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Commissioner

**Field Operations Memo 2001-24**  
**May 1, 2001**

**To:** Transitional Assistance Office Staff  
**From:**  Cescia Derderian, Acting Assistant Commissioner for Field Operations  
**Re:** **Gambino v. McIntire Lawsuit - TAFDC**

**Background**

A Superior Court judge in the *Gambino v. McIntire* lawsuit has ruled that it is unlawful for the Department to withhold earning disregards from the grants of families headed by individuals with a felony conviction for the possession, use or distribution of a controlled substance.

**Effect on TAFDC Cases**

Therefore, beginning May 1, 2001, PACES will provide the 30 and 1/3 or 30 and 1/2 disregards, the work-related expense deduction and the dependent care deduction when calculating the TAFDC grant of families headed by a drug felon. (These cases have an Option Code "T" in block 43 on the PID.) BEACON Release 2.0 will also accommodate this change.

EAEDC cases are not affected by this decision.

**AU Manager Procedures**

Procedures for entering income for cash and food stamp benefits remain the same.

Cases headed by a drug felon must submit their earnings along with their Monthly Report. Beginning May 1, when the AU Manager submits a PACES worksheet, PACES will make the appropriate deductions and these cases will receive their grant increase. If the case is exempt from Monthly Reporting, the earnings must be entered at reevaluation or the next time there is a change in the case. Refer to 106 CMR 702.930 for more details.

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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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