702-2 WoRC Sanction Process/Good Cause

Supersedes:	TANF 702-2 (01/01/09); TB-70 (06/01/12)
References:	ARM 37.78.102, .216, .506 and .508; Deficit Reduction Act of 2005
Overview:	GENERAL RULE—TANF cash assistance participants who are required to participate in allowable work activities and are referred to the Work Readiness Component (WoRC) program for case management must negotiate and sign an individualized Employability Plan (EP). This EP lists the allowable work activities in which the individual has agreed to participate in; in order to meet the federal participation requirements. The individual also agrees to provide verification and documentation of their participation in the allowable work activities to their WoRC Case Manager. Failure to participate in the allowable work activities and/or provide verification and documentation of participation in the allowable work activities, without good cause, will result in the initiation of the sanction process. NOTE: Individuals who are receiving benefits through the TANF Post-Employment Program are not subject to sanction. Non-compliance will result in case closure. (TANF 604-2)
ACCEPT AND MAINTAIN EMPLOYMENT	Because 'MAE' (accept and maintain employment) is a mandatory activity, a TANF participant can be sanctioned for failure to accept or maintain employment without good cause (TANF 1509-1). If the participant reports the loss of employment to the WoRC Program, the WoRC Case Manager should notify the OPA Social Service Specialist immediately so a request for information notice can be sent. If the participant reports the loss of employment to the Social Service Specialist or the WoRC Case Manager reports the loss of employment, the Social Service Specialist will send a notice requesting information regarding the loss of employment and good cause verification. If the participant does not respond to the notice or does respond but does not have good cause or cannot verify good cause, the sanction process is initiated. NOTE: Individuals who are receiving benefits through the TANF Post-Employment Program are not subject to sanction. Loss of employment, with or without good cause will result in case closure. (TANF 604-2)
NO SANCTION RECOMMOND-ATION	A WoRC Case Manager should not recommend sanction in the following situations: 1. They have conclusive evidence that the participant has moved (e.g., landlord states the participant has moved, the participant has notified WoRC they are moving, etc.); 2. The participant has gained and verified employment and that employment meets the participant's required weekly participation hours or will cause

	case closure; or 3. The participant is receiving TANF Post-Employment benefits (TANF 604-2). In these situations, the WoRC Case Manager must notify the Social Service Specialist of the change and share the verification with the Social Service Specialist. The Social Service Specialist would send appropriate closure notice and document.
APPROPRIATE NOTICE	The determination of which notice is appropriate will depend on the following: 1. The outcome of the sanction; does it result in a penalty month or an ineligibility period; 2. Whether or not the sanctioned individual is a 'work-eligible' individual and required to negotiate a Family Investment Agreement/Employability Plan (FIA/EP) during a penalty month; and 3. Status of the case, e.g., open or closed.
OPEN CASE/ TIMELY NOTICE	If the case is currently open and receiving TANF cash assistance, timely notice of the sanction and imposition of the penalty month or ineligibility period must be sent. The penalty month or ineligibility period will begin the month following timely notice.
CLOSED CASE/ ADEQUATE NOTICE	If the case is currently closed, <u>for whatever reason</u>, and closure notice has previously been sent, adequate notice of the sanction is appropriate. (TANF 702-3) If the sanction results in an ineligibility period, the disqualification period will begin the month following adequate notice and will 'tick' continuously through the ineligibility period, e.g., 3 or 6 months.
GOOD CAUSE	The notice informs the participant that they have 10 days to request and verify good cause for not completing or verifying the negotiated activities. If good cause is not verified by the participant, the sanction will remain imposed. (TANF 702-3)
SANCTION <u>NOT</u> APPRPRIATE	If the Sanction Review Committee determines the sanction is not appropriate and that further action should be taken or attempts to reconcile the situation should be made, the following steps will be taken: 1. The committee will identify the action to be taken; 2. The committee will notify the WoRC Case Manager; and 3. The sanction action will be postponed. If, after the further action is taken, the issues are resolved, the sanction will not be imposed. If the issues are not resolved, the sanction will be considered appropriate (see 'Sanction Is Appropriate' section above.)
GOOD CAUSE	If at any time prior to the start of the penalty period the participant requests and provides verification of good cause for not completing activities or providing verification of participation in activities, the sanction can be lifted. (TANF 702-3)

	If good cause is requested and verified by the participant after the penalty period has started, it will be evaluated on a case by case basis. If the participant contacts (either verbally or in writing) either the Eligibility or WoRC Case Manager to provide reasons for good cause and is able to provide verification of the good cause, the Sanction Review Committee must review the circumstances causing the failure to comply and evaluate for good cause (TANF 1509-1). **NOTE:** Good cause can be provided in the form of doctor's statements, medical bill, police report, employer statement, etc. In order to provide good cause, the participant does not have to and cannot be required to meet with either the WoRC or Social Service Specialist.
Date Revised	June 8, 2012