

## 6.2 NOTIFICATION OF ACTION TAKEN ON AN APPLICATION

Five (5) forms are used for notifying an applicant of the status of his application. They are the ES-6, ES-6A, ES-NL-6, ES-NL-A, and ES-20.

The final disposition of the application is reported to the client only on the ES-NL-A or the ES-NL-6. When the ES-NL-A is used, it must always be accompanied by the ES-NL-A1.

### A. ES-6, NOTICE OF INFORMATION NEEDED; ES-6A, SPENDDOWN EXPLANATION

The ES-6 may be used during any phase of the eligibility determination process. At the time of application, it is given or mailed to the applicant to notify him of information or verification he must supply to establish eligibility. The client must receive the ES-6 within five (5) working days of the date of application, when the ES-6 is mailed.

**NOTE:** If the client fails to adhere to the requirements detailed on the ES-6, the application is denied or the deduction disallowed, as appropriate. The client must be notified of the subsequent denial by form ES-NL-A.

This form also notifies the client that his application will be denied or a deduction disallowed, if he fails to provide the requested information by the date specified on the form. The Worker determines the date to enter to complete the sentence, "If this information is not made available to this office by \_\_\_\_\_..." as follows:

#### 1. Food Stamps

The date entered here must be 30 days from the date of application.

If the information is not provided by the date indicated, and the client has not contacted the Worker to explain the delay, the application is denied, if an eligibility factor is involved, using an ES-NL-A. If eligibility is established, but the client does not provide proof of entitlement to a deduction, the deduction is not allowed, but the case is approved, using an ES-NL-A.

**NOTE:** Federal regulations require that the ES-6 be given to the client no later than 30 days after the date of application. He must also be allowed 30 days to respond to the ES-6. Therefore, benefits

retroactive to the date of application must be issued, if the client supplies the needed information within the 30-day time limit.

The section following the Worker's signature must be completed for Food Stamp cases only. The date entered by the Worker is 60 days from the date of application. A new ES-2 is not needed when the benefit group reapplies within 60 days of the original application, which was denied because of failure to provide required information, and subsequently provides the needed information. If the information is not provided by the date requested, an ES-NL-A must be sent for denial.

2. TANF and WV WORKS

The Worker and the applicant must agree upon the date entered. If the form is mailed to the client, the Worker must use his judgement about a reasonable amount of time required for the client to provide the information. If the information is not provided by the date indicated, and the client has not contacted the Worker, the application is denied, if an eligibility factor is involved. The client must be notified by an ES-NL-A. If eligibility is established, but the client does not provide proof of entitlement to a deduction, the deduction is not allowed. The case is approved, and the client is notified by an ES-NL-A.

3. Medicaid

The date entered here must be 30 days from the date of application.

When it is determined during the intake interview that the client will be required to meet a spenddown, the ES-6A must be attached to the ES-6. In addition, the ES-6 must indicate that medical expenses must be provided by the deadline date shown on the form, and the amount required to meet the spenddown must be specified. This is in addition to any other verification which may be needed.

If the case did not appear to be a spenddown case when the ES-6 was issued, but verification of, or a change in, income results in a spenddown prior to approval, a new ES-6 is issued to obtain medical bills to establish eligibility. However, the time limit for providing medical expenses remains as 30 days from the date of application.

B. ES-NL-6 - NOTICE OF WITHDRAWAL OF APPLICATION

If the applicant withdraws his application, the Worker must give or mail him an ES-NL-6.

C. ES-NL-A

**NOTE:** The ES-NL-A must always be used with a Hearing/Pre-Hearing Conference Request Form, ES-NL-A1, and the appropriate computation forms.

The ES-NL-A is used for approvals and denials for all programs. The form is self-explanatory, but must be completed in such a way as to provide the client with a full understanding of the reason for the action taken. The Worker must use terms understandable to the client and avoid the use of agency jargon. Examples of proper and improper completion of sections of the form are shown below:

Improper Completion of the Form

The action taken in your case is: your application has been denied.

The action was taken because: failure to cooperate.

The Department's policies requiring this action are found in Chapter 1 of the Manual.

In the space provided, the Worker must indicate the name, address and telephone number of local agencies or organizations which provide legal services without charge. Refer to Appendix A.

Proper Completion of the Form

The action taken on your case is: your Food Stamp application has been denied. You do not meet the Food Stamp eligibility requirements.

The action was taken because: you did not verify the amount of your earnings by 2/10/95. Income must be verified before a Food Stamp case can be approved. The penalty for not doing this is denial of the application.

The Department's policies requiring this action are found in Section(s) \_\_\_\_\_ of the Income Maintenance Manual.

The information, which must be contained on the ES-NL-A, is found below, by program.

1. Approvals

a. Food Stamps

Include: the month of approval, the amount of the coupon allotments, pro-rated and ongoing, the length of the certification period, the approximate date of coupon receipt, the reason for the approval, the Manual section on which the decision is based and any other action being taken on the case. If retroactive benefits are being issued by a WEKR transaction, the amount of these benefits must be noted with an explanation.

For individuals meeting the definition of an ABAWD, the Worker must tell him if he lives in an ILC or an NILC. The Worker must include form IM-NL-ABAWD-1 as an insert explaining the ABAWD work requirement, the time limit, the exemptions and how to regain eligibility.

If the Food Stamp case is approved for one month only, the ES-FS-3a must be sent with the ES-NL-A to advise the client that a reapplication is necessary.

b. TANF and WV WORKS

Include: the month of approval, the prorated and on-going amounts of the benefit, the approximate date of check receipt, the reason for the approval, the Manual section on which the decision is based and any other action being taken on the case.

c. Medicaid

The date that the medical coverage begins, and ends, the approximate date of receipt of the medical card, the reason for the approval, the Manual section on which the decision is based and any other action being taken on the case.

For Poverty-Level Pregnant Women Only: The fact that she remains eligible for 2 months after the month in which her pregnancy ends.

## 2. Denials

The Worker completes the ES-NL-A by indicating the program for which benefits are being denied; the reason for denial, the name of the person whose income, assets or other circumstances prevent approval; the Manual section on which the denial is based.

When an ABAWD who resides in an ILC is denied after the first or second 3-month period of not meeting the ABAWD work requirement, form OFS-ABAWD-1 must be included to inform him of the ABAWD work requirement, the time limit, the exemptions and how to regain eligibility. See Section 9.1,A.

**NOTE:** If the denial is due to excessive assets, the notification letter must specify the asset limit and the total value counted for all the client's assets. In addition, the letter must contain the following statement: "You may request a detailed accounting of the asset calculations used by the Department. If you so request, this will be mailed to you within five (5) working days of receipt of your request. You may request this in writing, by phone or in person."

**NOTE:** If the AG is denied for a WV WORKS and a child in the denied AG has an absent parent, the following statement must be shown on the denial letter: "You may still receive help in locating and obtaining support from the absent parent(s) of your child(ren). Please call the telephone number shown above and ask to speak to a BCSE Worker. You may also write or visit your local Human Resources Office for help."

For Food Stamp Denials Only: When the applicant has an SSI application pending with SSA, the Food Stamp denial notice must explain the possibility of Categorical Food Stamp Eligibility if his SSI application is approved. He must be advised to contact the Department upon SSI approval.

D. ES-20

If the application is not acted on within the required time limit, the Worker must send an ES-20 to the applicant, informing him of the required information which has not been received by the Department. The ES-20 is sent at the time of the expiration of the maximum allowable time for acting on the application. A copy of the ES-20 must be filed in the case record.