



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
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Field Operations Memo 99-2E
July 6, 1999

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

Introduction

Field Operations Memos 99-2 and 99-2B through D discuss the Thibault lawsuit. Central Office identified all cases affected by the preliminary injunction on the PACES RECD Screen using code 99 in the STATESHLD Block. Code 99 prevents the system from accepting negative actions taken on these cases due to the 24-month time limit or work program.

This memo informs Transitional Assistance Workers that Thibault cases, *which were pending with DES at the time of the preliminary injunction*, can now be closed or reduced due to the work program or 24-month time limit, if appropriate, once DES has made a disability determination.

Note: All other Thibault-related cases still cannot be reduced or terminated due to the 24-month time limit or work program, until further notice.

**Cases
Requiring
Worker Action
Printout**

Thibault cases that were pending with DES at the time the preliminary injunction was issued will appear on the *Cases Requiring Worker Action* printout. This printout is sorted by Transitional Assistance Office and CAN and is being distributed with this memo.

The following Transitional Assistance Offices will not receive this printout:

Boston Family Housing, Nantucket, North Adams and Oak Bluffs.

**Cases
Requiring
Worker Action
Printout
(continued)**

Transitional Assistance Workers must check to see if DES has returned disability decisions for cases listed on this printout. Once approved or denied disability determinations are received, Transitional Assistance Workers can process these cases in accordance with the instructions contained in this memo.

Important: No action to reduce or terminate due to the work program or 24-month time limit can be submitted until a disability decision is made by DES.

**Approved
Disability
Exemption**

When a case listed on the *Cases Requiring Worker Action* printout has an approved disability exemption decision returned from DES, the Transitional Assistance Worker should:

Day 1

- ▶ Change the program code in Block 44 of the PID to an A, if appropriate. Assistance units exempt for another reason would already have a program code A in Block 44.

Note: In a two-parent household both parents would have to qualify for an exemption for the assistance unit to be exempt from the reduced need and payment standard and the 24-month time limit.

- ▶ Change the recipient's action reason in Block(s) 33 and/or 89/92/96 of the PID to disabled (AR 09, 10 or 12), if appropriate.

Note: For recipients who already qualify for another exemption, it is very important to change their action reason to identify them as disabled.

- ▶ Enter the medical expiration date (EP Code) of the month specified by DES in Block 40 of the PID. Refer to *Systems User's Guide*, Volume 1, Appendix B for appropriate coding.

Note: This will allow the system to track the disability exemption and send out an automated disability mailing when the disability is about to expire.

**Approved
Disability
Exemption
(continued)**

- ▶ If appropriate, issue retroactive benefits for an exempt status back to the date the recipient requested the disability exemption or the disability onset date as determined by DES, whichever is later.
- ▶ Subtract months from the 24-month clock, if appropriate. Refer to *PRISM II User's Guide*, Chapter V.

Reminder: Send a manual Exempt/Nonexempt Status Notice (TAFDC-5) to two-parent families listing the exempt or nonexempt status of each parent at application and/or any change in status.

Refer to the *Disability Determination Guide* for complete instructions for processing these cases.

Day 2

- ▶ Enter a "T" in block 40 (EP code) of the PID. This will alert the system to change the code 99 in the STATESHLD Block to code 98. The code 98 will be in place to identify these Thibault cases. Code 98 allows Transitional Assistance Workers to submit closings or reductions on these cases due to the 24-month time limit or for failure to meet work program requirements. The "T" entry will not replace the current EP code.

Important: The Transitional Assistance Worker must check nonexempt two-parent households to determine if any negative action due to the 24-month time limit (action reasons 29, 52 or 68) or failure to meet the work program (action reasons 27 or 73) should have been submitted from December 29, 1998 to the present, but was not because of the preliminary injunction. This includes transactions submitted but rejected due to the code 99 edit.

These closing or reduction transactions can be submitted the day following the "T" entry in Block 40 of the PID.

**Denied
Disability
Exemption**

When a case listed on the *Cases Requiring Worker Action* printout has a denied disability exemption decision returned from DES, the Transitional Assistance Worker should:

DAY 1

- Enter a "T" in block 40 (EP code) of the PID. This will alert the system to change the code 99 in the STATEHSHLD Block to code 98. The code 98 will be in place to identify these Thibault cases. However, code 98 allows Transitional Assistance Workers to submit closings or reductions on these cases due to the 24-month time limit or for failure to meet work program requirements.

Note: The "T" entry will not replace the current EP code.

- Change the program code in Block 44 to nonexempt, if appropriate, and enter the appropriate action reason in Block(s) 33 and/or 89/92/96 of the PID for assistance units made exempt pending the disability review that do not qualify for another exemption.

Note: If the recipient was exempt pending the results of the disability review and does not meet another exemption, the 24-month clock may have to be manually adjusted to add months to the clock on PRISM II. Refer to *PRISM II User's Guide*, Chapter V.

- Send the following recipients the appropriate manual notice:
 - **Nonexempt assistance unit remaining nonexempt** (no program code change): send the Notice of Denial of Disability Exemption (TAFDC-6) informing the recipient that the second or subsequent request for a disability exemption has been denied by DES; or
 - **Exempt assistance unit remaining exempt** (no program code change): send the Notice of Disability Denial for Exempt Cases (TP-NDEC) informing the recipient that the request for a disability exemption has been denied. See Attachment A for the English notice and Attachment B for the Spanish notice.

Note: This notice has been developed to be used only for this project. It will not be issued through the regular distribution process. Transitional Assistance Offices are responsible for making copies.

**Denied
Disability
Exemption
(continued)**

The TAFDC-6 and the TP-NDEC are the **only** notices these recipients will receive from DTA stating that their disability has been denied. It is **very important** that these notices be sent. DES sends the recipient a separate notice with the results of their disability review.

- Meet with the recipient to discuss work program requirements, if appropriate.

DAY 2

- Review nonexempt cases to see if any negative action due to the 24-month time limit (action reasons 29, 52 or 68) or failure to meet the work program (action reasons 27 or 73) should have been submitted from December 29, 1998 to the present, but was not because of the preliminary injunction. This includes transactions submitted but rejected due to the code 99 edit.

Note: These closing and reduction transactions can be submitted the day following the "T" entry in Block 40 of the PID.

Refer to the *Disability Determination Guide* for complete instructions for processing these cases.

**Additional
Instructions**

All Thibault cases not listed on the *Cases Requiring Worker Action* printout must remain identified on the PACES RECD Screen with code 99 in the STATEHSHLD Block and cannot be closed or reduced due to the 24-month time limit or failure to meet work program requirements, until further notice.

Transitional Assistance Workers will receive additional instructions, as soon as possible, on how to process these cases once DES has made a disability determination.

Questions

If you have any policy questions, have your Hotline designee call the Policy Hotline at (617) 348-8478. Systems questions should be directed to the Systems Customer Service Center at (617) 348-5290.



TAO Address

Notice of Disability Denial for Exempt Cases

Date _____

Name (Grantee)

Social Security Number

Name (Other Parent)

Social Security Number

Address

City

ZIP

Dear _____
Recipient's Name

We did not find you disabled for reasons stated in the Disability Evaluation Services (DES) notice, which was sent to you separately. Therefore, you still do not meet the disability exemption.

However, you are still eligible for Transitional Assistance (TAFDC) benefits. Your TAFDC grant will remain the same.

The regulations used in reaching this decision are 106 CMR 203.100, 203.530, 203.540, 203.545.

Please call your worker if you have any questions about your case.

If you do not agree with this decision, you have the right to a fair hearing. The back side of this notice has information about your hearing rights. To request a hearing fill out the back side of this notice.

TAO Worker's Name

() _____
Telephone Number



TAO Address

Aviso de negación de incapacidad para casos exentos

Fecha _____

Nombre (Beneficiario) _____

Número de seguro social _____

Nombre (Otro padre) _____

Número de seguro social _____

Dirección _____

Ciudad _____

Código postal _____

Estimado _____,
(Nombre del beneficiario)

No lo encontramos incapacitado por las razones descritas en el aviso de Servicios de Evaluación de Incapacidad (DES), que se le envió a usted por separado. Por lo tanto, usted todavía no satisface la exención por incapacidad.

Sin embargo, usted todavía es elegible para recibir beneficios de Asistencia Transicional (TAFDC). Su subsidio de TAFDC permanecerá igual.

Los reglamentos usados para alcanzar esta decisión son 106 CMR 203.100, 203.530, 203.540, 203.545.

Si tiene preguntas sobre su caso, llame a su trabajador social.

Si usted no está de acuerdo con esta decisión, tiene el derecho de tener una audiencia imparcial. El reverso de este aviso tiene información sobre sus derechos de audiencia. Para solicitar una audiencia, llene el reverso de este aviso.

Nombre del Trabajador Social

() _____
Número de teléfono