



Department of Human Resources  
 311 West Saratoga Street  
 Baltimore MD 21201

**FIA ACTION TRANSMITTAL**

Control Number: FIA/OPR #98-54

Effective Date: Immediately  
 Issuance Date: July 10, 1998

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES  
 DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT**  
*Charles & Henry Fox*

**FROM: LYNDA FOX, DEPUTY SECRETARY FOR PROGRAMS AND LOCAL  
 OPERATIONS**

**RE: DENIAL OF ASSISTANCE FOR CERTAIN DRUG-RELATED OFFENSES**

**PROGRAM AFFECTED: FOOD STAMP PROGRAM, EMERGENCY ASSISTANCE  
 AND TEMPORARY CASH ASSISTANCE**

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

**SUMMARY**

Action Transmittal 97-56 described the new penalties and disqualifications resulting from provisions of the Personal Responsibilities and Work Opportunities Reconciliation Act of 1996. The Balanced Budget Act of 1997 amended the section that denies assistance to an individual convicted of a drug offense.

**OLD POLICY**

An individual is permanently ineligible to receive TCA, Emergency Assistance, or Food Stamps, if convicted after August 22, 1996 of any offense which is classified as a felony and which has an element of possession, use, or distribution of a controlled substance.

**NEW POLICY**

An individual is permanently ineligible to receive TCA, Emergency Assistance, or Food Stamps, if there is a conviction for criminal actions occurring after August 22, 1996 for any offense which is classified as a felony and which has an element of possession, use, or distribution of a controlled substance.

**This means that an individual may be disqualified from participation for a conviction of a drug-related felony only if the crime was committed after August 22, 1996.**

**RECEIVED**  
**JUL 14 1998**  
**LEGISLATIVE**

### ACTION REQUIRED

Restored Benefits: Because of the retroactive effective date, when a case manager becomes aware of someone who was closed or denied benefits because of a conviction for a drug felony and the crime was committed on or before August 22, 1996, restore benefits to the household. Only 17 individuals were identified to have lost benefits because they were coded as a drug felon in CARES. A list of the individuals is attached.

### CARES

Emergency Assistance recipients will require no corrective action. Changes in the number of members per household will not adversely affect the Emergency Assistance grant.

To restore benefits to a denied member in a Food Stamp and/or TCA assistance unit:

- I. If the denied member was not the Head of Household:
  - a. Add the denied member back into the AU, through option 'K' (add-a-person).
    - The application month is the latter of the original application date or the first day of the first month benefits were denied for a drug conviction.
    - Complete interview through option 'O'.
  - b. Use option 'P' to process the AU for each restored month.
  - c. Use option 'Q' to finalize AU.
    - CARES will automatically create a BEG for each month affected. Code this BEG 'NA' (non-fraud add-a-person).
    - Once the denied member has been added back into the AU, the denied member becomes a recipient.
  - d. Review and verify the underpayment BEG.
    - Depress PF3 and use option 'R' from the CARES main menu screen to access the RMEN.
    - Enter 'B' (add a historical case change benefit error group) along with the appropriate AU.
    - View BEG status and press enter.
    - Supervisor/Lead worker approves beg by selecting option 'H' (approve a benefit error group) and enters 'AP' for supervisory approval.
- II. If the individual who was identified as a convicted drug offender was the Head of Household as a non-member, you must temporarily make another member of the assistance unit the Head of Household (HOH) in order to avoid the case closing when you attempt to reactivate the disqualified member. The HOH must be changed back to the original HOH the same day.

- a. Beginning with the "on-going" month first, through option 'R', change the relationship field on the STAT screen for each month benefits are to be restored.
  - Change the nonmember relationship code from 'SE' to 'OP'.
  - Change another active adult member's relationship code to 'SE'. If there is not another active adult member available, change the relationship code of the first child to 'SE'.
  - Review household composition and verify as required. Depress PF4 to bypass edit, "HOH (SE) Changed, review the HOH relationship code for all clients."
  - Transfer shelter costs from SHEL 01 (previous head of household) to the newly assigned head of household.
- b. Fast path to **DONE**, enter 'Y' to commit changes, and 'Y' to override the system generated notice.
- c. Complete steps a and b for each month affected. The denied member should no longer appear on the STAT screen.
- d. Add the denied member back into the AU, through option 'K'.
  - Enter 'OP' as the relationship code.
  - The application month is the original application date or the first month in which benefits were denied/terminated.
- e. Use option 'O' to interview and option 'P' to process the AU for each restored month.
- f. Use option 'Q' to finalize the AU.
  - CARES will automatically create a BEG each month for the necessary underpayment. Code this BEG 'NA' (non-fraud add-a-person).
  - Once the denied member has been added back into the AU, the denied member becomes a recipient.
- g. Review and verify the underpayment BEG.
  - Use option R from the "Welcome Screen" to access the RMEN.
  - Enter 'B' (add a historical case change benefit error group) along with the appropriate AU number and press enter.
  - View BEG status and press enter.
  - Supervisor/Lead worker approves BEG by selecting option 'H' (approve a benefit error group) and entering 'AP' for supervisory approval.
- h. From the AMEN screen, use option 'R' to correct the relationship fields on the STAT screen for each month affected, beginning with the "on-going" month first.
  - Change the relationship codes back to their original status.
  - Remove shelter costs from the *temporary* HOH's SHEL screen and enter them on the actual head of household's SHEL screen.

- i. Fast Path to DONE, enter 'Y' to commit the changes, 'Y' to confirm eligibility, and allow the system generated notice to be sent.
- j. Narrate all case activity by pressing PF21 on the ADDR screen.

**REMINDER:** Complete this entire process in the same day.

**ACTION DUE:**

This policy is effective immediately.

**INQUIRIES**

Please direct policy questions to Kay Finegan at (410) 767-7939 and system questions to Nicole Pyles at (410) 767-7957.

cc: FIA Management Staff  
Constituent Services  
CARES Testing Facility  
DHR Help Desk  
RESI