



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

*John A. Wagner*

MITT ROMNEY  
Governor

KERRY HEALEY  
Lieutenant Governor

RONALD PRESTON  
Secretary

JOHN A. WAGNER  
Commissioner

**Field Operations Memo 2003-1A**  
**January 16, 2003**

**To:** Transitional Assistance Office Staff

**From:** *CD* Cescia Derderian, Assistant Commissioner for Field Operations

**Re:** Thibault Settlement - Notice Problem

**Background**

Field Operations Memo 2003-1 explained that as a result of the Thibault Settlement Agreement, the Department would send notices to Active TAFDC Assistance Units (AUs) with an Assessed Person (AP) who is not disabled (2003-1, Attachment D) and to closed/denied TAFDC AUs (2003-1, Attachment E).

An e-mail dated 1/13/2003, explained that the notices sent to these two groups on 1/9/2003, were incorrectly switched. Because of this error, both groups were renoticed on 1/15/2003. These notices included the following heading. CORRECTED NOTICE - PLEASE IGNORE THE NOTICE YOU RECEIVED LAST WEEK DATED JANUARY 9, 2003. THIS IS THE CORRECT NOTICE.

**Purpose of This Memo**

The purpose of this memo is to provide TAOs with instructions to process any:

- active TAFDC AU with an AP who is not disabled; and
- closed/denied TAFDC AU;

who responded to the incorrect notice.

In addition to the instructions described in this memo, all instructions in Field Operations Memo 2003-1 should continue to be followed.

**Active TAFDC  
AU with an AP  
Who Is Not  
Disabled**

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If an active TAFDC AU with an AP who is not disabled responds to the incorrect notice dated 1/9/2003, the AU Manager must:

- inform the AP that the notice sent was incorrect and that he or she is already in an active TAFDC AU and does not have to reapply for TAFDC benefits;

**Hint:** The AU Manager will know that the AP is responding to the incorrect notice if the AP calls asking why he or she has to reapply for TAFDC or, if subject to the Work Program, requesting to be exempt while his or her disability application is being reviewed. (Both of these items are listed on the incorrect notice and do not apply to this group). Also, the *Thibault Report* in the *Thibault* folder under *BEACON2* in BEACON Actuate Report Viewer must be used to check if an AU is active or closed/denied.

- if the AP wants to reapply for a disability exemption, have the AP complete a new Disability Supplement including writing Thibault on the top of the supplement to begin the process of the disability application review; and

**Reminder:** If an AP is subject to the Work Program requirement (non-presumptive TAFDC disability exemption) and is claiming that a disability prevents him or her from participating, the AP must provide the TAFDC-GCMS from a doctor to prevent a Work Program sanction. If good cause exists, the AP will be excused from the Work Program Requirements but the AU will continue to receive the reduced payment amount and time will still be counted towards the 24-month clock.

- in addition to the above instructions, follow the instructions in Field Operations Memo 2003-1 under *Active TAFDC AUs With an AP Who Is Not Disabled*.
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**Closed/Denied  
TAFDC AUs**

If a closed/denied TAFDC AU responds to the incorrect notice dated 1/9/2003, requesting a disability review by returning it with the bottom section completed or just the completed bottom section, the TAO Director or designee must:

- date stamp the request the day it is received in the TAO (This date will be used as the application date for TAFDC as explained further in this memo.);

**Hint:** The TAO Director or designee will know that the AU is responding to the incorrect notice by checking the date on the notice or if the bottom section only is returned the date in the lower left corner will be 1/8/2003. If the notice is dated 1/9/2003 or the lower left corner has a date of 1/8/2003, it is the incorrect notice. Also, the *Thibault Report* in the *Thibault* folder under *BEACON2* in BEACON Actuate Report Viewer must be used to check if an AU is active or closed/denied.

**Note:** TAO Directors/Designees must inform AU Managers that if they receive any of these returned requests for a disability review, they must give them to the TAO Director or designee on the date of receipt. Each incorrect notice sent to these closed/denied TAFDC AUs lists an AU Manager's name. The last AU Manager to have the AU in his or her caseload is the name that is listed on the notice. Therefore, some requests may list an AU Manager who is no longer in that TAO or list an AU Manager who may no longer have the AU in his or her caseload.

- respond to the AU by:
  - entering the date that the request was received by the TAO on a copy of the letter to AUs who request a disability review (see Attachments A or B); and
  - mailing the letter with the Transitional Assistance Multilingual Card (Rev. 2/96) to the AU.

The reverse of the letter contains a copy of the correct notice sent to the AU on 1/15/2003. Attachment A is a copy of this letter in English and Attachment B is a copy of this letter in Spanish. A supply of Attachments A and B will not be sent from Schraffts. Copies must be made at each TAO. Be sure to include the TAO address at the top of the notice;

**Note:** If the AU returned the request for the disability review to the Legal Division, Legal will send a copy of the letter (Attachment A or B) to the AU and forward to the TAO Director or designee copies of the request for the disability review and letter.

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**Closed/Denied  
TAFDC AUs  
(continued)**

If the AU *does not respond* to the letter, no further action is required.

If the AU *responds* to the letter and wants to reapply, a new application for TAFDC must be taken. The application must be processed even if the applicant fails to bring the letter. **The date of the application will be the date the TAO received the request for the disability review** (The date the TAO Director or Designee date stamped the incorrect notice).

**Important:** If the AU responds within 90 days of the date on the letter, under the terms of the settlement agreement the AU is **automatically eligible** for presumptive disability while awaiting the disability decision from DES, even if this is a second or subsequent disability application in a 60-month period. Therefore, the applicant is not subject to the Work Program requirement, the reduced payment amount or the 24-month clock. Under the terms of the settlement, the AU is not entitled to retroactive benefits.

In addition to the instructions listed above, TAOs must follow the instructions in Field Operations Memo 2003-1 under *Closed/Denied TAFDC AUs*.

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**Questions**

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

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*Commonwealth of Massachusetts*  
*Executive Office of Health and Human Services*  
*Department of Transitional Assistance*

**2003-1A**  
**Attachment A**

MITT ROMNEY  
Governor

KERRY HEALEY  
Lieutenant Governor

RONALD PRESTON  
Secretary

JOHN A. WAGNER  
Commissioner

Dear \_\_\_\_\_

Date \_\_\_\_\_

On \_\_\_\_\_ the Department received your request to review your disability. The Department had sent you the wrong notice dated January 9, 2003. That notice was supposed to be sent to recipients who are now receiving TAFDC. The Department sent you the correct notice that was dated January 15, 2003. A sample copy of that notice is on the other side of this letter.

Because you are not now receiving TAFDC, the lawsuit does not entitle you to back benefits.

You may reapply for TAFDC at any time. If you think you are disabled, you may get a new disability review. Because of an agreement in the lawsuit, if you apply **before April 15, 2003**, and if you are eligible for TAFDC, you will receive benefits while we review your case. You will not have to do a work activity while we are reviewing your disability application and you will receive benefits back to \_\_\_\_\_, the date we first received your request to review your disability.

If you want a new disability review, you **must** contact your Transitional Assistance Office and reapply for TAFDC benefits. Please bring this letter with you.

If you have any questions about this letter, please call Recipient Services at 1-800-445-6604 or you may also call one of the lawyers who filed the lawsuit, Jim Breslauer, Neighborhood Legal Services, at 978-686-6900 or toll free at 1-888-657-2889.

**Massachusetts Department of Transitional Assistance**

01/15/2003

**CORRECTED NOTICE - PLEASE IGNORE THE NOTICE YOU RECEIVED**

**LAST WEEK DATED JANUARY 9, 2003**

**THIS IS THE CORRECT NOTICE**

**RIGHTS YOU MAY HAVE UNDER A LAWSUIT SETTLEMENT**

You have the right to reapply for TAFDC at any time. If you think you are disabled, you can get a new disability review. If you apply before **04/15/2003** and if you are eligible for TAFDC, you will receive benefits while we review your case. You will not have to do a work activity while we are reviewing your disability application.

If you want to have a new disability review, you must contact your Transitional Assistance office and reapply for TAFDC benefits. A worker will explain all of the TAFDC program requirements and give you a form about your disability. We will help you fill out the form, if you ask. After you fill out the form, we will process your disability application, gather medical evidence and decide if you are eligible for a disability exemption.

If you have any questions about this notice, please call Recipient Services at 1-800-445-6604.

Free legal advice or help may be available from your local Legal Services office, or Neighborhood Legal Services, at 978-686-6900 or toll free at 1-888-657-2889. They are not a part of the Department of Transitional Assistance.



*Commonwealth of Massachusetts*  
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2003-1A  
Attachment B

MITT ROMNEY  
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Commissioner

Fecha \_\_\_\_\_

Estimado(a) \_\_\_\_\_ :

En \_\_\_\_\_ el departamento recibió su petición para revisar su incapacidad. El departamento le envió un aviso incorrecto con fecha de enero 9 del 2003. Ese aviso supuestamente debió ser enviado a las personas que ahora están recibiendo TAFDC. El departamento le envió el aviso correcto con fecha de enero 15 del 2003. Una copia de la de ese aviso está al otro lado de esta carta.

Por el hecho de que usted ahora no esté recibiendo TAFDC, la demanda no le da derecho a recibir beneficios atrasados.

Usted puede reaplicar para TAFDC en cualquier momento. Si usted piensa que esta incapacitado, usted puede conseguir que se le revise su incapacidad. Debido a un acuerdo en la demanda, si usted aplica **antes de abril 15 de 2003**, y si usted es elegible para TAFDC, usted recibirá beneficios mientras revisamos su caso. Usted no tendrá que hacer ninguna una actividad de trabajo mientras que estemos revisando su aplicación de incapacidad y usted recibirá beneficios de nuevo desde \_\_\_\_\_, la fecha en que recibimos primero su petición para revisar su incapacidad.

Si usted desea una nueva revisión de la incapacidad, usted **debe** ponerse en contacto con su oficina local de ayuda transitoria y reaplicar para los beneficios de TAFDC. Lleve por favor esta carta con usted.

Si usted tiene alguna pregunta sobre esta carta, por favor llame a los Servicios del Receptor del Departamento al 1-800-445-6604 o usted también puede llamar a uno de los abogados quien hizo la demanda, Jim Breslauer, Neighborhood Legal Services, al 978-686-6900 o llamar a la línea gratuita 1-888-657-2889.

600 Washington St. Suite 1 LD  
Boston, MA 02111

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

**Massachusetts Department of Transitional Assistance**

01-15-2003

**NOTIFICACION CORRECTA - POR FAVOR IGNORE LA NOTIFICACION QUE  
USTED RECIBIO LA SEMANA PASADA CON FECHA JANUARY 9, 2003  
ESTA ES LA NOTIFICACION CORRECTA**

**DERECHOS QUE USTED PODRIA TENER EN UN ACUERDO DE UN PLEITO**

Usted tiene el derecho de reaplicar para TAFDC en cualquier momento. Si usted piensa que esta incapacitado, usted puede conseguir una revisión nueva acerca de la incapacidad. Si usted aplica antes de **04/15/2003** y si usted es elegible para TAFDC, usted recibirá beneficios mientras revisamos su caso. Usted no tendrá que hacer una actividad de trabajo mientras estamos revisando su solicitud de incapacidad.

Si usted quiere una nueva revisión de incapacidad, tiene que ponerse en contacto con su oficina de Asistencia Transicional y reaplicar para los beneficios de TAFDC. Un trabajador va a explicar todos los requisitos del programa de TAFDC y darle a usted un formulario acerca de su incapacidad. Nosotros le ayudamos a usted llenar el formulario, si lo pide usted. Después de llenar el formulario, vamos a tramitar su solicitud de incapacidad, recoger las pruebas médicas y decidir si usted es elegible para una exención de incapacidad.

Si usted tiene alguna pregunta acerca de este aviso, llame por favor al Recipient Services en 1-800-445-6604.

Puede ser disponible consejo o ayuda legal gratuito en la oficina local de Servicios Legales, o Neighborhood Legal Services, en 978-868-6900 o el numero gratuito en 1-888-657-2889. Ellos no forman parte de Departamento de Asistencia Transicional.