



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

MITT ROMNEY  
Governor

TIMOTHY MURPHY  
Secretary

KERRY HEALEY  
Lieutenant Governor

JOHN A. WAGNER  
Commissioner

**Field Operations Memo 2006-58**  
**December 29, 2006**

**To:** Transitional Assistance Office Staff  
**From:** *JA/mur* John Augeri, Assistant Commissioner for Field Operations  
**Re:** Special Procedures in Colon, et al., v. Wagner Court Order

**Overview**

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On December 21, 2006, the Department issued notices to families terminated from EA shelter between December 2005 and November 2006. The notice stated that the court had found that the previous termination notice issued was inadequate and the notice may not have clearly stated the specific reason(s) for termination. The family, if still in need of shelter, has been instructed to go to the TAO and complete a new EA application. (See Attachment A).

Families issued this notice are not subject to any deadlines. They may reapply for shelter at any time. If a family comes back to the office and their 12 months has already expired, treat the application as a new application for EA.

A complete list of all families sent the notice has been sent to each TAO because a family may apply at **any** TAO.

**Purpose of Memo**

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This memo explains the steps to take when a family who was sent the *Colon v. Wagner* notice (Attachment A) comes in to a TAO to reapply for shelter.

**Reapplication Procedures**

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If a family presents in any TAO with the *Colon v. Wagner* notice and/or presents in any TAO with no letter but is identified on the list, **and** the family has received EA shelter benefits within the previous 12 month period, an EA application must be taken and these specific procedures followed regarding notices. Check the Results Tab in BEACON for the name of the worker/TAO who authorized the termination. Obtain a copy of the termination notice. If prior termination paperwork cannot be located, call the Legal Division at 617-348-8520.

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**Reapplication  
Procedures  
(continued)**

If the family **meets** current eligibility requirements for EA **the new application must be denied based on the previous termination.**

The AU Manager or Homeless Coordinator must:

**Family Currently  
Meets EA  
Eligibility  
Requirements**

- Complete the NFL-Colon notice (Attachment B) by:
  - checking the box immediately preceding the **first choice**, and
  - completing the signature section.
- Complete an NFL-9 or an NFL-ST with the **same reason** that was used to terminate the EA between December 2005 and November 2006;
- Print “*Colon*” in the upper right corner on all notices;
- Refer to Field Operations Memo 2006-50A for the new NFL-9 and for instructions on completing the NFL-9 or the NFL-ST; and
- Give the original of the NFL-Colon, **and** the NFL-9 or the NFL-ST to the applicant. Place a copy of each notice in the AU record and fax a copy of **each** notice to Michael Ciccolo in the Legal Division at 617-348-5108, and Joyce Inserra in Field Operations at 617-348-5111.

**Important:** If more than 12 months have passed since the last receipt of EA, process the application as you would any other EA application. Refer to FO Memo 2006-50A for notices and instructions.

**Family Does Not  
Currently  
Meet EA  
Eligibility  
Requirements**

If the family **does not currently meet** the eligibility requirements for EA shelter, the new application must be denied:

- Complete the NFL-Colon notice by:
    - checking the box immediately preceding the **second choice**, and
    - completing the signature section.
  - Complete an NFL-9 (see FO Memo 2006-50A for new notices and instructions) denying the current application with a detailed description of the reason for the denial, including policy citation;
  - Complete either an NFL-9 or NFL-ST with the same reason that was used to terminate the EA between December 2005 and November 2006;
  - Refer to Field Operations Memo 2006-50A for detailed instructions on completing the NFL-9 or the NFL-ST;
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**Reapplication  
Procedures  
(continued)**

- Print “*Colon*” in the upper right corner on all notices; and
- Give the original of the NFL-Colon, the NFL-9 denial, **and** the NFL-9 or NFL-ST to the applicant. Place a copy of each notice in the AU record and fax a copy of each notice to Michael Ciccolo in the Legal Division at 617-348-5108, and Joyce Inserra in Field Operations at 617-348-5111.

**Important: The date placed in the right hand corner on the NFL-9 or NFL-ST must be the date the current notice is completed. The date the termination is *effective* must be the same as the *effective termination date on the original notice*.**

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**Appeals**

If the EA AU has been denied based on their current ineligibility **and** their previous termination and the EA AU only appeals one action, the Department will assume the EA AU is appealing both Department actions.

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**Questions**

If you have any questions, please call the Legal Division Attorney of the Day at 671-348-8520 and be prepared with all the information necessary to discuss the case.

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{RETURN\_ADDRESS}

Important Notice - Read Carefully  
Este Mensaje Es Importante - Lea Cuidadosamente

**Massachusetts Department of Transitional Assistance**

{RECIPIENT NAME}  
{RECIPIENT ADDRESS}  
{RECIPIENT CITY/TOWN, STATE, ZIP}

{RECIPIENT SSN}  
{BEACON USER OFFICE NAME}

{MM/DD/YYYY}

**IMPORTANT NOTICE  
COLON v. WAGNER**

Dear {GRANTEE}:

You were terminated from EA shelter between December 2005 and November 2006. The court in Colon, et al. v. Wagner has found that the termination notice you received was inadequate and the notice may not have clearly stated the reason you were terminated. Therefore, if you are still in need of shelter and come to your local DTA office, you can:

1. Come back and reapply for shelter **without regard to the 12-month rule**. The 12-month rule states that you can only receive EA benefits once in a 12-month period.
2. To get back into EA shelter before the end of the 12 month period, you will have to show that you are currently eligible for EA shelter **and** that the reason for your previous termination from EA shelter was not valid. Therefore, even if you meet current eligibility rules for EA shelter, we will deny your application and give you a notice of denial that clearly explains the reason why you were terminated from shelter earlier. If you disagree with the reason you were previously terminated, you can appeal. **If you win your appeal, you will be able to begin receiving EA shelter benefits again.**
3. If you are not found to be currently eligible for EA shelter, your EA application will be denied for that reason as well as the reason you were earlier terminated from shelter. The notice of denial will explain both reasons. If you disagree with the reasons for this denial, you can appeal. **If you win your appeal on both your current ineligibility and the previous termination you will be able to begin receiving EA shelter benefits again.**

If you have any questions you can call the Department's Legal Division at 617-348-8520.

You may also wish to call Marion Hohn, the attorney for the plaintiffs in the Colon, et al. v. Wagner case, at either 800-639-1109 or 413-781-7814 for assistance.

{RETURN\_ADDRESS}

Important Notice - Read Carefully  
Este Mensaje Es Importante - Lea Cuidadosamente

**Massachusetts Department of Transitional Assistance**

{RECIPIENT NAME}  
{RECIPIENT ADDRESS}  
{RECIPIENT CITY/TOWN, STATE, ZIP}

{RECIPIENT SSN}  
{BEACON USER OFFICE NAME}

{MM/DD/YYYY}

**NOTIFICACION IMPORTANTE  
COLON v. WAGNER**

Estimado(a) {GRANTEE}:

Usted fue despedido del refugio EA entre diciembre del 2005 y noviembre del 2006. La corte en el caso Colon, et al. v. Wagner ha encontrado que la notificación de terminación que usted recibió fue inadecuada y que la notificación que usted recibió quizás no indico claramente la razón por la cual usted fue terminado. Por lo tanto, si usted todavía necesita refugio y visita a su oficina local DTA, usted puede hacer lo siguiente:

1. Puede regresar y reaplicar por refugio **sin preocuparse por la regla de los 12 meses**. La regla de los 12 meses solo indica que usted puede recibir beneficios de EA una vez en un periodo de 12 meses.
2. Para regresar al refugio EA antes del final del periodo de 12 meses, usted tiene que demostrar que actualmente es elegible para refugio EA y que la razón por su terminación anterior de refugio EA no fue valida. Por lo tanto, aunque usted cumpla con las reglas de elegibilidad actuales para refugio EA, vamos a rechazar su solicitud y vamos a darle una notificación de rechazo que claramente explica la razón porque usted fue despedido del refugio anterior. Si usted no esta de acuerdo con la razón por la cual usted fue terminado anteriormente, usted puede apelar. **Si usted gana su apelación, usted podrá obtener beneficios de refugio EA nuevamente.**
3. Si a usted no lo encuentran elegible para obtener beneficios de refugio EA actualmente, su solicitud EA será rechazada por esa razón al igual que por la razón que usted fue terminado del refugio anteriormente. La notificación de rechazo explicara ambas razones. Si usted no esta de acuerdo con las razones descritas en el rechazo de su petición, usted tiene derecho a apelar. **Si usted gana su apelación en ambos casos, por ser inelegible actualmente y por su previa terminación, usted estará cualificado para comenzar a recibir beneficios de refugio EA nuevamente.**

Si tiene preguntas puede llamar a la División Legal del Departamento al 617-348-8520.

También quizás quiera llamar a Marion Hohn, el abogado para los demandantes en el caso Colon, et al, v. Wagner, al 800-639-1109 o al 413-781-7814 para asistencia.



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COLON V. WAGNER

Date \_\_\_\_\_

TAO \_\_\_\_\_

\_\_\_\_\_  
Name SSN

\_\_\_\_\_  
Address City ZIP

- This notice is to inform you that the Department has determined that although you **currently meet the eligibility requirements** for EA shelter, your application for EA shelter is denied because of the previous termination of your EA shelter. Please see attached NFL-9 or NFL-ST notice with information regarding the reason (s) for the previous termination of your EA shelter benefits.
- This notice is to inform you that the Department has determined that you **do not currently meet the eligibility requirements** for EA shelter and your application for EA shelter is denied. Please see attached NFL-9 notice. Your application is also denied because of the previous termination of your EA shelter. Please see attached NFL-9 or NFL-ST notice with information regarding the reason(s) for the previous termination of your EA shelter benefits.

If you disagree with this decision(s), you have the right to a fair hearing. The reverse side of the attached notice(s) contains important information about your hearing rights. To request a hearing, complete the reverse side of the attached notice(s).

\_\_\_\_\_  
AU Manager / Homeless Coordinator's Signature

\_\_\_\_\_  
Director/Designee's Signature

NFL-Colon (12/2006)  
09-090-1206-05

**Original to EA Family – Copy to AU Record**  
Fax copy of this notice, along with NFL-9 and/ or NFL-ST to Legal Division at 617-348-5108