



News

from
Assemblyman
**DOV
HIKIND**

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ASSEMBLYMAN HIKIND MAKING GOVERNMENT WORK FOR YOU

DENIAL REVERSED

Empire Blue Cross Blue Shield had approved cochlear implant surgery for Mrs. S.'s daughter and fully covered all expenses. She was understandably upset and perplexed, therefore, a year later, when they refused to do the same for her son, who underwent the same procedure. When she called Empire to protest she was told that the first approval had been a mistake and that the surgery was not covered. Furthermore, the customer service representative informed her, if she persisted in calling them they would demand that she

repay them for the first procedure.

Assemblyman Hikind intervened with the Executive Services office of Empire on Mrs. S.'s behalf and relayed the service rep's outrageous threat. The executive he spoke to apologized for the misunderstanding, confirmed that the procedure was indeed covered, and assured the Assemblyman that the doctor would receive payment promptly.



NO WORKER, NO COMPENSATION

Mr. N. received a notice from a collection agency demanding close to \$8,000 which he supposedly owed the State Insurance Fund for outstanding Workers Compensation payments. When he called the agency he was advised that the matter could be settled by a partial payment, which he promptly made. However, he continued to receive notices which he felt were unjustified, since there were no employees other than himself and his brother.

Assemblyman Hikind got in touch with the State In-

surance Fund and had them look into the issue. They discovered that there

had been a mix-up with an individual who had never been on Mr. N.'s payroll but had mistakenly been classified as his employee. The State Insurance Fund issued a refund and provided a letter clearing Mr. N. of all charges.



BUREAUCRATIC BUNGLE I

Mr. G. received a speeding violation for traveling 75 mph in a 50 mph zone. He pleaded guilty and paid the fine. Due to a clerical error, the location was entered into the DMV system as being a 30 mph zone. Consequently, Mr. G. got 11 points on his license for exceeding the speed limit by over 40 mph, his insurance rates doubled, and an assessment fee of \$675 was imposed.

Mr. G. tried to handle the matter on his own. He contacted the NYC Department of Transportation and obtained confirmation that the speed limit at the site in

question was indeed 50 mph. However, he was advised that it was too late to adjust the record. He then turned to Assemblyman Hikind for assistance.

After the Assemblyman contacted the DMV, the summons and fine were corrected, 5 points were removed from Mr. G.'s record, and he received a refund of \$375.



BUREAUCRATIC BUNGLE II

When Mrs. S. received a sanitation ticket for failure to clean 18" into the street, she was typically displeased, but nonetheless paid the \$100 fine. However, when she subsequently received a penalty notice of \$10,000 from the Environmental Control Board for illegal disposal of asbestos, she was flabbergasted. Her correspondence to the ECB requesting an explanation received no response other than additional notices.

In researching the ECB records Assemblyman Hikind discovered that the numbers in Mrs. S.'s address

had been transposed and they had her listed as the owner of a different property where the actual asbestos violation had

occurred. When he presented them with proof that Mrs. S. was not the owner of the property in question, the ECB apologized and made the necessary corrections to its records.



CHECK, PLEASE

Mr. M.'s daughter was the recipient of a \$6,000 check as payment on an accident claim in 2001. The check had not been deposited and was now lost. The insurance company had been taken over by another firm and no longer existed. Fortunately, Mr. M. had a photo copy of the check to prove his claim.

Before the new insurance company would issue a replacement check, they needed to confirm that the original had never been cashed. Assemblyman Hi-

kind discovered that the funds had been turned over to the New York State Comptroller's Office of Unclaimed

Funds in 2005. He was able to expedite the process, and Mr. M. received a check a short while later.



CATCH-22

When Mr. V. became too ill to continue working, he applied for unemployment benefits and for Medicaid. His unemployment application was denied because he had left his job "without good cause," and Medicaid disqualified him because he was supposedly receiving unemployment payments and thus exceeded the income guidelines. Mr. V. found himself caught in a bureaucratic Catch-22.

Assemblyman Hikind arranged for a fair hearing regarding Mr. V.'s Medicaid application. He also helped him obtain a letter from the Department of Labor indicating that he was ineligible for unemployment benefits, which Mr. V. presented at the hearing.

The fair hearing decision found Mr. V. eligible for Medicaid retroactive to his original application date.

THROUGH NO FAULT OF HIS OWN

Mr. M. is an honorably discharged Vietnam veteran who served as a federal employee with the U.S. Postal Service for 24 years. Due to his post-traumatic stress disorder caused by his military service, he was granted a disability pension from the federal Office of Personnel Management. He also submitted an application for Social Security Disability, which was approved.

Four years later he was notified that the Social Security Administration was seeking to recover an apparent overpayment of over \$25,000 which they claimed he was not entitled to because he was receiving the disability pension. Mr. M. filed for a waiver of recovery for the overpayment and was denied. Unable to secure a Legal Aid attorney for a personal conference at the Social Security office, he approached Assemblyman Hikind for assistance.

The Assemblyman contacted the Social Security Ad-

ministration and argued that at the time Mr. M. had applied for disability benefits

he acted in good faith and divulged all sources of income, including his pension. Despite the fact that the SSA knew of the pension, it failed to recognize and act on its own regulations. Thus, the error was on their part, not on Mr. M's. Moreover, since Mr. M. lacked the means to repay the considerable amount, enforcing the repayment would result in a serious financial hardship to the point where he and his wife could no longer afford their most basic necessities.

The conference resulted in a favorable decision. The waiver was granted, and Mr. M. was not required to repay the overpayment.



NOTHING VENTURED, NOTHING PAID

Responding to an ad in a local paper, Mr. R. applied for a loan modification plan offering free consultation and affordable payment options. He paid a \$750 fee, and then did not hear from them again. When he called to complain, he was given the run-around and told to call various different numbers. He finally succeeded in getting a refund of only half the money. Mr. R. was not satisfied with that and

felt he was entitled to a full refund, as they had not helped him in any way.

His frustration led him to Assemblyman Hikind, who contacted the company on Mr. R.'s behalf and convinced them to return the rest of the fee.



PRIVATE PROPERTY – KEEP OFF

Mr. V. lives on a private, dead end street that is entirely owned by the residents. He and his neighbors were therefore bewildered when they received parking tickets for parking the "wrong way." As the street is not city property, and, in fact, does not show up on the map of the city, they should not have been issued any summonses. In fact, traffic agents should not be patrolling it at all.

Assemblyman Hikind was able to obtain confirmation that the street is indeed a private one, which he provided to the Traffic Enforcement Division of the NYPD. As a result, all outstanding tickets were dismissed, and those that had been paid were issued refunds.



TOO CANDID CAMERA

Mr. & Mrs. Y. related a disturbing experience they had at a Kiddie Kandids portrait studio at a Babies R Us location where they took their baby for professional photos. While awaiting their turn, they were appalled to overhear themselves being the subject of a vulgar and racist conversation by two of the store's employees who laughingly made sexual and ethnic mocking remarks about them.

Assemblyman Hikind brought the incident to the attention of officials of both Kiddie Kandids and Babies R

Us, demanding that appropriate action be taken. Following an investigation into the incident, the regional manager of Kiddie

Kandids assured the Assemblyman that proper disciplinary action against the employees involved had been taken.



ILLEGAL SEIZURE

A collection company that was after Mr. J. for unpaid debts (which he disputed) had obtained a court-ordered Restraining Notice requiring his bank to put a hold on his funds equal to twice the amount he owed. Since his balance was not sufficient to cover that amount, a block was placed on his account, leaving him with no access to his money.

What the bank had apparently overlooked, and what Assemblyman Hikind pointed out to them, was that Social Security payments are legally exempt from seizures

and should have been set aside. After providing verification that the money in Mr. J.'s account was from direct deposit

Social Security checks, the Assemblyman succeeded in having the funds released. In addition, the \$132 legal processing fee assessed against Mr. J. by the bank was refunded as well.



NO SIGN OF THE TIMES

Mr. H. had received three tickets for parking in a No Standing zone. His defense, which he submitted to the Parking Violations Bureau Adjudication Unit, was that there was no sign at the location. He included photographs from the period in question clearly showing a sign post with the sign missing. Nevertheless, he was found guilty on appeal on two of the violations and had to pay the fines.

Feeling that the issue hadn't been fairly handled, Mr.

H. wanted to follow up on his case. Assemblyman Hikind requested a copy of the Department of Transportation signage repair and replacement records for that location, which he forwarded to the Appeals Board at the Department of Finance. The record showed that a repair order for the missing sign had been issued, but it was not replaced until a month after Mr. H. received his tickets.

The Appeals Board reversed the original guilty determinations, and a refund check was mailed to Mr. H.



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