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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SO ORDERED:

*[Signature]*  
WILLIAM H. PAULEY III U.S.D.J.

12/22/10

----- x  
LAKISHA REYNOLDS, *et al.*,

Plaintiffs,

-against-

**STIPULATION**

98 Civ. 8877 (WHP)

RUDOLPH GIULIANI,

Defendants.  
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**WHEREAS** this Court issued a Judgment, dated December 14, 2005 (“Judgment”) finally resolving plaintiffs’ claims against the City defendants in the above-referenced action on behalf of a class of plaintiffs; and

**WHEREAS** the Judgment requires the City Defendants to process class members’ applications for Food Stamp benefits separately when the application for cash assistance was denied or withdrawn (“Food Stamp separate determination” or “FSD”), in accordance with 7 U.S.C. §§ 2014(b) and 2020(i)(2) and 7 C.F.R. § 273.2 (Judgment at ¶ 3(b)); and

**WHEREAS**, the parties now desire to resolve an issue of outstanding retroactive benefits owed to certain class members for FSDs that were not made as required by law (“restored Food Stamp benefits”) without further proceedings and without admitting any fault or liability; and

**WHEREAS** the parties acknowledge that, because it is in the best interests of class members entitled to restored Food Stamp benefits to provide such relief as expeditiously as possible, for such class members it is appropriate to use a process based upon average monthly grants for households of sizes comparable to those of the affected class members; and

**WHEREAS** the parties have agreed to undertake the process of restoring restored Food Stamp benefits to class members in phases beginning with those class members who required, but did not receive, a FSD between December 15, 2005 and November 30, 2006;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. Within ten (10) days after the effective date of this Stipulation, the New York City Human Resources Administration (“HRA”) will identify certain households who required, but did not receive, a FSD between December 15, 2005 and November 30, 2006, as a result of an application at a Job Center in which a request for cash assistance was denied (rejected or closed) (“identified households”), using the following identifiers:

(a) Public assistance/Food Stamp denials under codes that require a FSD as listed in the Food Stamp Separate Determination Desk Guide where the transaction date associated with the codes was between December 15, 2005 and November 30, 2006;

(b) Public assistance denials on expedited Food Stamp cases using Food Stamp closing code Y99 where the transaction date associated with the code was between December 15, 2005 and November 30, 2006;

(c) Food Stamp denials under rejection code J05 where the transaction date associated with the code was between December 15, 2005 and November 30, 2006.

**Households that became active for Food Stamp benefits within 210 days of the Job Center denial**

2. HRA will issue, pursuant to paragraphs 3 and 4 of this Stipulation, restored Food Stamp benefits to identified households that became active for Food Stamp benefits within 210 days of the denial. The restored Food Stamp benefits will be added to the household’s Electronic Benefit Transfer (“EBT”) account.

3. The restored Food Stamp benefits for each identified household will be calculated by multiplying (a) the amount of the household’s monthly Food Stamp grant once the

household became active for Food Stamp benefits, by (b) the number of months of lost Food Stamp benefits from the application file date until the month prior to the first month of benefits issued when the household became active for Food Stamp benefits.

4. Within thirty (30) days of the effective date of this Stipulation, HRA will issue the restored Food Stamp benefits, whether or not the household is currently active for Food Stamp benefits.

5. Within thirty (30) days of the effective date of this Stipulation, HRA will send a notice to identified households titled "Notice of Restored Food Stamp Benefits – Cases Activated Within 210 Days of the Cash Assistance Denial (Form W-137G)" ("Form W-137G"), which will inform such households of the amount of, and the way to redeem, the restored Food Stamp benefits.

6. Households that have an active EBT card will have access to the restored Food Stamp benefits within thirty (30) days of the effective date of this Stipulation. Households that do not have an active EBT card will be informed by Form W-137G to come to the HRA Special Projects Center at 172 Water Street, New York, NY 10038, or to call a designated telephone number. HRA will provide each household that uses this process a referral for an EBT card so that the household will have access to the restored benefit within ten (10) days after contacting HRA.

7. Prior to the Form W-137G notices being sent pursuant to paragraph 5 of this Stipulation, HRA will provide to plaintiffs' counsel a list that identifies by name and case number each identified household to which the Form W-137G will be mailed, indicating the amount of restored Food Stamp benefits that HRA will issue to each household.

8. If the Form W-137G is returned as undeliverable, then HRA will retain a "People Locator" service for the purpose of finding the household and will mail a new notice to

any household for which the People Locator provides a different address. For those households for which the People Locator cannot provide an updated address, no further action will be taken on their case and a case note shall be made in the case file regarding HRA's inability to contact the household regarding the provision of restored Food Stamp benefits.

**Households that did not become active for Food Stamps within 210 days of the Job Center denial**

9. For each identified household that did not become active for Food Stamp benefits and was not denied Food Stamp benefits by a Non-Cash Assistance Food Stamp (NCAFS) Center within 210 days of the denial, HRA will mail a Food Stamp Outreach Notice (W-137K) ("Outreach Notice") to the household's current or last-known address in the Welfare Management System ("WMS"). The mailing will take place over a period of six months, during which time HRA will mail the Outreach Notice to identified households in the approximate order in which the identified households' applications for benefits were denied.

10. Prior to the Outreach Notices (Form W-137K) being sent pursuant to paragraph 10 of this Stipulation, HRA will provide to plaintiffs' counsel a list that identifies by name and case number each identified household to which the Outreach Notices will be mailed.

11. If the Outreach Notice (Form W-137K) is returned as undeliverable, then HRA will retain a "People Locator" service for the purpose of finding the household and will mail a new notice to any household for which the People Locator provides a different address. For those households for which the People Locator cannot provide an updated address, no further determination regarding the amount of restored Food Stamp benefits shall be made and a case note shall be made in the closed case file regarding HRA's inability to contact the household regarding the provision of restored Food Stamp benefits.

12. Form W-137K will inform such households that they did not get a separate determination of Food Stamp eligibility when their cash assistance case was closed during the period December 15, 2005 through November 30, 2006. It will also inform such households that if they would like HRA to evaluate their eligibility for restored Food Stamp benefits, they must complete the bottom ("Outreach Response") of the Outreach Notice and return it in the postage-paid envelope included in the mailing, addressed to the Reynolds Retroactive Relief Project, Special Projects Center, 172 Water Street, New York, NY 10038.

13. Upon receipt of the Outreach Response, designated workers at the HRA Special Projects Center will review the information available in HRA's electronic case record concerning the household's eligibility for Food Stamp benefits retroactive to the date the denied application was filed.

(a) If a review of the information in the electronic case record is sufficient to determine a household's eligibility for restored Food Stamp benefits, the designated worker will calculate the restored Food Stamp benefits for each household by multiplying (i) the applicable standard monthly restored Food Stamp benefit amount based on household size, which has been agreed upon by the parties in the Reynolds litigation and approved by the United States Department of Agriculture, by (ii) the number of months of lost Food Stamp benefits. As a consequence of the process described herein, and for the reasons set forth above, the parties agree that it will be unnecessary for the designated worker to determine the actual amount of Food Stamp benefits for which the household would have been eligible. The standard monthly restored Food Stamp benefit amounts are set forth in Exhibit A, annexed.

(b) If a review of the information in the electronic case record is not sufficient to determine a household's eligibility for restored Food Stamp benefits, the designated worker will send the household a completed "Request for Additional Information Retroactive Food Stamp Review (W-137J)," along with a postage-paid envelope addressed to the Reynolds Retroactive Relief Project, HRA Special Projects Center, 172 Water Street, New York, NY 10038. The designated worker will complete the W-137J by listing the requested information and annotating a return date of fourteen (14) calendar days from the date the W-137J is mailed to the household. The designated worker will retain a copy of the W-137J.

14. For every household reviewed pursuant to paragraph 13, above, the designated worker will complete an "Outcome of Retroactive Food Stamp Review (Form W-137H)," which will inform the household of the decision on the household's eligibility for restored Food Stamp benefits and of their right to appeal the decision.

(a) For households that submit an Outreach Response pursuant to paragraph 12, above, HRA will both send the Form W-137H to the household and issue the restored Food Stamp benefits within (10) days of the determination regarding entitlement to restored Food Stamp benefits made pursuant to paragraph 7 of this Stipulation.

(b) HRA will follow the procedure for providing access to restored Food Stamp benefits detailed in paragraph 6 of this Stipulation for households that do not have an active EBT card.

15. Prior to sending the Form W-137H pursuant to the previous paragraph, HRA will provide to plaintiffs' counsel a list which identifies by name and case number each household sent a notice pursuant to that paragraph, and indicates the amount, if any, of restored benefits for each household.

16. Households that did not become active for Food Stamp benefits within 210 days of the Job Center denial, subsequently reapplied for Food Stamp benefits and became active for Food Stamp benefits, and have been determined to be eligible for restored Food Stamp benefits pursuant to this Stipulation will be issued restored Food Stamp benefits for the months between the filing date of the denied application and the date of the reapplication for NCA Food Stamp benefits during which the household did not receive Food Stamp benefits.

17. Households that did not become active for Food Stamp benefits within 210 days of the Job Center denial, never subsequently reapplied for Food Stamp benefits, and have been determined eligible for restored Food Stamp benefits pursuant to this Stipulation will be issued twelve months of Food Stamp benefits retroactive to the filing date of the denied application.

18. Households that did not reapply for Food Stamp benefits within 210 days of the Cash Assistance closing or denial but who were subsequently denied Food Stamp benefits by an NCA Food Stamp Center between 210 days and 365 days of the Cash Assistance closing or denial, and are determined eligible for restored Food Stamp benefits will be issued Food Stamp benefits from the filing date of the denied Cash Assistance/Food Stamp application up to the month prior to the filing date of denied subsequent NCA Food Stamp application.

19. Households that did not reapply for Food Stamp benefits within 210 days of the Cash Assistance closing or denial but who were subsequently denied Food Stamp benefits by an NCA Food Stamp Center after 365 days of the Cash Assistance closing or denial, and are determined eligible for restored Food Stamp benefits will be issued twelve months of restored Food Stamp benefits retroactive to the filing date of the denied Cash Assistance application.

20. Households that did not become active for Food Stamp benefits within 210 days of the Job Center denial, subsequently reapplied for Food Stamp benefits and were denied Food Stamp benefits by a Non-Cash Assistance Food Stamp (NCA FS) Center within 210 days of the Job Center denial will not be eligible for restored Food Stamp benefits pursuant to this Stipulation.

**Provisions Applicable to All Identified Households**

21. Finger imaging will not be required for individuals in households whose only benefits are restored Food Stamp benefits issued pursuant to this Stipulation.

22. HRA will not deem the restored Food Stamp benefit an overpayment to the extent that such benefit is based upon the assumptions set forth in this stipulation at paragraphs 3 and 13(a), above, and in Exhibit A, annexed.

23. This Stipulation only concerns households who required, but did not receive, a FSD between December 15, 2005 and November 30, 2006, and is not and shall not be

Attachment A

**MONTHLY STANDARDIZED RESTORED BENEFIT AMOUNT BY**  
**HOUSEHOLD SIZE**

<b><u>HOUSEHOLD SIZE</u></b>	<b><u>RESTORED BENEFIT</u></b>
1	\$115
2	\$209
3	\$305
4	\$376
5	\$446
6	\$554
7	\$628
8	\$737
9	\$867
10	\$969