

## Attachment #13

**From:** [Kehmna, Kevin \(OTDA\)](#)  
**To:** [SNAP State Administration Branch - FNS](#)  
**Subject:** Comment on FR Doc # 2015-16476  
**Date:** Friday, September 04, 2015 4:40:07 PM

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Jane Duffield  
Chief, SAB, PAAD, FNS, USDA  
3101 Park Center Dr Rm 818  
Alexandria, VA 22302

Dear Ms. Duffield:

Following, for your consideration, is the response from the New York State Office of Temporary and Disability Assistance to the Request for Comments published in the Federal Register on July 6, 2015. We appreciate the chance to comment on the 366-B changes.

NYS appreciates FNS's efforts to enhance and clarify the 366-B Instructions and reorganize the reporting structure of the form. The instruction changes contained in the 6/15 version of the 366-B are a marked improvement, although we feel there is a need for additional clarity, particularly in Section E. We continue to believe that combining certification, hearing and fraud information on one form unnecessarily complicates the form and that Program Integrity data should be reported on its own.

As we stated in our January 14, 2015 comments to the original RFI, we believe it is important for FNS to acknowledge and accommodate the wide range of SNAP programs across the country when developing reporting rules and regulations. FNS must take the appropriate steps in the planning and design stages to make sure that both state-run and locally-administered SNAP programs are able to comply with the resulting changes. As designed, the changes in the 6/15 version of the 366-B will disproportionately negatively impact locally-administered states. The changes presuppose Program Integrity case management systems that few states currently possess. For locally administered states, these changes will impose much more of a reporting burden and will require a longer period and more resources to implement than it appears FNS is acknowledging. Also, overall we are concerned that some of the simple metrics in the revised 366-B may lead to inaccurate conclusions being drawn about State and Local District efforts, efficiency and effectiveness.

Section-specific comments follow:

### **Section C- CERTIFICATIONS -**

Data on lines 1 (Applications) and 2 (Recertifications), particularly recertifications, recorded as overdue from 1-30 days often are the result of an applicant's failure to take some necessary action. It is not possible to determine which delays in processing between 1 and 30 days late are applicant-caused and which are agency-caused without investigating the individual case circumstances. How does USDA plan on factoring this fact into their analysis of the data in these cells?

## **Section E – FRAUD INVESTIGATIONS**

**Lines 1 and 2** – FNS has removed the reporting classifications of pre vs post certification investigation, does this remain an area of interest for FNS?- we would anticipate precertification reviews to differ from postcertification reviews in certain metrics.

**Columns f, g, h** - As a locally administered program, NYS does not currently have tracking capability for these new 366B data elements for each local district in the state. Given the realities of the fluctuations in resource levels at the local social services district level throughout a reporting period, we would question the costs of time and resources that would need to be devoted to developing such a reporting system when compared to the minimal usefulness of the simplistic data contained in the results.

## **Section F - ADMINISTRATIVE DISQUALIFICATION HEARINGS and Section G – Prosecutions ( same comments apply)**

### **Columns d, e, f -**

NYS does not possess a mechanism to track average number of days from referral to completion, or how many days referred individuals waited for scheduling/no action by prosecutor. We would question the usefulness of this information and believe it is too simplistic and variable to be considered a true measure of “operational efficiency.” It seems tedious to have to calculate two different dollar amounts – one for amount subject to claim and one for cost savings.

Thank you for the opportunity to comment on the 366B changes and we look forward to continuing this dialogue.

Kevin Kehmna  
Director, Audit and Quality Improvement

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