

MANUAL MATERIAL TRANSMITTED					
MANUAL: INCOME MAINTENANCE			CHANGE NUMBER: 135		
DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
			33	10	9/97
34	10	10/97	34	10	3/99
DATE: MARCH 1999			TO: ALL INCOME MAINTENANCE MANUAL HOLDERS		

This change is being made to Chapter 10 as a result of the V.R. et al v.Ohl court case. A preliminary injunction order was issued which prohibits the Department from counting the Supplemental Security Income (SSI) received by a child under age 18 with a representative payee as income for WV WORKS. This policy change is only to exclude from consideration of income for WV WORKS, the SSI benefit for children under the age of 18, paid through a representative payee. The child must remain a member of the Assistance Group.

On February 19, 1999, a notice will be sent to all cases identified as closed in RAPIDS and the C-219 system which are potentially affected by counting SSI as income. A second mailing to all cases identified in RAPIDS as having been denied as a result of counting SSI benefits will follow shortly thereafter. A copy of the letter is included with this change. In addition, a legal notice will be printed on February 19, 20 and 21, 1999 in the following newspapers: Charleston, Huntington, Wheeling, Parkersburg, Morgantown, Weirton, Fairmont, Beckley, Clarksburg, Martinsburg and the State Register. This notice will be posted in all local DHHR offices and all local SSA offices as well.

Applications for families which include an SSI child, as described above, and those received prior to receipt of this policy, may be acted upon, using the RAPIDS Workaround which is included with this DW-17. Eligibility for WV WORKS may be backdated to the date on which ALL eligibility requirements are met, but no earlier than February 4, 1999. No other retroactive or restored benefits are required at this time.

Each office must continue to maintain a log of all applications for WV WORKS which include an SSI child. Action on each application must be recorded on the log, and, if denied, the reason for denial. This log may be requested by the Office of Family Support at any time.

The RAPIDS Workaround for these cases is printed on a separate page with this DW-17.

Policy questions should be directed to the OFS Policy Unit and questions about RAPIDS procedures should be directed to that office.

RAPIDS WORKAROUND

Workaround: WV WORKS - Not Counting Children's SSI Income
It is CRITICAL THAT THIS WORK-AROUND BE FOLLOWED RIGIDLY.

RAPIDS will: Count all income of anyone included in the WV WORKS AG to determine the amount of the WV WORKS check amount.

Work-Around: This work-around presumes there is an ongoing case with MSS active for an SSI child and WV WORKS does not exist, but is being added to the case. If your situation is different, please call the RAPIDS Help Desk for instruction.

When a WV WORKS AG includes an SSI recipient who meets the criteria which allows his SSI income to be excluded for WV WORKS (IMM Section 10.3,QQQ), you must do the following:

1. Tran to the AFUI screen which contains the SSI income for the child. Over type the mmyy with the month of the application and change the SSI income amount to zero.
2. Use PF16 to get a new AFUI screen, enter the mmyy with the month of application, and enter the entire amount of the SSI check as income type OTFS on AFUI. If the SSI child has any other income, it should be entered in the normal manner.
3. Screen ANBR must still reflect the child's correct SSI information.
4. Run eligibility, DO NOT CONFIRM, check the results, make any necessary corrections, rerun eligibility, if necessary, and confirm. System-generated notices will be correct.

SOURCE OF INCOME	CONSIDERED AS INCOME FOR:			
	FOOD STAMPS	AFDC MEDICAID, DEEMED AFDC MEDICAID, TM, QC, P.L. PW AND CHILDREN, AFDC/U-RELATED MEDICAID, WV CHIP	PAC, QMB, SLIMB, QI-1 AND QI-2 QDWI, CDCS, AIDS PROGRAMS, SSI-RELATED MEDICAID	WV WORKS; DCA Eligibility
NNN. SICK BENEFITS FROM EMPLOYER	Earned, if received while still employed. Unearned, if received after employment is terminated. Count gross.	Earned. EXCEPTION: Any portion attributed to the employee's own contribution is unearned income.	Unearned. EXCEPTION: Sick pay received from an employer or third party, within the first 6 months of the last day worked, is earned income. However, any portion of the above sick pay that is attributed to the employee's own contribution is considered unearned income.	Earned.
OOO. SOCIAL SECURITY PAYMENTS	Unearned. See RSDI.	Unearned. See RSDI.	Unearned. See RSDI.	Unearned. See RSDI.
PPP. SPOUSAL SUPPORT OR ALIMONY Note: Separate entry for Child Support	Unearned	Unearned	Unearned	Unearned

IMPORTANT NOTICE

According to the records of the West Virginia Department of Health and Human Resources (DHHR) your welfare cash assistance under the Temporary Assistance for Needy Families Program (TANF) may have ended because a child living in your home receives a Supplemental Security Income (SSI) check. The SSI payment was counted as family income when determining if your family could receive a welfare cash assistance check.

A Preliminary Injunction Order in V.R. et al. v. Ohl stops the Department of Health and Human Resources from counting SSI benefits paid to children as family income for purposes of determining a family's eligibility for the TANF Program. Because of this Order, your family may now be able to receive a welfare cash assistance check. In order to determine if your family can get cash assistance, you must apply for the TANF Program at your local Health and Human Resources Office.

If you have any questions, please contact your local Health and Human Resources Office or call DHHR's Office of Client Services at 1-800-642-8589 or (304) 558-2400.