

NOTE: When an ES-NL-C is sent to a Food Stamp AG that contains an ABAWD, form **DFA**-ABAWD-1 must be attached. This applies to all counties, both ILC's as well as NILC's.

NOTE: Client notification must be sent even when the only recipient in the AG dies.

C. ES-NL-B

NOTE: The ES-NL-B must always be used with the Pre-Hearing Conference and/or Fair Hearing request form, DFA-FH-1 and the appropriate computation forms.

The ES-NL-B is used to notify a client of:

1. An Increase In Benefits:

The recipient must be notified in writing any time there is an increase in benefits. The notification must be received by the client prior to or at the same time he receives the increase.

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. See Appendix A for a listing of Legal Aid offices.

An increase in benefits is defined below for each program and the following information must be contained on the ES-NL-B when an increase in benefits occurs.

a. Food Stamps Benefits

An increase in benefit amount requires that the notice include the present benefit amount and the increased benefit amount ("Your Food Stamp benefit amount is being increased from \$100 to \$120"), the date that the increase is effective, the reason for the increase, the Manual section on which the change is based, and any other action taken.

b. WV WORKS

An increase in the benefit amount or the addition of another person to the AG, when the benefit amount increases, requires that the notice include the present benefit amount and the increased benefit amount ("Your WV WORKS benefit is being increased from \$262 to

\$301"), the date that the increase is effective, the reason for the increase, the Manual section on which the change is based, and any other action taken.

c. Medicaid

The addition of an individual to the Medicaid AG requires that the notice include the name of the individual being added, the date that the change is effective, the reason for the change, the Manual section on which the change is based, and any other action taken.

2. Adverse Actions Not Requiring Advance Notice

All other adverse actions require 13 days advance notice, and, thus, require use of the ES-NL-C. The following actions do not require advance notice:

- A mass change is initiated, such as the annual updates of Food Stamp allotments or deductions, the annual RSDI/SSI updates, a change in the WV WORKS payment levels, a change in the Medically Needy Income Levels.
- For Food Stamp benefits only, when the benefit is terminated or reduced as a result of a redetermination.
- When the client has signed an DFA-NL-5 to waive his right to 13-days advance notice.

Form DFA-NL-5, "Waiver of Advance Notice," is used when the information, which results in an adverse action, is undisputed by the recipient, he agrees with the action to be taken on his case and understands that he is entitled to receive benefits, if the 13-day advance notice requirement is not waived. The waiver allows DHHR to make the change, without application of the 13-day advance notice requirement.

EXAMPLE: Sam moves from Food Stamp AG 1 to Food Stamp AG 2 on June 20th and reports this the same day. His removal from AG 1 is an adverse action requiring 13 days notice. He cannot be included in AG 2 for July because he will still be included in AG 1. However, AG 1 signs an DFA-NL-5 to waive the right to advance notice. He can be removed from AG 1 and included in AG 2 effective July.

Client Notification

EXCEPTION: Food Stamp Program only: If the client did not complete a redetermination, benefits are not reinstated or continued. Benefits will be continued or reinstated only after the client completes a redetermination. If the Food Stamp certification period ends prior to the decision of the Hearings Officer, or prior to the Pre-Hearing Conference decision, the client is not entitled to benefits at the previous level or continued benefits.

- (b) Requested After Advance Notice Period, but within 90 Days of the Effective Date of the Action.

Benefits are not reinstated or restored pending the Fair Hearing or Pre-Hearing Conference decision after expiration of the 13-day advance notice period.

E. OFS-WVW-NL-1

NOTE: The OFS-WVW-NL-1 must always be used with the Pre-Hearing Conference and/or a Fair Hearing request form, DFA-FH-1, and the appropriate computation forms.

The OFS-WVW-NL-1 is used only for WV WORKS and only when the imposition of a sanction for failure to adhere to the terms of the PRC is involved.

Instructions for completion of the ES-NL-B (See item C above) also apply to completion of the OFS-WVW-NL-1. In addition, there is space for the Worker to schedule a Good Cause Interview. The interview must be scheduled for a date that allows the client to attend the interview and to comply with the PRC requirements before the advance notice period expires.

All other policies and procedures that normally apply to the ES-NL-C apply to the use of the OFS-WVW-NL-1. See item D above.

F. DFA-FH-1, PRE-HEARING CONFERENCE AND/OR FAIR HEARING REQUEST FORM

The DFA-FH-1 is used to request a Pre-Hearing Conference and/or Fair Hearing and must be used when an ES-NL-A, ES-NL-B, ES-NL-C or OFS-WVW-NL-1 is used.

If more than one notification letter is sent at the same time, the DFA-FH-1 must be sent with each notification letter.

EXAMPLE: The client experiences a change which increases his WV WORKS benefit amount. His Food Stamp benefits decrease, solely due to the increase in the WV WORKS check. The Worker prepares an ES-NL-B to address the increase in WV WORKS and attaches form DFA-FH-1. In addition, the Worker completes an ES-NL-C to address the decrease in Food Stamp benefits and also attaches a DFA-FH-1.

G. DFA-10, APPOINTMENT LETTER

The DFA-10 is used to notify the recipient of the time and place of an appointment. These appointments are usually scheduled for redeterminations. However, the form can be used to notify the client of an appointment when a face-to-face contact is indicated for a case maintenance activity.

If the client fails to keep the appointment, the Worker must send an ES-NL-C prior to AG closure, except for closures resulting from failure to complete a Food Stamp redetermination. An ES-NL-B is used in this situation.

For Food Stamp AG's, the DFA-10 serves as the first notification of the end of the certification period.

When Worker completed, the **original** DFA-10 is **mailed or given to the client and** a copy **is** filed in the case record.