



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
600 Washington Street • Boston, MA 02111


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Commissioner

Field Operations Memo 2004-39B
September 30, 2004

To: Transitional Assistance Office Staff
From:  Cescia Derderian, Assistant Commissioner for Field Operations
Re: Financially Ineligible EA AUs Between July and September 2004

**Purpose of
Memo**

Since July, AUMs and TAO Directors have been maintaining a list of EA AUs who have been determined ineligible based on income in excess of the EA Eligibility Standard. No termination notice has been sent to these EA AUs.

A decision has been made to reevaluate the EA eligibility for these EA AUs using the current income of the EA AU.

State Letter 1285 issued the regulations regarding the six-month continuation of shelter benefits. Field Operations Memo 2004-39A issued the procedures applicable to an EA AU whose income exceeds the EA Eligibility Standard as of September 20, 2004.

This memo issues the procedures for EA AUs identified as being over income from July 1 to September 17, 2004. The procedures address EA AUs with an active or closed status.

AUM or Homeless Coordinator Responsibilities: EA AU's Income Exceeded Standard: July 1 to September 17

AUM or Homeless Coordinators must schedule an appointment with the EA AUs identified as having income above the EA Eligibility Standard to come to the TAO no later than October 7, 2004 and bring verification of the family's income, both earned and unearned income. Before an appointment is scheduled be sure to confirm the EA AU still resides in the shelter. Some EA AUs have moved from the shelter into permanent housing and further action is not required by the AUM. The appointments for the EA AUs should be scheduled in the order of the ineligibility determinations, i.e., review July cases before the August cases. An automatic recalculation of EA eligibility will be done using the current income. If the income is above the EA Eligibility Standard, the EA AU will receive shelter benefits for a six-month period as an active EA AU with subtype EA Six Months.

If the EA AU is active but the income was found to exceed the EA Eligibility Standard, the AUM or Homeless Coordinator must:

- Enter the income for the most recent past four weeks on the appropriate Assessed Person Income and Expenses Statement window and mark the income as countable for EA (if earned income, mark as countable for CASH because EA income is derived from this entry). Save or update the data;
- Go to the Verification tab to confirm the income has been verified;
- Go to Interview Wrap-up and do the EBC calculation. The Interview Wrap-up EBC Results window will display if the EA AU is eligible as an EA-Regular subtype or an EA Six Months subtype.
 - As an EA Regular subtype, there is no time limit on the shelter eligibility;
 - As an EA Six Month subtype, the shelter benefits will continue for six months unless the EA AU becomes ineligible for another reason.

The display field will show EA Program, active status, EA Six Month subtype, a Reevaluation Start Date and End Date and a Reevaluation Type of EA Six Month Escrow Period; and

- Alert the supervisor who authorizes the transaction of the pending authorization to ensure same day authorization.

If the EA AU is eligible as an EA Six Months subtype a system-generated notice (Attachment A) will be sent.

AUM or Homeless Coordinator Responsibilities: EA AU's Income Exceeded Standard: July 1 to September 17

If the EA AU is closed because the income exceeded the EA Eligibility Standard, the AUM or Homeless Coordinator must reinstate the EA AU if closed less than 30 days or reopen the EA AU if closed more than 30 days.

To reopen the EA AU an RFA must be completed.

To reinstate the EA AU:

Closed EA AU: Reinstate or Reopen

- Go to the Reinstatement window of the Program Administration workflow;
- Select the EA AU;
- Highlight and select each member requesting reinstatement;
- Click on Finish.

For both a reinstatement and a reopening, the AUM or Homeless Coordinator must:

- Complete the windows in the Eligibility Explorer window that are marked as Requires Redit. The data must be entered to complete the reopening process;
 - Enter the income for the past four weeks on the appropriate Assessed Person Income and Expenses Statement window and mark the income as countable for EA (if earned income, mark as countable for CASH because EA income is derived from this entry). Save or update the data;
 - Go to the Verification tab to confirm the items have been verified;
 - Go to Interview Wrap-up and do the EBC calculation;
 - If the income is less than the EA Eligibility Standard, the EA AU is eligible as SubType EA-Regular.
 - Enter a Benefit Effective Date that is one day after the termination date.
 - Alert the supervisor who authorizes the transaction of the pending authorization to ensure same day authorization.
 - No system-generated notice is sent. If an NFL-9 was sent in error when the income was evaluated in July or August, send another NFL-9 to inform the EA AU of the eligibility for shelter benefits; or
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AUM or Homeless Coordinator Responsibilities:

EA AU's Income Exceeded Standard: July 1 to September 17 (continued)

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- If the income is above the EA Eligibility Standard, the EBC calculation shows the EA AU as denied for excess income.
 - Alert the Director/ designee to change the denied status by:
 - ✓ selecting the denied record,
 - ✓ clicking the dropdown box in Reevaluation type and selecting EA Six Months Escrow Period,
 - ✓ clicking Update by the Benefit Effective Date. An edit, "The reevaluation subtype has been changed on the Emergency Assistance AU. Please recalculate."; and
 - ✓ clicking on Calculate to recalculate EBC Results. The EA AU will appear as an active EA SubType Six Months. The Revaluation Start and End Dates will be automatically set. The system-generated notice (Attachment A) will be sent.

The system-generated notice (Attachment A) will be sent advising the EA AU that:

- The family's monthly income is above the EA Eligibility Standard but the family will continue to receive shelter benefits for the next six-consecutive months, unless the EA AU becomes ineligible for another reason; and
 - During the six-month period the EA AU must meet the following requirements:
 - report its income monthly;
 - escrow (save) each month that portion of their **gross** monthly income that exceeds the EA Eligibility Standard;
 - make no withdrawals from the escrowed money until the EA AU moves into permanent housing. As the escrowed money is considered inaccessible to the EA AU, it is also noncountable for EA, TAFDC and Food Stamp purposes;
 - meet the activities in the EA AU's Self-Sufficiency Plan, with an increased emphasis on housing search activities. The HAP provider will offer concentrated housing search assistance to the EA AU. Savings activities must be met in addition to the escrow requirements. If the savings activity requires \$100 monthly and the escrow requirement is \$40 monthly, the total amount to be saved is \$140; and
 - continue to follow the rules of the shelter.
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**AUM or
Homeless
Coordinator
Responsibilities:
Special
EA AUs**

There are several EA AUs who have been processed as SubType EA Six Months AUs before Field Operations Memos 2004-39A and 2004-39B were received by staff. To ensure the EA AUs are properly notified of the changes to the EA regulations regarding shelter benefits, the following procedures must be taken.

Notice Issued

Some of the EA AUs received the system-generated notice (Attachment A) but have not been advised of their new responsibilities. A list of these EA AUs will be e-mailed from Field Operations to the affected TAOs. These EA AUs must be processed as described in Field Operations Memo 2004-39A, starting on page 5.

Notice Not Issued

Some of the EA AUs did not receive the system-generated notice but had been converted to SubType EA Six Months AUs. A list of these EA AUs will be e-mailed to the affected TAOs.

Upon notification from Field Operations, the AUM or Homeless Coordinator must make a copy of Attachment A and complete the notice with the income information for the specific EA AU. This includes entering the EA Eligibility Standard for the EA AU size and the total monthly income. The six-month period begins on the day the notice is mailed to the EA AU. Send the original and a copy of the notice to the EA AU and file a copy in the EA AU record.

The TAO Director must ensure the correct Reevaluation Start and End Dates for the SubType EA Six Months AU appear on the Interview Wrap-up window.

AUM or Homeless Coordinator Responsibilities:

EA AU's Income Exceeded Standard: July 1 to September 17 (continued)

At the interview with the EA AU, the AUM or Homeless Coordinator must:

- Instruct the EA AU that during the six-month period verification of the AU's income from the prior month will be needed at each monthly appointment. Providing this verification is an eligibility requirement for the continuation of shelter benefits. The prior month's income is compared to the EA Eligibility Standard to determine the escrow amount;
- Advise the EA AU that the AU is responsible for saving that portion of the gross income that is above the EA Eligibility Standard and must show proof of the escrowed monies (such as a bankbook, a bank statement or a money order in the EA AU's name but kept in a secured place in the shelter's office), along with any accumulated escrowed monies, at each monthly interview.

Emphasize with the EA AU that the escrowed funds are noncountable for EA, TAFDC and FS. On the Liquid Assets window, the amount of escrowed assets is deducted from the total amount of all liquid assets when entering the Countable Amounts for TAFDC, FS and EA
 Example: The total amount of assets is \$2600 of which \$700 is the EA escrow amount. Enter \$1900 in the Countable Amounts fields.

- Complete the *EA Six-Month Transition Plan (EA-6 Mos)* form (Attachment B) by entering the EA Eligibility Standard for the AU on the *EA-6 Mos* form and obtaining the adult members' signatures. The *EA-6 Mos* form is used only for AUs with income above the EA Eligibility Standard. If an adult member refuses to sign the *EA-6 Mos* form the EA AU will be terminated;
- Explain how the worksheet section on the reverse side of the *EA-6 Mos* form can be used to record the family's gross income for each week and to calculate the amount to be saved. Be sure the EA AU understands:
 - the sources of unearned income,
 - gross earned income is used not net income,
 - monthly income includes both earned and unearned income, and
 - how to calculate the amount to be saved.

To calculate the amount to be saved:

- add the gross earned income received in the past calendar month.
 Example: week ending 9/4 earnings = \$0; week ending 9/11 = \$0; week ending 9/18 = \$730; and week ending 9/25 = \$730.
 Total gross earned income for past month = \$1460.
- add together the earned and unearned income received in the past calendar month for the total gross income.
 Example: gross earned income \$1460 plus SSI of \$526 = \$1986.

AUM or Homeless Coordinator Responsibilities:

EA AU's Income Exceeded Standard: July 1 to September 17 (continued)

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- subtract the EA Eligibility Standard from the total gross income amount to calculate the amount that must be saved.
Example: \$1986 minus \$1836 (AU of 5) = **\$150** is the amount above the standard which **should be escrowed by next month** but no later than by the meeting in the following month.
 - Advise the EA AU that the EA AU is expected to save the amount above the standard (\$150 in the example above) during the next four weeks.

If, at the next interview the EA AU saved an amount that is less than the required amount, the EA AU has until the next monthly interview to make up the difference. If the outstanding amount is not saved by that interview, then the EA AU's continued shelter benefits will be terminated. See *Monthly Escrow Amount* later in this memo for detailed procedures.
 - Enter the next appointment date on the *EA-6 Mos* form as a reminder to the EA AU;
 - Give the original of the *EA-6 Mos* form to the EA AU, file a copy in the EA AU record and record the scheduled appointment on the Scheduled Appointment tab;
 - Attach the completed *EA-6 Mos* form to the *EA Self-Sufficiency Plan*;
 - Remind the EA AU that during this six-month period the EA AU is subject to the EA shelter requirements such as completing the activities on the *Self-Sufficiency Plan* (Part 1, Part 2 and Part 3), including housing search activities, following the rules of the shelter and savings activities on the EA Self-Sufficiency Plan. The amount to be escrowed does not reduce the regular amount that must be saved monthly. **During the six months, the EA AU's focus with the help from the HAP provider must be on finding housing;**
 - **Advise the HAP provider and the shelter that the EA AU is in the last six months of shelter and stress the importance of the EA AU to secure housing before the six months expire. Send a blank EA Self-Sufficiency Plan, Phase II, Part 2 to the HAP provider and Part 3 to the shelter so the providers will complete a new plan with new activities specifically related to the AU's shelter ending in six months. Annotate the box in the upper right corner with the end date for shelter for the EA AU;**
 - Enter a statement on the Narrative Tab that the income exceeds the EA Eligibility Standard and the end date of the six-month continuation period; and
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**AUM or
Homeless
Coordinator
Responsibilities:****EA AU's Income
Exceeded
Standard: July 1
to September 17
(continued)**

- Advise the EA AU that during this 6-month period, the family becomes ineligible for shelter benefits if the EA AU:
 - Quits the job (without having another job to go to) or reduces the wages without good cause;
 - Refuses to sign the *EA-6 Mos* form;
 - Fails to provide verification of the family's income;
 - Fails to start an escrow account or fails to continue to escrow the amount that exceeds the EA Eligibility Standard;
 - Withdraws funds from the escrowed portion; or
 - Meets one of the shelter termination conditions as specified in 106 CMR 309.040(F)(1)(a) through (e).

To terminate the EA AU for one of the above reasons or to terminate an EA AU that failed to keep the appointment to review the *EA-6 Mos* form (also failed to verify income and the escrowed monies) complete the NFL-9 (rev.9/2004), checking the appropriate box. Go to the AU Composition Results window to terminate the EA AU with the Noncooperation reason.

If the EA AU fails to comply with the activities on the *EA Self-Sufficiency Plan, Phase II, Part 1, 2 or 3*, the documentation is submitted to the Non-Compliance Committee.

Monthly Escrow Amount

Once the income has been entered and the calculation shows the income to be above the EA Eligibility Standard, the following is a month-by-month example of the process of determining the monthly escrow amount. For the determination of the escrow amount, all calculations will be made on a calendar month basis and the calculations will use the actual income received (similar to monthly reporting): the income from one calendar month will be used in the next calendar month to determine how much must be escrowed by the following calendar month.

For this example, the initial interview following the calculation determining the EA AU to be ineligible will be the month of November.

- At November's meeting, review the actual income received in the month of October to determine how much should have been saved. Using the example on pages 6 and 7 of this memo, the amount to be escrowed for October is \$150.

Note: If the size of the EA AU increases or decreases during the six-month period, the EA Eligibility Standard for a family of the **current size** is used in the calculation of the escrow amount. The change in AU size (or a change in income) will not allow the AU to become an EA-Regular AU. Example: the EA AU size changed from three to four, therefore use the EA Eligibility Standard for four (\$1571) in the escrow calculation.

Some EA AUs may come prepared to this meeting with the income calculated and the correct amount escrowed. Encourage such behavior.

If the total amount was not saved, the EA AU has until next month's meeting to make up the difference.

Example: the EA AU only saved \$50 of the \$150 therefore \$100 must be saved by December.

Monthly Escrow Amount (continued)

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- At December's interview, review the amount in the escrow account. Was the outstanding \$100 saved from last month?
 - If the outstanding amount (\$100) was not saved, the EA AU is no longer eligible for the 6-month continuation of shelter benefits.
 - If the outstanding amount (\$100) was saved, shelter benefits continue.
 - A new calculation using the actual income received in the month of November is completed to determine how much the EA AU was expected to save during November. November's escrow amount is \$60 because of a decrease in income. Determine how much of the new \$60 was saved. (During November the EA AU should have saved a total of \$160: \$100 plus \$60). The actual amount in the escrow account is \$175, which means only \$25 of the \$60 has been saved.

By January's meeting, the \$35 remaining portion must be saved, in addition to December's new escrow amount.

When the full escrow amount was not saved after being given an extra month to save the money, go to the AU Composition Results window to terminate the EA AU for Failure to Meet Escrow Requirements. Complete and send the NFL-9 to the EA AU.

If the EA AU withdraws funds from the escrowed money, go to the AU Composition Results window to terminate the EA AU for Failure to Meet Escrow Requirements. **Stress with the EA AU that funds may not be withdrawn from the escrowed money for any reason.** Complete and send the NFL-9 to the EA AU.

If the total gross income in a month is below the Eligibility Standard, there is no excess amount and the escrow amount to be saved for that month will be zero. The EA AU remains a SubType EA Six Months AU.

Each month complete this review until the EA AU secures housing or the end of the six-month period occurs.

Field Operations Memo 2004-39A

Refer to Field Operations Memo 2004-39A for information on:

- The End of the Six Month Period; and
- Changing Subtype Back to EA Regular.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at 617-348-8478.

EA SIX-MONTH EXTENSION

Attachment A

TAO Address:

Important Notice – Read Carefully

EN: 00000

Este Mensaje Es Importante – Lea Cuidadosamente

Massachusetts Department of Transitional Assistance

SSN:

/ /2004

Dear

This notice is to inform you that a recent review of your family's income shows that your monthly gross income of \$ exceeds the EA Eligibility Standard of \$ for a family of your size. Your shelter benefits are scheduled to end in six months on / /2005 because your income is above the EA Eligibility Standard. At the end of the six month period, your shelter benefits will stop. Your shelter benefits may stop before this date if you become ineligible for other EA rules. If you disagree that your income is above the EA Eligibility Standard, you must appeal within 21 days from the date of this notice. Your appeal rights are described below.

The regulation(s) used in reaching these decisions are 106 CMR: 309.040.

During these six months you must save all of your family's income that is above the EA Eligibility Standard of \$. This six-month period gives you time to save money and find permanent housing before your shelter benefits stop.

If you disagree with this decision, you have a right to a fair hearing. The reverse side of this notice contains important information about your hearing rights. To request a hearing, complete the reverse side of one copy of this notice. The Department must get your hearing request **no later than 21 days** from the date of this notice.

Before your shelter benefits are stopped, the Department will send you another notice to remind you when you must leave EA shelter.

During the next six months, while your shelter benefits continue, you must to do the following:

- You must save the amount of your family's income that is above the EA Eligibility Standard each month;
- You must bring in proof of all of your family's income each month;
- You may not withdraw any money that is saved;
- You must complete the activities on your *Self-Sufficiency Plan*;
- You must continue to meet all EA eligibility program requirements;
- You must complete your housing search activities; and
- You must follow all of the rules of the shelter.

Please call your worker
about your case.

at

if you have any questions

EA SIX-MONTH EXTENSION

NOTICE OF FAIR HEARING REQUEST

YOUR RIGHT TO APPEAL: If you disagree with any action or inaction taken by the Department of Transitional Assistance (DTA), you have the right to appeal and receive a fair hearing before an independent referee. DTA must receive your request for a fair hearing no later than 90 days from the date on this notice. Exceptions to the 90-day time limit are: (1) you have 21 days to request a hearing on Emergency Assistance (EA) shelter benefits, (2) you have 30 days from the date of mailing of the notice by the Department of Revenue to request a hearing regarding the intercept of your state tax refund, (3) you may appeal the amount of your Food Stamp (FS) benefits at any time during your FS certification period, if you think you are not receiving the correct amount, (4) you have up to 120 days if DTA fails to act on your request for services, and (5) you have up to 120 days to appeal alleged coercive action or otherwise improper conduct or up to one year under certain specified circumstances.

HOW TO APPEAL: If you wish to request a fair hearing, send this page with the bottom section completed to: **DTA, Division of Hearings (DOH), P.O. Box 167, Boston, Massachusetts 02112-0167 or fax to (617) 348-5311.** Please keep the copy for your own records.

IF YOU ARE CURRENTLY RECEIVING ASSISTANCE, READ THIS BLOCK: Your benefits will be continued until a decision is made on your appeal if DOH receives your appeal request within 10 days from the date on this notice. If you are appealing a FS issue, and your FS certification period ends before your appeal is decided, you will continue to receive the same FS benefits only until the end of your certification period. If you receive assistance during your appeal, but lose your appeal, DTA can recover from you the assistance to which you were not entitled. If you receive TAFDC time-limited benefits during an appeal, which you then lose, the months for which you have received assistance will count toward your time-limited benefits. If you do not wish to continue to receive assistance during your appeal, check Box A below. If you do not receive benefits during your appeal, and you win your appeal, DTA will promptly correct any underpayment.

WHEN THE HEARING WILL BE HELD: You will be given at least 10 days notice prior to the fair hearing of the date, time and place of the hearing to permit you time to prepare your case. Fair hearings on EA shelter benefits are expedited; you will be given at least two days notice prior to the fair hearing of its date, time and place. If you wish to have a fair hearing scheduled sooner, check Box B below. If you have good cause for not being able to attend the fair hearing, please contact DOH at (617) 348-5321 or 1-800-882-2017 (TTY (617) 348-5337 or 1-800-532-6238 for the hearing impaired), before the hearing date, so that your hearing can be rescheduled. Failure to appear at the fair hearing without good cause may result in the dismissal of your appeal, except for the first scheduled hearing involving any aspect of the FS Program where good cause for rescheduling need not be demonstrated.

YOUR RIGHT TO BE ASSISTED AT THE HEARING: If you cannot speak English or understand it well or if you are hearing impaired and wish to have DOH provide an interpreter, please write that on this appeal request or call DOH at (617) 348-5321 or 1-800-882-2017, (TTY (617) 348-5337 or 1-800-532-6238) at least a week before the hearing. At the hearing, you may be accompanied by an interpreter, attorney, or other representative at your expense. You may wish to contact a local legal services office or community agency for assistance. Information about local legal services offices and other services provided by community agencies in your area can be obtained by contacting your local office. These agencies may provide advice or representation at no cost.

You or your representative may subpoena witnesses, present evidence and cross-examine witnesses. The referee must make a decision on all evidence presented at the fair hearing. You or your representative will be permitted to see your case file before the hearing. If you want to review your case file, schedule an appointment with your worker before the hearing.

NONDISCRIMINATION NOTICE FOR CLIENTS: Under federal and state law the Massachusetts DTA does not discriminate on the basis of race, color, sex, sexual orientation, national origin, religion, creed, age or disability. If you have any questions or concerns, we encourage you to contact the Director of Equal Opportunity, DTA, 600 Washington Street, Boston MA 02111, Tel. (617) 348-8490 (TTY (617) 348-5599 for the hearing impaired).

I, _____, hereby request a fair hearing before a referee of DOH.

- A. I do not wish to continue receiving the disputed amount of assistance during the appeal process.
 B. I request an expedited hearing.

The reason I wish to request a fair hearing is _____

Your Name (Print) _____ SSN _____

Address _____ Telephone () _____

City/ZIP _____ Date _____

Your Signature _____

My authorized representative is: Name _____ Title _____

Address _____ City/ZIP _____

Telephone () _____



EA Six-Month Transition Plan
Massachusetts Department of Transitional Assistance

TAO _____

Date _____

Recipient Name _____ SSN _____

Other Adult Name _____ SSN _____

Your family's gross income was found to be above the EA Eligibility Standard of \$ _____.

As a condition of receiving continued shelter benefits, each month:

- You must save the portion of your family's income that is above the EA Eligibility Standard amount of \$ _____.
- You should keep a record of how much your family's gross income for the month will be above the EA Eligibility Standard.
- You must bring in proof of the income your family gets between today and your next appointment. The actual gross income received will be used to determine how much you should have saved.
- You may not withdraw any of the money saved until you move from shelter into permanent housing.
- You must continue to do all of the activities in your Self-Sufficiency Plan.
- You must keep your next month's appointment or call your worker before the appointment date to reschedule.

**** If you do not comply with the conditions stated above, your shelter benefits may be stopped.**

**** If you terminate your job or reduce your wages, without good cause, your shelter benefits will stop.**

**** If you do not complete the activities in your Self-Sufficiency Plan you may be found to be in noncompliance and you may become ineligible for shelter benefits.**

Recipient Signature

Date

Other Adult Signature

Date

AU Manager or Homeless Coordinator

Date

