



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
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FAX 99-64

Field Operations Memo 99-10 A
May 5, 1999

To: Transitional Assistance Office Staff

From:  Joyce Sampson
Assistant Commissioner for Field Operations

Re: **Smith v. McIntire Lawsuit**

Background

Smith v. McIntire is a lawsuit challenging the Department's:
(1) use of a financial eligibility test without the earnings disregard, to determine a recipient's eligibility for an extension of benefits; and
(2) failure to include the earnings disregard in the grant calculation of a recipient eligible for an extension. A Superior Court judge has ruled that the Department's policies are unlawful.

This ruling means that when determining eligibility for an extension, the test of financial eligibility at 106 CMR 203.210 (A) must not be applied. Further, the earnings disregard must be included in the grant calculation of a recipient eligible for an extension of benefits. Although the Department plans to appeal the Superior Court's decision, the Department must comply with the decision pending outcome of the appeal.

**Impact on
Extension Cases**

Because of this ruling and ongoing negotiations, pend all outstanding extension requests on cases with earnings, until you receive further instructions. Do not change the program code to 4 or 9 for these cases.

Questions

If you have any policy-related questions, have your Hotline Designee call the Policy Hotline at (617) 348-8478.
