



702-4 Fair Hearing-Non-compliance with FIA/EP or Tribal NEW-Continuation of Benefits

Supersedes:	TANF 702-4 (07/01/09)
References:	45 CFR 261.13 - .15; ARM 37.78.102, .506 and .508; ARM 37.5.307 and .316
Overview:	<p>GENERAL RULE-- TANF cash assistance may continue, if requested, pending a Fair Hearing decision if the assistance unit is otherwise eligible. All non- financial and financial eligibility requirements must be evaluated and met before authorization of benefits.</p> <p>NOTE: TANF Extended Benefit cases are not eligible for continued benefits.</p>
CONTINUED BENEFITS AND REQUEST FOR FAIR HEARING (1ST SANCTION)	<p>If a sanctioned individual requests a fair hearing on the imposition of a sanction penalty month and requests continued benefits pending a fair hearing, the "FHP" (Fair Hearing Pending) component code will be used to FAIR HEARING account for full hours on the FIA/EP during the sanction penalty month in (1ST SANCTION) Follow the "FHP" component process outlined later in this section.</p> <p>NOTE: Continued benefits may be issued only if requested between the date of the notice of action and the effective date of the action. <u>The request for continued benefits must be in writing.</u> In order to receive cash assistance following the receipt of continued benefits during a sanction penalty month, a new FIA/EP must be negotiated.</p>
CONTINUED BENEFITS AND REQUEST FOR FAIR HEARING (2ND OR SUBSEQUENT SANCTION)	<p>If a sanctioned individual requests a fair hearing on the imposition of a second or subsequent sanction and ineligibility period, and requests continued benefits pending a fair hearing, the "FHP" (Fair Hearing Pending) component code will be used to account for full hours on the FIA/EP <u>during one month of the ineligibility period</u> so that continued benefits can be issued. Follow the "FHP" component process outlined later in this section.</p> <p>NOTE: Continued benefits may be issued only if requested between the date of the notice of action and the effective date of the action. <u>The request for continued benefits must be in writing.</u></p> <p>If the household receives one month of continued benefits during a 3 or 6 month ineligibility period, it will count as month "1" in the ineligibility period, however the remaining months of the ineligibility period must be served, prior to being eligible for TANF cash assistance. The household must make application for TANF cash assistance, following the ineligibility period. (TANF 701-3)</p>
Date Revised	July 1, 2011