



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

Control Number: #05-28

Effective Date: UPON RECEIPT

Issuance Date: March 28, 2005

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND CASE MANAGERS**

FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR

**RE: CLARIFICATION OF POLICY FOR FAILURE TO COMPLY WITH
TEMPORARY CASH ASSISTANCE OR UNEMPLOYMENT INSURANCE
WORK REQUIREMENTS**

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY:

Action transmittal 04-28 Revised, effective 4/01/04, described how failure to comply with Temporary Cash Assistance (TCA) or unemployment insurance (UI) work requirements affects the food stamp case. The AT listed the disqualification periods for failure to comply with TCA or UI work requirements as the same as for failure to comply with food stamp work requirements. After the release of AT 04-28 Revised we received questions about the disqualification periods. We requested and received the following clarification from the Food and Nutrition Service.

Clarification of Policy for Failure to Comply with a TCA or UI Work Requirement

The minimum disqualification periods for failure of a member to comply with a TCA or UI work requirement are as follows:

- First violation - one month
- Second violation - three months.
- Third or subsequent violation - six months

Current and Ongoing Policy for Failure to Comply with Food Stamp Work Requirements or Food Stamp Employment and Training

The disqualification periods for failure to comply with **food stamp work requirements** have not changed. They are as follows:

- First violation - one month or the date of compliance, whichever is later.
- Second violation - three months or the date of compliance, whichever is later.
- Third or subsequent violation - six months or the date of compliance, whichever is later.

Following are questions and answers about this policy:

Question 1: Ms. A is applying for TCA and food stamps for herself and two children. The TCA process includes an up front job search requirement. Ms. A does not want to do the work requirement and decides not to continue with her TCA application. The case manager denies the TCA for failure to comply with the work requirement. After determining that Ms. A is not exempt from food stamp work requirements for another reason and that she does not have good cause, the case manager disqualifies her from the food stamp case. Food stamp benefits are issued for the children only. Ms. A does not plan to apply for TCA again. After the one-month disqualification is she now simply subject to FS work requirements and, if she complies with the FS work requirements, now eligible?

Answer 1: We cannot force someone to apply for TCA and comply with the TCA work requirements. After the one-month disqualification, Ms. A can reapply for food stamps. The case manager will add her to the food stamp case with her two children. She is now subject to food stamp work requirements.

Question 2: Same situation as #1. After her case manager adds to the case, Ms. A fails to comply with food stamp work requirements. She has no good cause. Is this her first or second disqualification?

Answer 2: This is her second disqualification. Since she failed to comply with a food stamp work requirement, she is ineligible for 3 months or until she complies, whichever is later.

Question 3: Same situation as #1, except the customer withdraws her TCA application. Is she subject to the disqualification?

Answer 3: No, the disqualification only applies to failure to comply with a work requirement.

Question 4: Same situation as #1, except the customer says she does not want to follow through with her TCA application because of the child support requirements. Is she subject to the disqualification?

Answer 4: No, the disqualification only applies to failure to comply with a work requirement.

Question 5: Does this apply to failure to comply with Unemployment Insurance (UI) work requirements, too?

Answer 5: Yes

Question 6: So, if someone failed to comply with UI work requirements they would only have to be off the case for one month?

Answer 6: Yes, as long as it was the first time the person failed to comply with the work requirement.

Question 7: What if it is the second or subsequent failure to comply with a TCA or UI work requirement? Is the food stamp disqualification still only 30 days and then the person can reapply and be added to the food stamp case? Or is the minimum time based on the sanction number - 3 months for the second or 6 months for the third or subsequent time?

Answer 7: You will disqualify the person based on the sanction number - 1 month for first, 3 months for second and 6 months for third.

Question 8: When you say the person can reapply, does the disqualified member have to request to be added back to the food stamp case? Most of these TCA cases will have open food stamp cases for the eligible children.

Answer 8: Yes, the disqualified member must reapply to be added to the case. The local department is not required to automatically add the disqualified person back to the case. The person would then have to comply with food stamp work requirements.

Warning:

To avoid errors you must evaluate the household's situation at each recertification to insure that the food stamp case includes the correct members. If the disqualified household member has not reapplied for food stamps prior to recertification you will add the person back to the case at this time, if appropriate.

Example: The case manager disqualified Ms. B for three months beginning February 1 because she failed to comply with a TCA or food stamp work requirement for the second time. Her three children continue to get food stamps. In July she completed her recertification and asked the case manager to add her back on the case. Since this is after the 3-month disqualification, the case manager adds her to the case for the new recertification period.

Example: The case manager disqualified Ms. C for six months beginning February 1 because she failed to comply with a TCA or food stamp work requirement for the third time. Her two children continue to receive food stamps. In April she completed her recertification and asked her case manager to add her back to the case. The case manager informs Ms. C that she cannot add her back to the case until August because of the six-month disqualification and that she can reapply at that time.

ACTION DUE:

This policy clarification is effective upon receipt.

INQUIRIES:

Please direct inquiries to Kay Finegan at 410-767-7939.

cc: FIA Management Staff
Constituent Services
DHR Help Desk