

13.9 WV WORKS SANCTIONS

When a member of the AG or non-recipient Work-Eligible Individual does not comply with requirements found on his PRC or SSP, a sanction must be imposed unless the Worker determines that good cause exists. Information about development of the SSP is found in Chapter 24. Information about the PRC and SSP as an eligibility requirement is found in Chapter 1.

NOTE: When the person whose actions cause a sanction to be imposed becomes an SSI recipient prior to imposition of the sanction, no sanction is imposed. In addition, the offense is not counted when determining the level of subsequent sanctions. If the family has already been sanctioned when the offender becomes an SSI recipient, the sanction is lifted as soon as possible considering RAPIDS deadlines. The partial sanction already served counts when determining the level of the subsequent sanctions.

NOTE: If a disabled client chooses to participate, no sanction is imposed for failing to meet the work requirements if the Worker or Supervisor determines the participant failed to meet the SSP requirements due to his disability. WV WORKS participants who have a documented disability must be placed in the AD component in Work Programs in addition to other component codes.

A. DEFINITION OF SANCTION

NOTE: Once a sanction has been imposed, it cannot be stopped until the appropriate time has elapsed.

WV WORKS sanctions require supervisory approval for the 2nd and subsequent sanctions. A supervisor must confirm the sanctioned benefit on the confirmation screen. When a supervisor is not available, a back-up supervisor may confirm the sanction.

The Division of Family Assistance TANF Policy Unit must approve 4th and subsequent sanctions. An e-mail must be sent to TANF Policy Unit members with the date and time of the scheduled case staffing along with a detailed summary outlining the reason for the sanction including:

- Case name, RAPIDS case number, PIN numbers;
- Current PRC;
- Number of referrals provided to the AG for help in removing barriers;
- Number of home/work site visits in the past 12 months;
- Any special or unusual circumstances in the family; and

Work Requirements

- Worker, Supervisor and/or CSM decision, including reason, about whether or not the family should be sanctioned.

Sanctions are applied in the form of termination of benefits. The amount of the sanction is a fixed amount and is determined as follows:

1st Offense = Ineligibility for cash assistance for 1 month;

2nd Offense = Ineligibility for cash assistance for 3 months;

3rd Offense = Ineligibility for cash assistance for 6 months;

4th and All Subsequent Offences = Ineligibility for cash assistance for 12 months.

To be considered for future benefits, the individual will be required to re-apply for WV WORKS benefits to again receive them. When the AG reapplies for benefits within 3 months of the last day of the effective month of closure, the AG members or non-recipient Work-Eligible individuals are not required to complete another orientation session and no new PRC is required.

NOTE: See item C below for information about the mandatory office visit after imposition of a sanction.

All benefit terminations due to imposition of a sanction require advance notice. See Chapter 6 for specific information. Unless the client shows good cause for non-compliance, the sanction is imposed. This is true even if the client complies after the notice is sent but before the sanction is effective.

Once an ineligibility period is imposed, i.e. after expiration of the advance notice period, the ineligibility remains in effect for the pre-determined number of months, regardless of case status.

B. CONCURRENT SANCTIONS

When an additional offense for the same or a different requirement occurs during a sanction period, the next level of sanction is not imposed. The client must also be given the opportunity to establish good cause.

When 2 or more offenses, by the same individual or by different individuals occur in the same month, it is treated as if only one offense has occurred. All offenses must be addressed in the client notification, only one sanction is imposed. If an additional offense, by the same individual or by a different individual(s), occurs in the same month after the Worker has mailed the client notification of the preceding offense, an additional sanction may not be imposed.

C. BEGINNING OF THE SANCTION PERIOD

The sanction period begins the month after expiration of the advance notice period. The date the Worker enters the pending sanction on the personal responsibility contract sanction request screen determines the perspective sanction begin month. A sanction is not imposed by having the client repay all or part of the benefit he has already received. A termination of cash assistance for at least 1 month is the only means by which a sanction is imposed. Imposition of a sanction may be delayed by a Fair Hearing request. When the Department is upheld, the sanction begins in the month following the Fair Hearing decision. If the Fair Hearing decision is reached after the RAPIDS adverse action deadline date, the sanction begins 2 months after the decision.

After a sanction has been imposed, the Worker must send a pending closure notice which includes an appointment for a case staffing, the DFA-WVW-5. The case staffing notice may be sent any time after notification that the sanction has been imposed, but before imposition of the sanction. It is recommended that the case staffing occur as soon as possible after the notification to try to avoid the sanction. When the sanction occurs prior to the case staffing, the imposition of the sanction must be delayed until the case staffing has been attempted. The Worker must document in comments the dates the case staffing was scheduled and document the outcome of a completed staffing on a DFA-WVW-6 and in comments. At the Supervisor's discretion, a home visit may be made in addition to the case staffing. However, the home visit does not substitute for the case staffing.

Work Requirements

During the case staffing, the Worker must discuss with the client the reason(s) for the sanction. The Worker will explore with the client why he has not complied with the PRC or SSP or otherwise participated and cooperated. During the visit, the Worker will explore any support services, other Department services or community resources that are available to the client to address any challenges to participation. Appropriate services and referrals will be arranged. The Worker must also discuss the following during the case staffing visit:

- Plans for how the children's needs will be met when the WV WORKS benefit stops.

NOTE: Under no circumstances is the Worker to suggest or indicate that the loss of WV WORKS income will result in removal of the children from the home.

- How rent and utilities will be paid while the WV WORKS case is ineligible. Determine how extra expenses, such as, but not limited to, cleaning and laundry supplies, clothing, etc. will be covered.

Explain that if a client is in their first sanction, Emergency Assistance is not available for 1 month. For the second and subsequent sanctions, Emergency Assistance is not available for the first 3 months of a sanction period.

- Explain that Food Stamp benefits will not increase due to the loss of WV WORKS.
- Explain that the client must establish good cause to avoid a sanction.

The staffing office visit does not substitute for advance notice of any additional sanctions or for any good cause appointments.

NOTE: A staffing office visit is required for all subsequent sanctions after a 4th sanction along with TANF Policy Unit referrals.

D. PROCEDURES WHEN THE SANCTION PERIOD ENDS

The sanction periods expire when the client has received reduced benefits for the appropriate number of months. Once the sanction period has started, it runs for the appropriate number of consecutive months, whether the case remains active or not. In addition, once a sanction has been imposed, it cannot be stopped until the appropriate time has elapsed. After a sanction period has expired, the individual will be required to re-apply for WV WORKS benefits to again receive them.

Work Requirements

if the client is not notified of the imposition of the sanction prior to a requested case closure, no sanction may be imposed until the client has received proper notice. Therefore, even when the case is closed prior to the mailing of the adverse action notice, the Worker must still notify the client of the imposition of the sanction. Rather than addressing termination of current and ongoing benefits, the notification letter must explain that the sanction will be applied upon reapplication if the client chooses to reapply during the sanction period. The letter must specify the dates of the sanction period. The client may request a Fair Hearing on the sanction issue when the notification is received or upon reapplication within 90 days of closure notification.

Once cash assistance is stopped due to imposition of a sanction, the client must reapply to reinstate benefits. The client may reapply at any time, but applications made prior to the expiration of the sanction are denied.

E. DETERMINING THE NUMBER OF SANCTIONS WHEN THE AG OR NON-RECIPIENT WORK-ELIGIBLE INDIVIDUAL SEPARATES

WV WORKS sanctions are applied to all Work-Eligible members of a WV WORKS case, not only to the individual who causes the sanction.

Therefore, the following information is used to determine the number of sanctions when the sanctioned WV WORKS case separates into 2 or more cases or when 1 or more household member leaves the case.

- Each adult and emancipated minor included in the same WV WORKS AG, and each non-recipient Work-Eligible Individual, is assigned one sanction for each time the case is sanctioned. Sanctions are not assigned to children.

EXAMPLE: Mr. and Mrs. Tony receive WV WORKS for themselves and their 2 children. Mr. Tony refused an offer of employment without good cause and a sanction is applied to the case. The case has 1 sanction; therefore, Mr. Tony is assigned 1 sanction and Mrs. Tony is assigned 1 sanction.

- When an adult or emancipated minor leaves the home, he takes his assigned sanctions with him. Those adults and emancipated minors remaining in the home retain their assigned sanctions.

EXAMPLE: Continuation of the previous example. After application of the sanction, Mr. Tony leaves the home. Mrs. Tony is the only adult remaining in the AG. She carries the sanction that was assigned to her when Mr. Tony refused a job, so the sanction continues.

Work Requirements

- When a Work-Eligible adult or emancipated minor leaves the home of one WV WORKS case and joins another one, all members of the new AG and any non-recipient Work-Eligible Individuals are assigned the same number of sanctions. This number is determined by assigning each adult/emancipated minor the highest number of sanctions assigned to any one of the adults/emancipated minors in the new AG or any non-recipient Work-Eligible Individuals.

EXAMPLE: Continuation of previous example. When Mr. Tony leaves Mrs. Tony, he moves in with a former fiancée, Nellie. Mr. Tony is the father of 2 of Nellie's children. Nellie and her 3 children are WV WORKS recipients. Nellie previously failed, without good cause, to cooperate with BCSE in obtaining support for her third child. In addition, she failed, without good cause to continue her CWEP placement. Nellie's case has been sanctioned twice. When Mr. Tony joins her AG, he is assigned 2 sanctions, since Nellie has the higher number of sanctions. After 6 months, Mr. Tony decides to return to his wife. When he leaves, Nellie continues to have 2 sanctions. When Mr. Tony returns to his wife, he now has 2 sanctions that were assigned to him from Nellie's case. Therefore, the case which includes Mr. and Mrs. Tony now has been assigned 2 sanctions. The next offense by Mr. or Mrs. Tony results in application of the 3rd sanction.

Upon learning of his sanction status, Mr. Tony goes back to live with Nellie. Mr. Tony and Nellie each continue to have 2 assigned sanctions. Shortly after his return, Nellie fails to keep an appointment with a prospective employer. She tells the Worker that she wanted to stay home to be with the father of her children. The Worker determines that she did not have good cause and applies the 3rd sanction. Mr. Tony immediately returns to his wife. This makes his wife and children ineligible for 6 months when the 3rd sanction was applied.

EXAMPLE: A household consists of Mr. and Mrs. Green and their 2 children. Mr. Green was convicted of a drug felony and is not included in the WV WORKS benefit. Mrs. Green has incurred 2 previous WV WORKS sanctions. Due to a change in policy in July 2007, Mr. Green is now a non-recipient Work-Eligible-Individual. Mr. Green is immediately assigned 2 WV WORKS sanctions previously incurred by Mrs. Green.

EXAMPLE: Ms. Smith is a non-recipient Work-Eligible Individual because she is a parole violator. She fails to attend her assigned activity without good cause and a sanction is applied to the case. The case now has one sanction.

Work Requirements

- Sanctions applied to a case are never assigned to dependent children.

EXAMPLE: One of Mr. and Mrs. Tony's children runs away to live with his grandmother. She applies for WV WORKS for him and herself and is approved. Because he is a dependent child, no sanctions are assigned to the new AG even though his previous AG has 3 sanctions.

EXAMPLE: Mr. and Mrs. Miller had four children and are notified that a third sanction will be imposed and the benefit amount will be reduced from \$460 to \$0. The WV WORK amount counted for SNAP benefits is \$460. The AG separates; Mr. and Mrs. Miller each will then have \$230 of the WV WORKS benefit counted for the SNAP benefits in their separate AGs. If they reconcile before the end of the sanction period, \$460 WV WORKS benefit will be counted for their SNAP benefit.