



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

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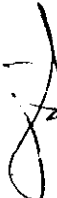
William D. O'Leary
Secretary

FAX 00-65

Claire McIntire
Commissioner

Field Operations Memo 99-10 N
August 4, 2000

To: Transitional Assistance Office Staff

From:  Joyce Sampson, Assistant Commissioner for Field Operations

Re: **Smith v. McIntire Lawsuit: 35-Hour-per-Week Extension Requirement**

Background

A Superior Court judge in the *Smith v. McIntire* lawsuit has ruled that certain TAFDC regulations related to the 24-month extension process are unlawful. Among the regulations found unlawful are sections of 106 CMR 203.210. Specifically, the Department may not require that an individual granted an extension be required to work or perform work-related activities for a total of 35 hours a week.

Action to be Taken

As a result, **no current extension case may be closed for failing to meet the 35-hour requirement.** Systems is currently making changes to ensure that this does not occur. It is anticipated these system changes will be in place prior to August 15, 2000. Until the changes are in place **TAO staff are not to enter any wage or hour information for an extension case onto either PACES or BEACON.** This will ensure that the system will not inadvertently terminate cases which may be affected by this decision. You will receive additional instructions prior to August 15, 2000.

The Department is in the process of reviewing the entire *Smith v. McIntire* decision and additional procedures and regulations will be issued as soon as possible.

Questions

If Transitional Assistance Directors have questions about a specific extension case, they should contact their Regional Director or their Central Office review contact.

Policy-related questions should be referred by your Hotline designee to the Policy Hotline at (617) 348-8478. Systems-related questions should be referred to Customer Services at 617-348-5290.
