



702-3 Sanction

<p>Bulletin - 84</p>	<p>DATE: September 17, 2014</p> <p>TO: All Temporary Assistance to Needy Family (TANF) Program Manual Holders</p> <p>FROM: Pam Barragato, TANF Policy Specialist</p> <p>SUBJECT: TANF Bulletin - 84</p> <p>TANF MANUAL: Please place this bulletin at the beginning of TANF 702-3 =====</p> <p>SUBJECT: Participation during the 1st Sanction: Penalty Month</p> <p>REFERENCES: 45 CFR 261.13 -.15; ARM 37.78.102, .103, .216, .506 and .508; Deficit Reduction Act of 2005</p> <p>EFFECTIVE DATE: Immediately</p> <p>INTRODUCTION: Sanctioned “work-eligible” individuals are currently required to negotiate a new FIA and EP before the last day of the current month to receive a reduced benefit amount the following month.</p> <p>POLICY CHANGE: Sanctioned “work-eligible” individuals must negotiate a new FIA and EP no later than the 25th of the current month (or the next business day if the 25th is on a weekend or holiday) to receive a reduced benefit amount the following month.</p> <p>If the sanctioned individual fails to negotiate both the FIA and EP on or before the 25th of the current month, the TANF Cash program is closed for failing an eligibility requirement. Reduced benefits are not issued for the penalty month. Participants must reapply for benefits and complete a new application.</p> <p>UPDATED MANUAL MATERIAL WILL BE DISTRIBUTED AS SOON AS POSSIBLE. UNTIL THAT TIME, USE THIS BULLETIN AS A GUIDE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT YOUR REGIONAL POLICY SPECIALIST</p>
<p>Bulletin - 85</p>	<p>DATE: January 7, 2015</p> <p>TO: All Temporary Assistance to Needy Family (TANF) Program Manual Holders</p>

FROM: Pam Barragato, TANF Policy Specialist

SUBJECT: TANF Bulletin - 85

TANF MANUAL: Please place this bulletin at the beginning of TANF 702-3

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SUBJECT: Negotiation of a new FIA for a first sanction

REFERENCES: 45 CFR 261.13 -.15; ARM 37.78.102, .103, .216, .506 and .508; Deficit Reduction Act of 2005

EFFECTIVE DATE: January 1, 2015

INTRODUCTION: Currently, before reduced benefits may be issued for the next month, a sanctioned “work-eligible” individual must negotiate: a new Family Investment Agreement (FIA) with the Client Service Coordinator, and an Employability Plan (EP) with a WoRC Case Manager.

The individual must negotiate the FIA and EP no later than the 25th of the current month (or the next business day if the 25th is on a weekend or holiday).

Before full benefits can be reinstated the first of the next month a non-work eligible individual who has been sanctioned must negotiate: a new Family Investment Agreement (FIA) with the Client Service Coordinator, and an Employability Plan (EP) with a WoRC Case Manager.

The individual must negotiate the FIA and EP no later than the 25th of the sanction penalty month (or the next business day if the 25th is on a weekend or holiday).

POLICY CHANGE: Effective January 1, 2015, the sanctioned “work-eligible” individual is not required to negotiate a new FIA with the Client Service Coordinator by the 25th of the current month in order to receive the reduced benefit the next month.

A work-eligible individual must negotiate a new EP with the WoRC Case Manager by the 25th of the current month (or the next business day if the 25th falls on a weekend or holiday). If the participant fails to negotiate a new EP:

- the case closes for failing an eligibility requirement,
- reduced benefits are not issued for the penalty month, and
- the participant must complete a new application to reapply for benefits.

A “non-work eligible” individual must negotiate a new EP with the WoRC Case Manager by the 25th of the sanction, penalty month in order to be added to the assistance unit the next month (or the next business day if the 25th falls on a weekend or holiday). If the participant fails to negotiate a new EP:

	<ul style="list-style-type: none"> • the case closes for failing an eligibility requirement, and • the participant must complete a new application to reapply for benefits. <p>UPDATED MANUAL MATERIAL WILL BE DISTRIBUTED AS SOON AS POSSIBLE. UNTIL THAT TIME, USE THIS BULLETIN AS A GUIDE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT A POLICY SPECIALIST.</p>
Supersedes:	TANF 702-3 (07/01/09)
References:	45 CFR 261.13 -.15; ARM 37.78.102, .103, .216, .506 and .508; Deficit Reduction Act of 2005;
Overview:	<p><u>GENERAL RULE</u>– There are specific eligibility requirements TANF cash assistance participants must fulfill to remain eligible for benefits. A sanction is imposed when the TANF cash assistance participant, who is required to complete a Family Investment Agreement and WoRC Employability Plan (FIA/EP), fails or refuses to comply with, or verify participation in, activities negotiated with either Tribal NEW or WoRC.</p> <p>NOTE: A sanction will not be imposed if good cause for failure to comply with, or verify participation in, activities is requested and verified by the participant. (TANF 702-2)</p> <p>NOTE: Sanctions are not imposed if the household is receiving benefits in the TANF Post-Employment Program. Non-compliance or loss of employment will result in case closure.</p> <p>A sanction has two elements:</p> <ol style="list-style-type: none"> 1. Evaluation of good cause (Sections 702-2 and 1509-1), and 2. Penalty.
SNAP NON-COMPLIANCE	The SNAP allotment must be redetermined when there is a TANF non-compliance. Refer to SNAP Policy Manual section 602-5.
SUPPORTIVE SERVICE	<p>Supportive Service payments are not allowed for any sanctioned individual during the one-month decrease/penalty month, unless the sanctioned individual is a work-eligible individual (natural or adoptive parent) who is mandated to participate in activities during the sanction penalty month and has negotiated and agreed to comply with allowable work activities during the sanction penalty month. (TANF 704-1)</p> <p>Supportive services are not allowed for any sanctioned individual who chooses to participate during the one month ineligibility period.</p> <p>NOTE: Individuals who are sanctioned for a three (3) or six (6) month ineligibility period are not eligible to participate during the ineligibility period.</p>
SANCTION COUNTER	Effective January 1, 2008, changes to the sanction policy were implemented. At this time the sanction “counter” for all TANF participants was reset to zero (0). This “counter” tracks the number of sanctions the individual has received under current

	<p>sanction policy and is used to give messages to close the case when an individual has 2 or more sanctions under previous policy.</p>
SANCTION PERIODS	<p>Effective January 1, 2008, the sanction policy is as follows:</p> <p>1st Sanction: One (1) month penalty period for the sanctioned individual(s)</p> <p>2nd Sanction: One (1) month total household ineligibility period</p> <p>3rd Sanction: Three (3) month total household ineligibility period</p> <p>4th and subsequent sanction: Six (6) month total household ineligibility period</p>
PENALTY PERIOD	<p>The month of the 1st sanction is referred to as the ‘penalty month’ because there is the penalty of a reduced benefit. The sanctioned individual is still considered eligible for benefits. However, the household’s grant will decrease by an amount equal to one person’s share of the payment and the individual may be required to participate in activities during the reduction month.</p> <p>(See section titled “Participation During the One-Month Decrease.”)</p> <p>The one-month decrease begins the first of the month after giving timely notice to the participant. If the benefit month has been authorized, if timely notice cannot be sent, the imposition of the one-month decrease must be set to begin the next benefit month.</p> <p>During the one-month decrease, the sanctioned individual's time clock continues to increment - "tick" – regardless of their participation requirements. If the case is closed, the time clock does not increment. (See Section 802-1 for time clock information.)</p>
PARTICIPATION DURING THE PENALTY MONTH	<p>If the sanctioned individual is considered a “work-eligible individual” TANF 701-1), they are required to negotiate and sign a FIA with the Social Service Specialist AND a new EP with the WoRC Case Manager prior to the reduced amount of benefits being issued. Both the FIA and EP must be signed no later than the 25th of the month or within three working days from the date of the A741 notice, whichever is later.</p> <p>If the sanctioned “work-eligible individual” fails to negotiate both the FIA/EP for the sanction penalty month by the 25th of the month preceding the sanction penalty month (or the first working day following the last day of the month if the last day of the month is on a weekend or holiday), the case is closed for failing an eligibility requirement. No decreased benefits are issued.</p> <p>NOTE: The notice indicates that both the FIA and EP must be signed and also contains the information regarding case closure for failure to negotiate and sign both documents by the end of the current month.</p>

	<p>The FIA/EP may contain different work activities than were previously negotiated. During that month, childcare coverage will still be available to allow the sanctioned parent to participate in the negotiated work activities. Supportive services also may be available to allow the “work-eligible individual” to continue to participate during the penalty month.</p> <p>NOTE: If the household subsequently reapplies for TANF after the effective date of closure, for the sanction penalty month, the sanctioned “work-eligible individual” and any other work-eligible individuals are required to negotiate a FIA/EP for the sanction penalty month, before benefits can be authorized. Benefits will be pro-rated for the sanction penalty month based on the criteria outlined in TANF 103-5.</p> <p>If the sanctioned individual is not required to negotiate a FIA/EP and agrees to participate in work activities during the sanction penalty month, (TANF 701-1) but wants to continue to participate in previously negotiated activities during the one-month decrease, they can.</p> <p>During the penalty month childcare coverage will still be available to allow the sanctioned individual to participate in those activities. However, if the non-work eligible individual fails to participate after choosing to continue to participate, no additional penalties are imposed.</p> <p>If the individual is participating in a WEX, Worker’s Compensation coverage will also continue for the month.</p> <p>Supportive services will not be allowed as the sanctioned individual is not a “work-eligible” individual.</p>
<p>ENDING THE FIRST SANCTION</p>	<p>A participant who is not a work-eligible individual and is not required to negotiate a FIA/EP during the sanction penalty month is required to negotiate and sign a FIA with the Social Service Specialist AND a new EP with the WoRC Case Manager by the end of the sanction penalty month. Both the FIA and EP must be signed by the 25th of the sanction penalty month.</p> <p>If the FIA/EP is negotiated by the 25th day of the sanction penalty month, full benefits will be reinstated the first of the next month once all requirements are met.</p> <p>NOTE: The notice indicates that both the FIA and EP must be signed and also contains the information regarding case closure for failure to negotiate and sign both documents by the end of the sanction penalty month.</p>
<p>INELIGIBILITY PEIORD</p>	<p>The ‘ineligibility period’ refers to the time period for total case closure and an ineligibility period imposed against the following:</p> <ul style="list-style-type: none"> • All individuals who were considered to be a TANF recipient in the household at the time of the sanction

	<ul style="list-style-type: none"> • Individuals who were required filing unit members at the time of the sanction or • All individuals who enter the household during the ineligibility period and who would have been a required filing unit member at the time of sanction. This includes unborn children at the time of sanction <p>The sanction ineligibility periods increase depending on the number of sanctions the participant has imposed against them. (See 'SANCTION PERIODS' section on page 2.)</p>
<p>PENALTY/ INELIGIBILITY PERIOD FOLLOWS INDIVIDUAL</p>	<p>If an individual who is subject to a penalty month or an ineligibility period (see above) leaves the assistance unit and moves into another TANF household, the penalty month/ineligibility month follows him/her to the other household.</p> <p>There are two (2) exceptions to the ineligibility period following the children in a sanctioned household to another household:</p> <ol style="list-style-type: none"> 1. If the child (or children) who is subject to the sanction ineligibility period is removed from the home by Child and Family Services, placed in another household and is eligible for child only TANF in the other household, the child (or children) may receive child only TANF cash assistance during the time period he/she is placed with another household; or 2. If the child (or children) who is subject to the sanction ineligibility period is living in another household who makes application for and is eligible for child only TANF, the child (or children) may receive child only TANF cash assistance during the time period he/she is living in the other household. <p>NOTE: All eligibility criteria for child only TANF, including completion of a child support referral on all absent parents, must be met.</p>
<p>PARTICIPATION DURING THE ONE-MONTH INELIGIBILITY</p>	<p>If any participant wants to continue to participate in previously negotiated activities during a one-month ineligibility period, he/she can.</p> <p>During that month, childcare coverage will still be available to allow the sanctioned individual to participate in those activities. However, if the individual fails to participate after choosing to participate, no additional penalties are imposed. If the individual is participating in a WEX, Worker's Compensation coverage will also continue for the month. Supportive services will not be available during the ineligibility period.</p> <p>NOTE: If any participant wants to participate in employment and training opportunities offered through the WoRC Program during the three (3) or six (6) month ineligibility period, they will not be considered a TANF participant during the ineligibility period. TANF childcare is not available during the ineligibility period. Worker's Compensation coverage is also not available during the ineligibility period. Supportive services are not available during the 3 or 6 month ineligibility period.</p>
<p>TIME CLOCK DURING</p>	<p>The time clock does not increment during the ineligibility period unless the participant requests and receives continuation of benefits for one month pending a</p>

INELIGIBILITY PERIOD	<p>Fair Hearing. Once the benefit is authorized, the time clock will increment (“tick”) even if the Hearings Officer rules in favor of the state and the participant is required to repay the benefits.</p> <p>In this situation, the participant will be considered to have served one month of the ineligibility period due to having to repay the continued benefits</p>
APPLICATION FOLLOWING INELIGIBILITY PERIOD	<p>The household must complete a new Application for Assistance (HCS-250) if they wish to receive TANF cash assistance after the ineligibility period, regardless of participation during the ineligibility period.</p> <p>EXCEPTION: If the household has requested and received continued benefits pending a fair hearing for one month during a one month ineligibility period, they do not need to complete a new application, but must negotiate a new FIA/EP prior to receiving further TANF cash assistance benefits. (The A502 “Continued Benefits Fair Hearing Sanction” notice has been updated to include this requirement.)</p>
INTENSIVE CASE MANAGEMENT MEETING (ICM)	<p>Effective 07/01/2009, those who reapply for TANF cash assistance following a second sanction or who have a second sanction but received continued benefits during the sanction penalty month will be required to attend an ICM meeting as a condition of eligibility. (The “Second or More Sanction Close” and “Continued Benefits Fair Hearing Sanction” notices have been updated to include this requirement.)</p> <p>NOTE: An ICM must be completed by the last day of the month that a case is receiving continued benefits. If the ICM is not completed this will result in case closure.</p> <p>NOTE: Those participants who have received a second sanction and have completed an ICM prior to July 1, 2009 do not need to complete an additional ICM if a third or subsequent sanction occurs.</p> <p>The purpose of the ICM meeting is to discuss the reasons for non-compliance and to assist the participant in identifying reasons for non-compliance. The ICM meeting may also identify appropriate measures, accommodations and/or referrals that can assist the participant in engaging in the allowable work activities.</p>
ICM MEETING/ TRIBAL NEW	<p>If the individual who is applying and is required to participate in an ICM meeting is being referred to Tribal NEW for case management services, they will not be mandated to participate in an ICM meeting, unless Tribal NEW determines it appropriate.</p> <p>NOTE: The Social Service Specialist must note the fact that the individual has been sanctioned twice since January 1, 2008 on the referral to Tribal NEW.</p>
ICM MEETING ATTENDEES	<p>The ICM meeting should include the WoRC Case Manager and/or supervisor and may include the OPA County Director and/or supervisor, the Social Service Specialist and any other entities or agencies that the participant has indicated he/she would like to have involved. For example, advocates for the participant, counselors, Voc-Rehab, etc.</p>
Date Revised	January 1, 2010