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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 92 ADM-31

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: August 4, 1992

SUBJECT: Filing Unit Rules for Sanctioned Persons

SUGGESTED DISTRIBUTION:	Income Maintenance Directors Corrective Action Coordinators Staff Development Coordinators Medical Assistance Coordinators
CONTACT PERSON:	1-800-342-3715 Income Support Programs, Dottie O'Brien at extension 4-6853 Food Stamps County Representative at extension 4-9225
ATTACHMENTS:	None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
92 ADM-20		352.30(a)		PASB	
85 ADM-51		387.1(w)		XII-E-6.1	
82 ADM-5		387.16(c)		XII-E-8.1	
91 INF-3				XII-H-1	
91 INF-12				FSSB V-A-1 all V-A-2 all V-A-4	

I. PURPOSE

The purpose of this release is to inform districts about a technical change to Department regulation 352.30(a). That change removes sanctioned persons from the group of individuals who are exempt from filing unit requirements.

II. BACKGROUND

Previously, 352.30(a) read in part, "...Parents and siblings who are SSI recipients, stepbrothers and stepsisters, ineligible sponsored aliens, illegal aliens, sanctioned individuals or individuals ineligible due to lump sum provisions...are not required to apply in accordance with this subdivision ...". Including sanctioned individuals in this group is inconsistent with Federal regulations and Department policy which is that mandatory filing unit members must apply. If an applying individual fails to comply with a requirement that would normally result in a sanction, then the individual is a sanctioned member of the filing unit. As written, the regulation could have been misunderstood to mean that a previously sanctioned person was exempt from filing unit requirements.

III. PROGRAM IMPLICATIONS

A. Public Assistance

The implications of this technical change to the regulation are expected to be minimal.

B. Food Stamps

There is no change to food stamp household composition rules as defined in FSSB V-A-1 all and V-A-2 all as a result of this PA policy. There is no change to the definition and treatment of food stamp ineligible individuals as defined in FSSB V-A-4 as a result of this policy.

C. Medical Assistance

In determining Medical Assistance (MA) eligibility, a household consists of all applying individuals and their legally responsible relatives. Filing unit provisions do not apply. Individuals sanctioned from a public assistance (PA) case may continue to be eligible for MA. Any individual sanctioned from PA for a reason that does not apply to MA should be referred for a Rosenberg determination as described in 82 ADM-5.

IV. REQUIRED ACTION

A. Applying Households

A member of an applying household who is otherwise required to apply as a member of the filing unit must apply even if the member was previously active on public assistance, was sanctioned, and has no intention of complying with the requirement that resulted in the sanction. The income and resources of that person must be considered in determining the eligibility and degree of need of the unit.

Example 1:

Ms. Haversham and her children applied for public assistance in 1988. The household met all eligibility requirements except that Ms. Haversham refused, without good cause, to cooperate with IV-D requirements. Assistance was given for the children, but Ms. Haversham's needs were not included in the grant. After several months, the children's assistance case closed because Ms. Haversham secured a full time job.

In 1992, Ms. Haversham was laid off. Her income from U.I.B. was insufficient to meet her family's needs. She applied for assistance for the children only. She maintained that she did not have to apply because she still refuses to cooperate with IV-D requirements. Ms. Haversham does not have that choice. She must be included as an applying household member. If she refuses to apply, the application for the children must be denied. If she applies and again refuses to comply with the IV-D requirement, the children if otherwise eligible can receive assistance. Ms. Haversham's needs will not be included in the grant. However, her income must be applied as directed in 92 ADM-20.

B. Recipient Households

Individuals who are sanctioned from a public assistance filing unit are considered members of that unit. They are members whose needs are not included in the grant.

The sanctioned individual must comply with appropriate procedural requirements such as recertification, verification of income, resources, and medical condition where appropriate, and any other issue where non-cooperation would impede the agency's ability to properly determine continuing eligibility, degree of need and/or category of the assistance unit. Failure to cooperate with such requirements results in ineligibility of the unit.

Districts are reminded that sanctioned individuals who refuse to comply after the end of the sanction period (for example, 60, 90, or 120 days) continue to be sanctioned until compliance. This is not an eligibility issue for the remaining household members.

Example 2:

Charles Dickens, an employable ADC parent, was sanctioned for failure to go to a Community Work Experience Program (CWEP) assignment. Because this was his second failure to comply with employment requirements, he was sanctioned for 90 days and until compliance. The Dickens family is due for recertification after the 90 day period has ended, but Mr. Dickens still has not complied. Mr. Dickens is considered a sanctioned member of the filing unit. He must sign the recertification application and cooperate with procedural requirements that will establish his family's continuing eligibility. The case cannot be closed solely because Mr. Dickens continues to refuse to comply with employment requirements after the durational sanction ends.

Example 3:

The Little family, Mr. and Mrs. Little and their three children ages 17, 14 and 12, has an active PA case. John Little, age 17 and not in school was sanctioned when he refused to cooperate with employment requirements. At recertification, Mr. and Mrs. Little reported that John has just started to work. The examiner told Mr. and Mrs. Little that they must present information and verification regarding John's employment and wages.

The Littles told the examiner that they will not get that information because John is not on PA and additionally, he is not responsible for them or his siblings.

The examiner explained that John is a mandatory filing unit member and as such, his income must be applied to the needs of the filing unit. She explained that if the family will not verify John's income, the family will be ineligible.

The income was verified and applied as directed in 92 ADM-20. The family's grant was reduced but they remained eligible. Several months later, John turned 18. At that point, John and his income were removed from the case because he was no longer a mandatory filing unit member.

VI. SYSTEMS IMPLICATIONS

A. Upstate WMS

1. Applicants

A denial transaction is utilized if the individual being sanctioned is the sole applicant. A separate MA case must be opened for any persons who may be eligible for MA.

If there are multiple applicants, the case may be opened on WMS for the eligible individuals while coding the sanctioned individual with an appropriate Sanctioned/Ineligible Reason Code on Section 3, and Individual Disposition Status Code 10 "Inactive - Sanctioned" on Section 5 of the DSS-3636 or DSS-3209 (APP-TAD).

Since use of these codes preclude provision of MA Coverage, they cannot be used for sanctioned individuals who are to receive MA Coverage. These individuals must be coded with Individual Disposition status 07 "Active", even though they are not included in the PA Budgeting. An appropriate sanctioned/ineligible reason code should be entered on screen 03.

2. Recipients

A closing transaction is utilized if the individual being sanctioned is the sole recipient. If the individual's MA coverage is to be continued, the appropriate MA extension fields should be entered on Section I of the DSS-3209 as part of the closing transaction. The use of closing code 179 (Other - including moved out of district) will allow a one month extension in any case where such an extension is appropriate.

In cases with multiple recipients, sanctioned individuals should be coded an appropriate Sanctioned/Ineligible Reason Code on Section 3 and Individual Status 10 "Inactive - Sanctioned" on Section 5 of the DSS-3209 change form, unless they are to continue receiving MA coverage. Those individuals, who are to continue to receive MA coverage, must remain coded Individual Status 07 "Active". An appropriate sanctioned/ineligible reason code should be entered on screen 03.

WMS edits will determine whether or not the entered sanctioned/ineligible code allows an individual status code 07 to remain for the continuation of MA coverage.

B. NYC WMS

1. Applicants

A denial transaction is utilized if the individual being sanctioned is the sole applicant. A separate MA case must be opened for any persons who may be eligible for MA.

If there are multiple applicants, the case may be opened on WMS for the eligible individuals while coding the sanctioned individual with an appropriate Sanctioned/Ineligible Reason Code and Individual Disposition Status Code 10 "Inactive - Sanctioned" on Section 15 of the DSS-3517 (TAD).

Since use of most of these codes preclude provision of MA Coverage, they should not be used for sanctioned individuals who are to receive MA Coverage. These individuals should be coded with Individual Disposition status 07 "Active", and an MA Coverage Code of 01 (Full Coverage), even though they are not included in the PA Budgeting. An appropriate sanctioned/ineligible reason code should be used.

2. Recipients

A closing transaction is utilized if the individual being sanctioned is the sole recipient. If the individual's MA coverage is to be continued, the appropriate PA closing code which extends MA coverage should be entered on Section 10 of the DSS-3517 (TAD).

In cases with multiple recipients, sanctioned individuals should be coded with an appropriate Sanctioned/Ineligible Reason Code and as Individual Disposition Status 10 "Inactive - Sanctioned" on Section 15 of the DSS-3517 (TAD) if MA coverage is to be discontinued. Those sanctioned individuals who are to continue to receive MA coverage must remain coded Individual Disposition Status 07 "Active" and MA coverage code 01 (Full Coverage) unless Sanctioned/Ineligible Reason Codes 43 (ADC cases only) or Code 51 (ADC/HR) are used on section 15 of the DSS-3517 (TAD). Individuals with these codes will continue to receive MA coverage as appropriate.

VI. EFFECTIVE DATE

This ADM reflects the filing unit policy that has been in effect since October 1, 1985.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance