



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

Argeo Paul Cellucci
Governor

Jane Swift
Lieutenant Governor

William D. O'Leary
Secretary

Claire McIntire
Commissioner

Field Operations Memo 2000-25 D
November 22, 2000

To: Transitional Assistance Office Staff
From: Joyce Sampson, Assistant Commissioner for Field Operations
Re: *Smith v. McIntire* Lawsuit

Background

Field Operations Memos 2000-25 A, 2000-25 B and 2000-25 C informed Transitional Office Staff about:

- the impact of this lawsuit on all extension cases;
- guidelines for approving or denying extension requests;
- changes to the extension process; and
- mailings sent to certain former TAFDC recipients. The mailings went to former recipients closed for AR 29, 52, 68 or 84.

New Mailing

The Court has instructed the Department to send out an informational notice (Attachment A) which will be mailed during the week of November 20 to:

- *any recipient currently closed* for any reason other than AR 29, 52, 68 or 84 who has used 24 months of time-limited benefits; and
- *any recipient currently open* who has used 24 months of time-limited benefits (including currently exempt recipients and those currently in an extension).

This mailing instructs current/former recipients about the change in the 35-hour rule and that they may reapply and/or request an extension at any time. It also includes, as required by the Court, a separate notice from Massachusetts Law Reform Institute (Attachment B).

**Processing
Extension
Requests for
Former
Recipients: AU
Manager
Responsibilities**

Any former recipient who reapplies and requests an extension must have his or her request processed in the usual manner:

- complete a TAFDC application form and an extension request form;
- refer the applicant to a program which helps in getting full-time employment and demonstrates cooperation with the Department in work-related activities;
- tell the former recipient that he or she must cooperate with the Department in work-related activities (e.g., job search) as well as meet all other TAFDC program rules (e.g., 20 hours per week of work program requirement activities) to be considered eligible for an extension;
- tell the former recipient that participating fully in SJS or another activity approved by the Department for several weeks would be considered to be cooperating with the Department in work-related activities;
- tell the former recipient that no extension will last more than two months;
- submit the extension request for review by the TAO Director;
- if on day 26, a decision has not been made about the extension request and the former recipient meets TAFDC eligibility rules, approve the application for TAFDC and establish the case using either *Program Code 2 or 6* in block 44 of the PACES Input Document (PID); and
- if the extension request is subsequently approved, the TAO Director generates an approval letter from the ETNA system telling the recipient of the approval of the extension for up to two months from the date of approval; or
- if the extension request is subsequently denied, the TAO Director generates a denial letter from the ETNA system telling the recipient that the extension has been denied and the reason for denial and, on the same day, tells the AU Manager to close the TAFDC case using AR 29.

**Processing
Extension
Requests for
Current
Recipients: AU
Manager
Responsibilities**

Any current recipient receiving this mailing who has used 24 months of time-limited benefits must be informed at the next contact that:

- if exempt and the exemption expires, he or she may apply for an extension of benefits beyond the 24-month time limit then; or
- if currently receiving an extension, he or she should be reminded of the current guidelines for extensions and that he or she can apply for another extension at the end of the current extension.

Questions

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

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION
No. 99-1044C

ELIZABETH SMITH, et al,
Plaintiffs

vs.

CLAIRE McINTIRE, as she is Commissioner
of the Department of Transitional Assistance,
Defendant

NOTICE TO CURRENT/FORMER TAFDC RECIPIENTS

On June 15, 2000, the Superior Court ruled that it was unlawful for the Department of Transitional Assistance to cut off TAFDC extension benefits because a recipient was not working or participating in work-related activities for 35 hours per week.

You may apply for an extension of benefits at any time and the 35 hour rule will no longer be applied.

As instructed by the court, the Department has included in this mailing a notice from the Massachusetts Law Reform Institute, the lawyers representing class members in this lawsuit.

If you have questions, you may call:

Massachusetts Department of Transitional Assistance

1-800-445-6604

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, sello del estado

**TRIBUNAL SUPERIOR
ACCIÓN CIVIL
No. 99-1044C**

**ELIZABETH SMITH, y otros,
Demandantes**

contra

**CLAIRE McINTIRE, como Comisionada del Departamento de Asistencia Transicional,
Demandado**

AVISO A LOS EX-BENEFICIARIOS DE TAFDC

El 15 de junio de 2000, el Tribunal Superior decidió que ilegal que el Departamento de Asistencia Transicional eliminará los beneficios de extensión de TAFDC porque un beneficiario no estuviera trabajando ni participando en actividades relacionadas con el trabajo por horas a la semana.

Usted puede solicitar una extensión de beneficios en cualquier momento y la norma de las 35 horas ya no se aplicará.

En acuerdo con las instrucciones de la corte, el Departamento ha incluido junto con esta circular un aviso del Instituto de Reformas a la Ley de Massachusetts, los abogados que están representando a los demandantes en esta demanda colectiva.

Si tiene preguntas, puede llamar al:

**Instituto de Reforma de Ley de Massachusetts
Departamento de Asistencia Transicional de Massachusetts**

**1-800-717-4133
1-800-445-6604**

MASSACHUSETTS LAW REFORM INSTITUTE
99 Chauncy St., Suite 500, Boston, MA 02111-1722

November 15, 2000

Dear Former TAFDC Recipient:

Hello. A judge has ruled that the welfare department (DTA) broke the law when it required TAFDC recipients who received time-limit extensions to work and/or do job search for 35 hours each week. The case is Elizabeth Smith v. Claire McIntire. I am the lawyer in that case for you and others who have reached the TAFDC time limit.

If your family still needs TAFDC benefits, you may **reapply now at your local DTA office**. You have the right to sign and date a Request for Assistance on the first day you go there. If you are found eligible, your benefits will start as of the date the Request for Assistance was signed.

To receive TAFDC again, most people must qualify for an **extension**. To get an extension, DTA says you must cooperate in work-related activities, usually by going to a job search program. DTA can take 30 days to decide your extension application. If DTA refers you to job search and you do not go during the 30 days, DTA will likely deny your extension application, unless you have "**good cause**." "Good cause" means you have a good reason why you can not do what DTA wants, such as if you do not have child care or transportation, are sick, have a family crisis, or are working during the hours of the job search program. **Ask your DTA worker about "good cause."**

Your family may also get TAFDC again if you qualify for an **exemption**. If you get an exemption, you are not subject to the time limit or required to work. You may get an exemption if you or a family member has health problems (physical or mental) that keep you from working, if you are in the last 120 days of a pregnancy or have a baby less than 3 months old (even a baby covered by the family cap), or if you meet other requirements. **Ask your DTA worker about exemptions.**

If you or your children have been victims of domestic violence, you may qualify for a domestic violence waiver of certain DTA rules, including the time limit.

You may also be eligible for food stamps, MassHealth or child care benefits. If you want to apply for these benefits, tell DTA.

If you need advice about reapplying for TAFDC, or if you reapply and your application is denied by DTA, you may call my office at 1-800-717-4133, and we will try to help.

Sincerely,

Ruth A. Bourquin

MASSACHUSETTS LAW REFORM INSTITUTE

99 Chauncy St., Suite 500, Boston, MA 02111-1722

Dear Recipiente anterior de TAFDC,

Hola. Un Juez ha decidido que el Departamento de Asistencia Transicional ("Welfare") estaba fuera de la ley cuando estaba exigiendo 35 horas de trabajo o búsqueda de empleo cada semana a los recipientes que habían recibido una extensión. El caso es Elizabeth Smith v Claire McIntire. Yo soy la abogada en el caso para Ud. y para otras que han llegado al límite de tiempo bajo welfare.

Si tu familia todavía necesita beneficios de welfare, **puede reapplicar ahora en su oficina local de welfare**. Ud. tiene el derecho de firmar y poner la fecha al formulario de welfare pidiendo asistencia (Request for Assistance) el primer día que vaya a la oficina de welfare. Si encuentran que éstos elegible, sus beneficios empezaran desde la fecha que firmo el formulario.

Para recibir welfare de nuevo, la mayoría de la gente tiene que calificar para una extensión. Para obtener una extensión, el Departamento de Welfare dice que tiene que cooperar en unas actividades relacionadas al encuentro de empleo, usualmente ir a un programa de buscar un empleo. El Departamento de Welfare puede tomar 30 días para decidir su solicitud para una extensión. Si el departamento la manda a unos de esos programas y Ud. no va, el departamento puede negar su solicitud para la extensión, excepto si tiene "**Razon Buena/Good Cause**". "Razon Buena" quiere decir que tiene una razon buena por la cual no puede hacer lo que el Departamento de Welfare quiere, como si no tiene cuidado de niños o transportación, esta enferma, tiene un crisis familiar, o esta trabajando durante las mismas horas que el programa de buscar empleo. **Pregunta a su trabajador social en el Departamento de Welfare de "Razon Buena/Good Cause"**.

Su familia también puede recibir welfare de nuevo si califica para una **exención**. Si recibe una **exención**, no tiene que preocuparse con el límite de tiempo bajo welfare y no tiene que trabajar. Puede obtener una **exención** si alguien en su familia tiene problemas de salud (físico o mental) que no le deja trabajar, si esta en los últimos 120 días de un embarazo, o tiene un bebe que tiene menos de tres meses(aunque sea un bebe "Family Cap/que no esta incluido en el welfare), or si califica de otra manera. **Pregunta a su trabajador social de welfare sobre los exenciones**.

Si Ud. o sus hijos han sido víctimas de violencia doméstica, puede calificar para una dispensa/excepción de violencia doméstica que dice que hay ciertas reglas del Departamento de welfare que no pertenece a su caso, incluyendo el límite de tiempo.

También puede ser elegible para los cupones de alimentos, MassHealth o beneficios para cuidado de niños. Si quiere aplicar para estos beneficios, habla con su trabajador social del Departamento de Welfare.

Si necesita consejo sobre como reapplicar para los beneficios de welfare, o si hace la aplicación para beneficios y el Departamento la niega, puede llamar a mi oficina al **1-800-717-4133**, y trataremos de ayudarla.

Sinceramente,

Ruth A. Bourquin