



Department of Human Resources  
311 West Saratoga Street  
Baltimore MD 21201

## FIA ACTION TRANSMITTAL

Control Number: #02-79

Effective Date: UPON RECEIPT

Issuance Date: May 29, 2002

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

**FROM: CHARLES E. HENRY, EXECUTIVE DIRECTOR**

**RE: TIME LIMIT FOR QUITTING A JOB WITHOUT GOOD CAUSE FOR TCA  
APPLICANTS**

**PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE**

**ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS**

### **SUMMARY:**

Action Transmittal (AT) #02-27 notified local departments of the new Family Investment Program (FIP) Code of Maryland Regulation (COMAR) for Temporary Cash Assistance (TCA) customers who voluntarily quit a job without good cause. The new employment requirement is that TCA children (not including minor parents), age 16 and older and not in school, and adults cannot voluntarily quit a job without good cause.

Good cause for quitting a job includes one or more of the following:

- Quitting a job to take a new job with another employer;
- Discrimination based on race, sex, disability, religious or sexual orientation;
- Breakdown in transportation arrangements when there is no other accessible means of transportation;
- Breakdown in child care arrangements or lack of child care resources
- Domestic violence or other family crisis that threatens normal family functioning;
- Hazardous working conditions;
- Documented illness or incapacitation;
- Incarceration;
- Resignation at employer's request;
- Lack of supportive services identified in the initial assessment and agreed upon by the recipient and the local department; and
- Other circumstances determined to be good cause by the local department.

For applicants and recipients, case managers must follow the conciliation and sanction procedures outlined in Updated Conciliation and Sanction Guide (AT #02-47).

**ACTION REQUIRED:**

1. AT #02-27 "APPLICANTS/RECIPIENTS QUITTING A JOB WITHOUT GOOD CAUSE" did not include a timeframe for which to apply the voluntary quit policy for TCA applicants and recipients.
2. Because of the delay in adopting the TCA Regulations and notifying local departments, the voluntary quit policy in AT #02-27 was effective April 1, 2002.
3. In the ongoing effort to match program policy, a new component of the voluntary quit policy has been added for applicants. Apply the voluntary quit policy as follows:

➤ **At Application**

The voluntary quit policy, as stated in AT #02-27, applies to any job the **applicant quit within the 60 days prior to the application date for TCA** (matches food stamp policy). This 60-day policy is effective with applications taken on or after receipt of this action transmittal.

The penalty for non-compliance with quitting a job without good cause at application is:

- √ Working at a new job (and not quitting that job without good cause) or
- √ Waiting until 60 days after the quit date to apply for TCA.

**NOTE: Use CARES code 566 to deny a TCA application when the applicant quit a job without good cause within 60 days prior to the TCA application date. Add customer specific free-form text to explain why the application is being denied.**

**Example:**

**Garrett Washington quit his job without good cause on June 28<sup>th</sup> and applied for TCA on July 9<sup>th</sup>. Mr. Washington must wait until August 26<sup>th</sup> (60 days from the date he quit his job) to reapply for TCA.**

**Example 1:** Ann Arundel applies for TCA on April 17<sup>th</sup> for herself and her three children. Ms. Arundel quit her job on March 28<sup>th</sup> because her employer changed her hours from full-time to part-time. The local department determines that there was no good cause for quitting

her job. Ms. Arundel's TCA application is denied. She must work at another job before she can receive TCA or wait until 60 days after the date she quit and then apply for TCA (She quit on March 28<sup>th</sup> and can reapply with no penalty after May 26<sup>th</sup>)

**Example 2:** Steuart Hill applies for TCA on April 25<sup>th</sup> for himself and his son. Mr. Hill quit his job on February 17<sup>th</sup>. Since Mr. Hill quit his job more than 60 days prior to his TCA application date, the voluntary quit policy does not apply to his family.

**Example 3:** Silver Spring applies for TCA on May 29<sup>th</sup> for herself and her daughter. Ms. Spring reports that she quit her job on April 27<sup>th</sup> because her supervisor was sexually harassing her. Ms Spring states she filed for unemployment benefits on May 2<sup>nd</sup> but the employer is saying she quit because she knew that she was going to get fired. She was denied UI benefits and has filed an appeal. The case manager inquires on MABS and sees that the UI is under appeal because Ms. Spring is disputing what the employer reported. Ms. Spring is eligible for TCA (as long as she met all other eligibility factors).

On July 20<sup>th</sup>, the case manager follows up on a 745 alert. Ms. Spring lost her appeal because her statements could not be proved and was denied UI on July 12<sup>th</sup>. Ms. Spring remains eligible for TCA and is not required to pay back any of the TCA benefits she received during May and June.

If Ms. Spring were not eligible for UI because she did not have enough quarters, and she was working with an attorney or organization regarding the sexual harassment issue, she would be eligible for TCA (as long as she met all other eligibility factors). If it was later determined that her statements could not be proved, Ms. Spring would not be required to pay back any of the TCA benefits she received during May and June.

### ➤ **Continuing Cases**

The voluntary quit policy, as stated in AT #02-27, is **effective April 1, 2002** and applies to any job the customer quit during the TCA certification period.

**Example:** Prince Georges receives TCA for himself and his two children. He went to work at Metro Market on April 11. He quit his job on May 28 because he said he didn't get along with his coworkers. After getting Mr. Georges' permission, the case manager contacted Matt Mason, the manager of Metro Market. Mr. Mason reported that Mr. Georges was a problematic employee. He was late several

times, took excessive breaks, used inappropriate language on the job and had several conflicts with his coworkers because of his work habits. When Mr. Georges wasn't at his workstation, the coworkers had to do his work. Mr. Mason stated that he had spoken to Mr. Georges on two occasions about his work habits and on May 28, Mr. Georges called to say that he quit. The case manager discusses the information with Mr. Georges and he does not dispute Mr. Mason's statements.

After a review of the case with his supervisor, the case manager determines that Mr. Georges has voluntarily quit his job without good cause. The entire assistance unit is ineligible.

**NOTE:** If this is Mr. Georges':

- **First work sanction**, he must get a job and be employed at least one day before he can receive TCA.
- **Second work sanction**, he must get a job and be employed at least 10 days before he can receive TCA.
- **Third or higher work sanction**, he must get a job and be employed at least 30 days before he can receive TCA. If a third work sanction is imposed, Mr. Georges will have at least one month that he does not receive TCA benefits.

## ❖ REMINDERS FOR SANCTIONS

- **Sanctions (See AT# 02-47 for full Conciliation and Sanction Policy)**
- **Cures** of sanctions for quitting a job without good cause are the same as for work requirements:
  - First instance - Is cured **immediately** upon going back to work
  - Second instance – Is cured upon **10 calendar days** of employment
  - Third and all subsequent instances – Is cured upon **30 calendar days** of employment
- Benefits **are not issued** to the customer before the sanction is cured.
- Adult customers who receive a third or subsequent sanction are not paid TCA for the 30-day compliance period.

**NOTE:** There is **ALWAYS** at least one month the assistance unit **will not** receive TCA when the adult is sanctioned (full-family) three or

**more times without good cause for non-compliance with work requirements. The third or higher sanction can only be cured with 30 days of compliance.**

**Example:** Hilton Heights was sanctioned for the third time (Code 503) on May 1<sup>st</sup> for not complying with local department work requirements. Mr. Heights comes in to the district office on May 2<sup>nd</sup> to ask about his TCA benefits. Mr. Heights must comply with work requirements for 30 days to cure his 3<sup>rd</sup> sanction.

If Mr. Heights **complies** for 30 days, the assistance unit will be reopened in June and paid a full grant for June and any subsequent months in the TCA certification period. **The AU is not paid TCA for May.**

If Mr. Heights **does not comply** for 30 days, the case is not reopened and the sanction remains in effect.

**ACTION DUE:**

This policy is effective upon receipt of this action transmittal.

**NARRATE ALL CASE ACTIVITY CAREFULLY:**

Local departments must ensure that narration of case activity is clear, concise, and complete according to the action taken by the case manager. Good narration also supports the local department decision in the event of a fair hearing or selection of the case for Quality Control review.

**FREE-FORM TEXT ON NOTICES:**

Case managers must add plain English, case specific free-form text to the appropriate CARES notice so that the customer is able to read and understand the reason for the sanction or closing.

**RIGHT TO APPEAL:**

As a reminder, local departments shall advise households of their right to appeal a local department decision and the procedures for requesting a fair hearing. Local departments must also advise households of any legal services that might be available to represent them during a fair hearing. To find out the number of their local Legal Aid office, customers may call Legal Aid's toll-free number, 1.800.999.8904.

**INQUIRIES:**

Please direct TCA policy questions to Edna McAbier, Bureau of Policy and Training at

410.767.8805 or e-mail [emcabier@dhr.state.md.us](mailto:emcabier@dhr.state.md.us).

c: FIA Management Staff  
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