

**Matter of Hammond v Commisioner, NYS Dept. of  
Social Servs.**

2007 NY Slip Op 34450(U)

January 11, 2007

Supreme Court, Nassau County

Docket Number: 15833/06

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**SHORT FORM ORDER**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

**Present:**

**HON. DANIEL PALMIERI  
Acting Justice Supreme Court**

-----x  
**In the Matter of the Mattie Lou Hammond**

**TRIAL PART: 50**

**INDEX NO.:15833/06**

**Petitioner,**

**For a judgment pursuant to Article 78 of the  
Civil Practice Law and Rules**

**PROCEEDING DATE:10-30-06  
SUBMIT DATE: 1-5-07  
SEQ. NUMBER - 006**

**-against-**

**Commissioner, NYS Department of Social Services  
and Commissioner, Nassau County Department  
of Social Services,**

**Respondents.**

-----x

**The following papers have been read on this motion:**

- Notice of Petition, dated 9-27-06.....1**
- State Respondent's Verified Answer, dated 11-27-06.....2**
- Petitioner's Memorandum of Law, dated 12-27-06.....3**

Upon the foregoing papers it is ordered and adjudged that this petition brought pursuant to Article 78 of the Civil Practice Law and Rules is granted and the decision after Fair Hearing is vacated. The petitioner's income shall be deposited in the Supplemental Needs Trust established for the benefit of her son, Ferdiland Hammond, and such income shall not be considered as part of the petitioner's Net Available Monthly Income available

to support her cost of care.

Insofar as it affects the Court's analysis of the factual and legal positions of the parties, this matter is not distinguishable from the case of *Matter of Kaiser v Commissioner of N.Y.S. Dept. Of Health*, 13 Misc. 3d 1211(A) (Sup. Ct. Nassau Cty., 2006), decided by the undersigned. Accordingly, the petition is granted for the reasons stated in that decision.

This shall constitute the Decision, Order and Judgment of this Court.

ENTER

DATED: January 11, 2007



HON. DANIEL PALMIERI  
Acting Supreme Court Justice

**TO: Beth Polner Abrahams, Esq.  
Attorney for Petitioner  
300 Garden City Plaza, Ste. 404  
Garden City, NY 11530**

**ENTERED**

**JAN 12 2007**

**NASSAU COUNTY  
COUNTY CLERK'S OFFICE**

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Empire State Plaza  
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