



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 99-10 O
August 11, 2000

To: Transitional Assistance Office Staff

From:  Joyce Sampson, Assistant Commissioner for Field Operations

Re: *Smith v. McIntire* Lawsuit: 35-Hour-per-Week Extension Requirement

Background

A Superior Court judge in the *Smith v. McIntire* lawsuit has ruled that certain TAFDC regulations related to the 24-month extension process are unlawful. Among the regulations found unlawful are sections of 106 CMR 203.210. Specifically, the Department may not require that an individual granted an extension be required to work or perform work-related activities for a total of 35 hours a week. As a result, **no current extension case may be closed for failing to meet the 35-hour requirement.**

Field Operations Memo 99-10 N informed you of the Superior Court's decision and also instructed you not to enter wage or hour information onto either PACES or BEACON for extension cases until further notice. The memo stated that systems modifications were being made to ensure that no extension case closed for failing to meet the 35-hour requirement.

Those systems modifications have been postponed pending further review of the *Smith v. McIntire* decision and a determination of its full impact on existing systems and procedures. **It continues to be critically important no current extension case be closed for failing to meet the 35-hour requirement.**

Actions to be Taken

TAO staff may now enter wage and hour information for August onto PACES and/or BEACON, as appropriate. However, if the total hours of participation do not total 35 hours per week, the worker must enter Good Cause onto BEACON.

The worker should:

- go to the ESP Participation window;
- on the Good Cause Tab select the reason “Requirements of a court” from the dropdown box;
- from the verification dropdown box select “Written statement from court official”;
- in the Description field enter “Smith Lawsuit”; and
- enter the “Start” and “Scheduled End Date” for the participation month.

Entering Good Cause will ensure that no extension case will close for failing to meet the 35-hour-per-week requirement.

This process should be followed for all extension cases until you receive further instruction.

Future *Smith v. McIntire* Memos

For ease of reference, to date all memos related to the *Smith v. McIntire* lawsuit have been issued as a series under Field Operations Memo 99-10. This memo, Field Operations Memo 99-10 O will be the last memo issued as part of the 99-10 series. Future *Smith v. McIntire* memos will be issued under a 2000 number.

Questions

If Transitional Assistance Directors have questions about a specific extension case, they should contact their Regional Director or their Central Office review contact.

Policy-related questions should be referred by your Hotline designee to the Policy Hotline at (617) 348-8478. Systems-related questions should be referred to Customer Services at 617-348-5290.
