



TANF 1506-5

Fair Hearing/Appeal Benefit Continuation

Supersedes: TANF 1506-1 (1/1/07)

Reference: ARM 37.5.101, .103, .301, .304, .305, .307, .313, .316, .318, .322, .325, .328, .331, .334, .337, .503, .505; ARM 37.78.505

Overview: Households may be eligible to receive continued benefits during the fair hearing process. Continued benefits must be specifically requested to be eligible to receive them. Households receiving continued benefits during the fair hearing process must repay the continued benefits received if the adverse action is upheld and the decision is in the Department's favor. Benefit recovery must be initiated, if appropriate, and/or the adverse action imposed.

Household receiving extended TANF benefits are not entitled to continued benefits during the fair hearing process. Households appealing the Board's decision and who have filed a petition requesting a judicial review are not entitled to continued benefits except by court order.

Benefits cannot be continued if the issue is one of State or Federal law or policy.

CONTINUING BENEFITS:

A hearing request filed timely may request continued benefits. Benefits may continue until the end of the month in which a determination is reached as long as all financial and nonfinancial requirements are met, with the exception of the issue in dispute.

Timely request refers to:

1. Requesting Fair Hearing: within the period between the adverse action notice date and the effective action date.
2. Requesting Board Appeal: within 15 days of the fair hearing decision.

The client has a right to claim good cause for not filing the request for continued benefits timely.

CONTINUED BENEFIT DURATION:

Benefits may continue until the end of the month in which a determination is reached. No action can be taken on the case until the 15 day appeal limit has passed.

CONTINUED BENEFIT REDUCTION:

Changes reported during benefit continuation must be acted upon according to change reporting policy. Continued benefits are not reduced or terminated prior to the official hearing decision unless:

1. Eligibility ends for failing to meet any other financial or non-financial eligibility requirements are reached;
2. A change affecting the client's eligibility occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent adverse action notice;
3. The Hearings Officer makes a preliminary determination (in writing and at the hearing) that the sole issue is one of State or Federal law or policy and no issue of improper benefit calculation, misapplication, or misinterpretation of State or Federal law or policy exists; or
4. A mass change affecting the client's eligibility or benefit level occurs while the hearing decision is pending.

MASS CHANGE CONTINUATION:

A mass change occurs when changes in either State or Federal law require automatic benefit adjustments for classes of recipients.

When benefits are reduced or terminated due to a mass change, continue benefits at the prior amount but only if the issue contested is that:

1. Eligibility or benefits were improperly computed; or
2. Federal law or regulation was misapplied or misinterpreted.

Effective Date: January 01, 2018