



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

**Field Operations Memo 2003-2**  
**January 6, 2003**

**To:** Transitional Assistance Office Staff

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

**Re:** Thibault Settlement - TAFDC - Part II

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**Background** As a result of the Thibault Settlement Agreement, the Department has agreed to provide retroactive relief to certain current TAFDC recipients and a notice to certain former TAFDC recipients whose disability application had been previously denied by HealthPro for reasons other than failing to meet the requirements of the Initial Appointment for Medical Treatment (IAMT) letter. This process was explained in Field Operations Memo 2003-1, Thibault Settlement - TAFDC - Part I.

Under the Thibault Settlement Agreement, the Department has also agreed to monitor all non-presumptive TAFDC disability exemption requests initially taken in six TAOs for a period of nine months and provide certain information and documents to plaintiffs' attorneys.

**Note:** Non-presumptive means that the applicant or recipient is requesting a second or subsequent disability exemption within a 60-month period.

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**Purpose of this Memo** The purpose of this memo is to inform TAOs of:

- the initial six TAOs involved;
  - the monitoring process; and
  - the reporting process.
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**Identifying the  
Initial Six TAOs**

All non-presumptive disability exemption requests initially taken in the following six TAOs

- Dorchester,
- Fall River,
- Lawrence,
- Lowell,
- North Shore, and
- Springfield-Liberty

must be tracked for a period of nine months, beginning January 13, 2003.

If an AU transfers from one of the above TAOs to any other TAO, the new TAO will continue the monitoring and reporting process as explained further in this memo. Every TAO has the potential to be involved in the monitoring process.

**Important:** Before transferring the AU, the transferring TAO must identify the AU as a "monitored TAFDC AU under the Thibault Settlement" in two ways. First, when completing the AU Transfer window, the AU Manager must create a BEACON narrative identifying the AU as a "monitored TAFDC AU under the Thibault Settlement." Second, when reviewing the AU to be transferred, the TAO Supervisor must identify the AU as a "monitored TAFDC AU under the Thibault Settlement" on the Checklist for Transfer Cases form, CTC (Rev.11/94). See *A User's Guide*, Chapter XVI-A for more on transferring AUs.

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**Monitoring  
Process**

All non-presumptive disability exemption requests initially taken (whether a new TAFDC AU or an ongoing TAFDC AU) in Dorchester, Fall River, Lawrence, Lowell, North Shore and Springfield-Liberty TAOs must be identified and tracked by the TAO Director or designee, beginning January 13, 2003 and continuing through October 13, 2003.

Beginning on January 13, 2003, the TAO Director or designee is responsible for e-mailing the Legal Department at, *Stella Ordonez/@MASS*, to report the name and SSN of the applicant/recipient who has made a new, non-presumptive disability exemption request.

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**Reporting  
Process**

The Legal Department will be contacting the TAOs involved at two and one-half months, five and one-half months and eight and one-half months to obtain the following documents regarding all non-presumptive disability exemption requests which will be forwarded to plaintiffs' attorneys:

- the Disability Supplement submitted by the applicant/recipient in connection with the pending non-presumptive disability exemption request;
  - for any Good Cause request:
    - the request (the TAFDC-GCMS submitted by the applicant/recipient); and
    - any and all documents reflecting the good cause decision made during the monitoring period and/or reasons for the decision, whether made by DES or DTA.
  - for any ADA accommodation request, regarding the disability application process:
    - the request;
    - the response; and
    - the decision, including any document reflecting the reason for the decision and the accommodation provided.
- the BEACON generated TAFDC application submitted by the applicant/recipient if he or she applies/reapplies at any point during the monitoring period;
- any and all notices denying an application for TAFDC or reducing or terminating TAFDC benefits during the monitoring period; and
- the DES disability determination decision and the related DES packet, if the determination is made by the end of the monitoring period.

These documents will be faxed to the Legal Department upon their request and will be forwarded to plaintiffs' attorneys.

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**Reporting  
Process  
(continued)**

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Based on the documents provided by TAOs the Legal Department will provided the following information to plaintiffs' attorneys:

- the total number of non-presumptive disability applications taken each month;
- the total number of these AUs in which the Department granted Good Cause for not meeting the TAFDC Work Program Requirement or for receiving benefits beyond the time limit on the basis of the Good Cause Medical Statement (TAFDC-GCMS); and
- the total number of these AUs in which an ADA request was made because the applicant/recipient did not provide a completed TAFDC-GCMS, the total number that were granted, and the total number that were denied.

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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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