to the recipient no later than 45 calendar days from the date of receipt of a completed desk review request form as determined from actions identified in Section E. The SCU has 15 calendar days to complete the procedures outlined in Section E.1., herein, except as noted in Section E.1.g.
- b. The SCU worker must receive the desk review request form and review the request form to ensure that the recipient has provided the following critical information:
  - (i) all necessary information to identify the recipient and related CSMS account number(s) and public assistance case number(s);
  - (ii) current mailing address;
  - (iii) the month(s) for which the recipient requests review;
  - (iv) the type of distribution involved; and

- (v) the reason(s) or factor(s) which the recipient believes led to the recipient's non-receipt of child support payments.
- c. If critical data is missing from the desk review request form that will not enable the SCU to identify the case, the SCU will complete the "Determination of the Request for a First-Level Desk Review of the Distribution of Child Support Payments (Attachment 7) by checking the appropriate box and mailing the determination to the recipient promptly but no later than 15 calendar days from receipt of the desk review request form. This form should be reproduced on SCU letterhead for this purpose. The determination must include a copy of the original desk review request form.
- d. When critical data is missing and the case cannot be identified, the first-level desk review is concluded when the determination is mailed to the recipient. In the event the recipient obtains critical data to identify the public assistance or child support case, the recipient may resubmit the original first-level desk review request form with the missing critical data or obtain a new desk review form for submittal to the SCU by contacting the CSH at 1-888-208-4485.
- e. When the required critical data is provided on the desk review request form and the SCU worker determines the appropriate case(s), the SCU worker must enter the new status and reason code H001 RC04 "REQUEST FOR DESK REVIEW RECD" on the IVDJSI screen for the appropriate CSMS case(s) to record that the request has been made.
- f. The SCU worker must determine the types of information needed to conduct the desk review. If the recipient did not provide the necessary information, the SCU must make reasonable efforts to obtain the information. All efforts made by the SCU must be fully documented on CSMS IVDJRR, and should include, but are not limited to, the following actions:
  - (i) contact with income payors to determine dates of withholding; or
  - (ii) contact with another state's IV-D agency to determine dates of collection.
- g. If contact with another state's IV-D agency or an income payor is necessary to obtain information or documentation that the recipient has been unable to produce, the 45 calendar day first-level desk review period is extended for no more than 30 additional calendar days in order to provide sufficient time for collection of the information and response. The SCU is allowed an additional 15 calendar days to complete contact with another state or an income

payor. If there is no response, and if the recipient cannot provide the required information, the SCU should proceed with the available information.

- h. The SCU must conduct a conference with the recipient if requested by the recipient on the desk review request form. The SCU must conduct the conference by telephone or in person promptly but no later than 7 calendar days from receipt of the desk review request form and must allow the recipient to present documentation or information to support their desk review request. That documentation or information becomes part of the desk review.
- i. The SCU must review the CSMS case records and confirm that the case information is accurate. Some potential problems include:
  - (i) CAN or CIN number does not match CSMS case records: the SCU worker must review CSMS records to determine the CAN or CIN number that is being used and validate whether it is correct. If it is not, the correct CAN or CIN number must be obtained and corrected. Please refer to the “Dear Colleague” letter dated May 28, 2004, for improvements to the WMS data match process regarding CAN/CIN.
  - (ii) Public assistance status on CSMS: the SCU worker must review CSMS records to determine if there has been a change in public assistance status. If a change in public assistance status has occurred, the appropriate adjustments to CSMS, such as building a public assistance ledger or terminating a public assistance ledger (converting the account to, or deconverting the account from, public assistance) must be completed. Additionally, other CSMS adjustments such as a change in a distribution switch from a “3” to a “1” may be necessary so that any payments which have not been disbursed will be disbursed.
  - (iii) A payment is not on record: the SCU must review any proof of payment submitted to locate funds which are alleged to have not been applied to a CSMS account, and apply the funds appropriately. The SCU must also review suspense accounts to identify payments not yet applied to the intended CSMS account.
- j. If CSMS account maintenance is required, the SCU must complete the account maintenance within 2 calendar days of receipt of the desk review request and prior to completing the calculations worksheet required for the desk review.
- k. Based on the type of payment in question identified by the recipient on the desk review request form, the SCU worker must:



- (i) Complete the required steps recording the collection and disbursement information identified on either the:
  - “Calculations Worksheet Desk Review of Pass-Through Payments” (Attachment 3). Complete Steps 1, 2, and 3. Instructions are provided as Attachment 4; or
  - “Calculations Worksheet Desk Review of Excess Support” (Attachment 5). Complete Steps 1, 2, and 3. Instructions are provided as Attachment 6.
- (ii) Print the SCU worker’s name, initials, title, telephone number, and the date of the desk review.
- (iii) After completion of the appropriate steps, forward the calculations worksheet, the original desk review request, and any documentation provided to the SSD within 15 calendar days of receipt of the desk review request form. If the SCU is required to contact another state’s IV-D agency or an income payor, an additional 15 calendar day extension for providing the necessary documentation to the SSD is allowed, extending the time period to 30 calendar days from the date of the SCU’s receipt of the desk review request form. The SCU should retain a copy of the desk review documents until the desk review is completed by the SSD and the desk review determination package is received.

**Note:** When the first-level desk review process is completed by the SSD and upon receipt of a copy of the desk review determination package from the SSD (see further details in Section E.2. below), the SCU worker must review the results, enter the status and reason code of H901 RC04 “DESK REVIEW COMPLETED” on the IVDJSI screen, and enter remarks to support the desk review on the IVDJRR screen (e.g., Pass-through desk review completed. CP entitled to additional support of \$100.00 on 12/1/06).

## **2. SSD Procedures**

- a. The SSD worker must receive the calculation worksheet, the original desk review request, and any documentation provided from the SCU worker as indicated above.
- b. The SSD worker must determine the types of information needed for the desk review and make reasonable efforts to obtain the information. All efforts should include, but are not limited to, the following actions:

- (i) Contact with another state's IV-A agency to determine public assistance information; or
  - (ii) Contact with other TAU staff to determine public assistance payment information and amounts of unreimbursed assistance.
- c. The SSD worker must review the disbursement information provided by the SCU on the calculation worksheet and compare the information to the amount(s) actually received by the SSD at the end of each month and distributed to the recipient for the period in question. SSD workers can locate this information on the WMS/ BICS "Case Record of Assistance (CRA)."
- d. The SSD worker must review the WMS/BICS case records and confirm that the case and information provided by the SCU is accurate. Some examples of problems include:
  - (i) CAN or CIN number does not match: the SSD worker must review the public assistance case number (CAN) and CIN number provided by the SCU and validate that the SCU information is correct. If it is not, the SCU worker must be contacted to correct their records.
  - (ii) Public assistance records review: the SSD worker must review the IV-D Exception Report and the CSMS-8649 "Obligation and Collections Greater than Assistance Granted" to determine whether any disbursements from the SCU are on the report. Any amounts located on the report must be considered for the desk review calculation.
  - (iii) Electronic Benefit (EBT) Card Disbursement Expired: the SSD worker must review the WMS/BICS records to determine if a previous EBT card disbursement has been expunged (expired) and is due to the recipient. SSD workers may locate expunged funds on the EBT report entitled "EBT - Worker Actions Lists" or WMS/BICS "Case Record of Assistance (CRA)" for an individual's benefit information, and may need to review this with their accounting department for resolution.
- e. The SSD must complete actions above prior to completing the required steps of the appropriate calculations worksheet for the desk review.
- f. Based on the information and documentation pertaining to the release of pass-through or excess support payments for the month(s) under review, the SSD worker must:

- (i) Calculate the amount of the pass-through or excess support payments the recipient was entitled to receive by completing and finalizing the required steps as follows:
    - “Calculations Worksheet Desk Review of Pass-Through Payments” (Attachment 3). Complete Steps 4, 5, and 6. Instructions are provided as Attachment 4; or the
    - “Calculations Worksheet Desk Review of Excess Support” (Attachment 5). Complete Steps 4, 5, 6, 7, 8, and/or 9, as appropriate. Instructions are provided as Attachment 6.
  - (ii) Determine the results of the first-level desk review request. The results may include confirmation that: no additional payment is due to the recipient; an additional payment is due to the recipient; support payments have been identified for future months; the recipient has been paid too much money; the months of the desk review request are outside of the allowable time period; the recipient was not in receipt of public assistance or child support services; the matter is not related to public assistance or child support; or another social service district is handling the case.
  - (iii) Print the SSD worker’s name, initials, title, telephone number and the date of the desk review.
  - (iv) Prepare a “Determination of the Request for a First-Level Desk Review of the Distribution of Child Support Payments (Attachment 7) on SSD letterhead by checking the appropriate results box and, if applicable, providing the amount and projected date of any payment due to the recipient or the amount of any overpayment calculated.
- g. The desk review determination must be issued in writing to the recipient within 45 calendar days of the SCU's receipt of the desk review request form. If the SCU is required to contact another state’s IV-D agency or income payer, the time period for a determination is extended an additional 30 calendar days (for a total of 75 calendar days) from the date that the SCU received the desk review request form.
- h. The determination letter identified above must be reproduced on SSD letterhead for use as indicated, and must include a copy of:
- (i) completed calculations worksheet(s) used as part of the review process;
  - (ii) documentation considered in the desk review;

- (iii) “Request to New York State for a Second-Level Desk Review of the Distribution of Child Support Payments” (Attachment 8); and
    - (iv) “Information and Instructions for Completing the Request to New York State for a Second-Level Desk Review of the Distribution of Child Support Payments” (Attachment 9).
  - i. The SSD must mail the desk review determination package in h. above to the recipient by first class mail, and a copy must be sent to the SCU so that the CSMS case records can be updated with the correct status and reason code, and a copy of the results of the desk review calculation must be provided to the TAU to issue a payment to the recipient or to arrange for recoupment of an overpayment, if appropriate.
  - j. The TAU must disburse additional pass-through or excess support payments identified as a result of the desk review no later than 15 calendar days from the date of the determination letter. If the review determines that the recipient has received pass-through or excess support payments in error, a recoupment of the overpayment to the recipient will be accomplished through the monthly public assistance rebudgeting process and may begin within 30 calendar days from the date of the determination letter. If the recipient is no longer receiving public assistance, recoupment of the overpayment will occur through notification by SSD and a payment agreement, or through discussion with the SSD.

**Note:** The first-level desk review determination letter advises the recipient that a second-level review by DCSE may be requested if the recipient disputes specific facts contained in the desk review determination, and provides notice of the opportunity for the recipient to provide additional but previously unavailable documentation to DCSE for consideration in the second-level review.

## **F. Second-Level Desk Review**

### **1. DCSE Procedures**

- a. Recipients may request a second-level review of the SCU/SSD's desk review determination if they do not agree with the first-level findings. A request for a second-level review must be submitted in writing to DCSE by submitting a “Request to New York State for a Second-Level Desk Review of the Distribution of Child Support Payments” (Attachment 8) within 20 calendar days of the date of the SCU/SSD's desk review determination. As stated in Section E.2.h. above, the second-level desk review form and instructions

are provided to the recipient with the first-level desk review determination letter.

- b. Upon receipt of a “Request to New York State for a Second-Level Desk Review of the Distribution of Child Support Payments” form, DCSE and DETS jointly conduct the second-level desk review and DETS will issue the results of the review to the recipient no later than 30 calendar days from the date of receipt of a completed desk review request form. DCSE has 10 calendar days to complete the procedures outlined in Section F.1., herein.
- c. Upon receipt of a second-level desk review request, DCSE will enter a status and reason code of H001 RC05 “RESP REQUESTS 2<sup>ND</sup> LEVEL REVIEW” to record the request.
- d. The second-level desk review request must specify the facts in dispute and include a copy of the SCU/SSD first-level desk review determination letter and a copy of the calculations worksheet. It may also include any additional but previously unavailable documentation that supports the facts in dispute.
- e. DCSE will review the second-level desk review request form with respect to the facts in dispute, and will review any additional but previously unavailable documentation submitted by the recipient to determine the reason for the second-level desk review and what actions may be necessary.
- f. DCSE will review the accuracy of the first-level desk review determination calculations by comparing the collection and disbursement sections of the worksheet that accompanied the first-level desk review determination against the collection and disbursement information on the CSMS case records. If there are no changes, DCSE will print the name, initials, title, telephone number, and the date that the review is completed on the worksheet in the appropriate section.
- g. If review of the collection and disbursement sections of the worksheet results in necessary changes, DCSE will take any actions necessary to resolve the second-level desk review, such as contacting the SCU to locate a payment in suspense and assure that the payment is applied to the CSMS account.
- h. DCSE must cross out any information it determines is incorrect and enter any corrected information legibly to record the collection and disbursement information. The appropriate sections must be completed to finalize the second-level review and updated collection and disbursement information.
- i. DCSE must forward the original second-level desk review request, any documentation provided, and the calculations worksheet to

DETS promptly but no later than 10 calendar days from receipt of the second-level desk review request. A copy of the documents should be retained by DCSE until the determination package is received from DETS.

**Note:** When the second-level desk review is completed by DETS and upon receipt of a copy of the desk review determination package from DETS (see further details in Section F.2. below), DCSE must review the results, enter the status and reason code of H901 RC05 “2<sup>nd</sup> LEVEL REVIEW COMPLETED” on the IVDJSI screen, and enter remarks to support the desk review on the IVDJRR screen (e.g., Second-level desk review completed. Determination in agreement with first-level desk review).

## **2. DETS Procedures**

- a. DETS will receive the second-level desk review package from DCSE as specified in Section F.1.i. above.
- b. DETS will review the second-level desk review request form with respect to the facts in dispute, and will review any additional but previously unavailable documentation submitted by the recipient to determine the reason for the second-level desk review and what actions may be necessary.
- c. DETS will review the accuracy of the first-level desk review determination with respect to the facts in dispute by reviewing the WMS/BICS records and release of funds sections of the worksheet that accompanied the first-level desk review. If there are no changes, DETS will print the name, initials, title, telephone number, and the date that the review is completed on the worksheet in the appropriate section.
- d. If review of WMS/BICS sections of the worksheet result in necessary changes, DETS must cross out information it determines is incorrect and enter any corrected information legibly to record the WMS/BICS information. The appropriate sections must be completed to reflect the second-level review and updated public assistance information, through conclusion of the desk review.
- e. DETS must issue a second-level desk review determination in writing to the recipient using the “Determination of the Second-Level Desk Review” (Attachment 10) letter within 30 calendar days of receipt of the recipient's request for the second-level review.
- f. The second-level determination letter identified above must be reproduced on DETS letterhead, and must include a copy of any:
  - (i) revised or additional calculations worksheets; and

(ii) new documentation considered in the second-level desk review.

- g. The second-level desk review determination package must be mailed to the recipient by first class mail, and a copy must be sent to DCSE, the SCU (so that the CSMS case records can be updated with the correct status and reason code), and the SSD. A copy of the results of the desk review calculation must also be provided to the TAU with instructions to process a payment to the recipient or to arrange for recoupment of an overpayment, if appropriate.

**Note:** The second-level determination letter advises the recipient that a review under Article 78 of the Civil Practice Law and Rules of the DCSE/DETS determination may be requested within four months of the date of the determination letter if the recipient disputes specific facts contained in that determination. Further, the recipient will be advised that if legal assistance is required, they may wish to contact a local not-for-profit legal services corporation. The telephone number of a local not-for-profit legal services corporation will be provided.

## **VI. Systems Implications**

There are no systems implications.

## **VII. Additional Information**

The SCU will maintain the case records for all desk reviews for six (6) years from the date of either the first or second-level desk review determination, whichever is later.

## **VIII. Effective Date**

This ADM is effective immediately.

### **Issued By**

**Name:** Scott E. Cade  
**Title:** Deputy Commissioner and Director  
**Division/Office:** NYS Division of Child Support Enforcement

### **Issued By**

**Name:** Russell Sykes  
**Title:** Deputy Commissioner  
**Division/Office:** NYS Division of Employment and Transitional Supports