

MANUAL MATERIAL TRANSMITTED					
MANUAL: INCOME MAINTENANCE			CHANGE NUMBER: 173-A		
DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
21 - 23	13	5/98	21 - 23	13	1/01
25 - 36	13	5/98	24 - 27	13	1/01
			28	13	1/01
			29 - 35	13	1/01
			36	13	5/98
DATE: JANUARY, 2001 TO: ALL INCOME MAINTENANCE MANUAL HOLDERS					

This change is being made to correct printing errors that occurred in change #173.

Questions should be directed to the OFS Policy Unit.

- An applicant parent whose cash assistance benefits were stopped prior to the expiration of any exemption period as described above, is eligible for the remainder of the original exemption upon reapplication and reapproval of benefits during the original exemption period.
- An applicant parent who has a newborn child under 6 months of age is exempt until the month following the month the newborn child reaches age 6-months provided the parent is at least age 18 or emancipated. The parent may only be exempt for more time if he meets one of the other exemptions from meeting the work requirement. The parent may choose to participate, but no sanction may be applied for any failure during the exemption period. If the parent chooses to participate, no amount of the exemption time remaining from this child may be used by either parent during or following the birth of any other child.

**NOTE:** When there are 2 parents in the home, only 1 at a time is exempt under this provision. The parents may change the decision about which parent is exempt at any time, but may not change the previous decision to avoid a sanction once the advance notice period begins.

### 3. Examples

**EXAMPLE:** A WV WORKS recipient has 2 children, ages 2 and 3, when her case is approved. After receiving cash assistance for 6 months, she becomes pregnant. The child meets the definition of First Child and her exemption is based on this. She is exempt until the child reaches age 1.

**EXAMPLE:** A woman received AFDC for 3 years. When the Department converted AFDC to TANF in 1/97, she became a TANF recipient. See Section 15.1. She gave birth to no children while she was an AFDC recipient, but, in 2/97, she gave birth to another child while she was a TANF recipient. In 3/98 she gives birth to another child. Her case is converted to WV WORKS in 4/98 and she wants to be exempt from meeting a work requirement until this youngest child reaches age 1. However, the youngest child does not meet the definition of First Child. The First Child is the one born in

Advance notice is sent on July 2nd for the offense that occurred on June 25th. Once the clients receive the letter, they notify the Worker that they want to change their decision about which one is exempt, so that the wife will be required to meet the work requirement. The Worker explains that a PRC Self-Sufficiency Plan must be developed for the wife, but that the change is acceptable. The Worker also informs them that the sanction must continue, regardless of the change in exemption status because the offense happened prior to the change, and the request for an exemption change was not received prior to the beginning of the advance notice period.

**EXAMPLE:** Mr. and Mrs. Y receive WV WORKS for themselves and 1 child. Mrs. Y is pregnant with a child who is not a First Child and the child is due in 1 month. She chooses to be exempt for the last month of her pregnancy and for 5 months after the child is born. When the child is 2-months old, Mrs. Y is offered and accepts part-time employment. Mr. Y chooses to be exempt for the remaining 3 months of the exemption period, for a total of 6 months.

D. CHILD UNDER 6/UNAVAILABLE CHILD CARE

An individual caring for a child under age 6 is temporarily exempt when the individual is unable to obtain formal or informal child care. The client must accept available child care unless it is an unreasonable distance from the individual's home or work site. Special needs children may require special child care arrangements. If so, the unavailability of suitable and appropriate care must be considered for special needs children.

E. CHILD WITH LIFE-THREATENING ILLNESS

**NOTE:** Providing care for a child, as follows, is a legal, temporary exemption from meeting a work requirement and is listed here for that reason. Providing this care may also meet the work requirement as a community service activity and must be used as such. See Section 24.10,C.

A parent who is caring for his own dependent child is temporarily exempt when the child has a life-threatening illness.

### 13.9 WV WORKS SANCTIONS

When a member of the AG does not comply with requirements found on his PRC, a sanction must be imposed unless the Worker determines that good cause exists. Information about development of the PRC is found in Chapter 24. Information about the PRC 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.

#### A. DEFINITION OF SANCTION

**NOTE:** Once a sanction has been imposed, it cannot be stopped until the appropriate time has elapsed or the appropriate action is taken, whichever is later.

Sanctions are applied to WV WORKS cases in the form of check reductions and, for the 3rd or subsequent offense, termination of benefits. The amount of the check reduction is a fixed amount and is determined as follows:

- 1st Offense = 1/3 reduction in the check amount, prior to recoupment, that the AG is currently eligible to receive, for 3 months
- 2nd Offense = 2/3 reduction in the check amount, prior to recoupment, that the AG is currently eligible to receive, for 3 months. If the case is in a 1/3 reduction when the 2nd sanction is applied, the 2/3 reduction is applied to the check amount the client is currently eligible to receive, prior to recoupment; it is not applied to the check amount which has already been reduced by 1/3.
- 3rd Offense = Ineligibility for cash assistance for 6 months or until compliance, whichever is later.  
and all subsequent offenses

notice period. The Worker again explains that he has not complied until the appointment is kept. On December 12th the client keeps his appointment and notifies the Worker. The Worker verifies with the potential employer that the client did keep the appointment. No benefit reduction is applied, but the client is still charged with one offense. The next non-compliance, without good cause, will result in application of the benefit reduction for the 2nd offense.

Once a reduction in benefits or ineligibility is implemented, i.e. after expiration of the advance notice period, the reduction or 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 imposed, after proper notification. The client must also be given the opportunity to comply or establish good cause, regardless of the length of time remaining for the sanction that is already in effect. Sanctions may, therefore, run concurrently.

When 2 or more offenses, by the same individual or by different individuals in the same AG, occur prior to the Worker's having mailed the advance notice to the client, it is treated as if only one offense has occurred. Even though all offenses must be addressed in the client notification, only one sanction is imposed. However, if an additional offense, by the same individual or by a different individual(s), occurs after the Worker has mailed the client notification of the preceding offense, an additional sanction may be imposed after proper notification and the opportunity to comply or establish good cause.

#### C. BEGINNING OF THE SANCTION PERIOD

The sanction period begins the month after expiration of the advance notice period. A sanction is not imposed by having the client repay all or part of the benefit he has already received. A reduced check amount for three months or termination of cash assistance for at least 6 months 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.

notifying his employer of the reason or complies with his requirement to work, within the advance notice period. The client does not respond. On September 20th, the client reapplies. He explains that his mother, who lives in Maryland, became very ill suddenly and was hospitalized. Her doctor said that she would be unable to live alone after leaving the hospital, so he and his family left for Maryland with the intention of staying there indefinitely. Since that time, his mother has been placed in a nursing home and his family returned to WV. The Worker accepts his explanation as good cause but explains that, since the advance notice period expired prior to his claim of good cause, he must approve the case with reduced benefits for September and October. The client may request a Fair Hearing on the approval with reduced benefits.

After the 1st and 2nd sanctions end, the Worker must automatically increase benefits without waiting for the client to request the increase. This increase also requires client notification, as found in Chapter 6. However, once cash assistance is stopped due to imposition of the 3rd sanction, the client must reapply to reinstate benefits. The client may reapply at any time, but applications made prior to the expiration of the 6-month sanction are denied.

E. DETERMINING THE NUMBER OF SANCTIONS WHEN THE AG SEPARATES

WV WORKS sanctions are applied to the AG, not to the individual who causes the sanction. Therefore, the following information is used to determine the number of sanctions when the sanctioned AG separates into 2 or more AG's or when 1 or more member leaves the AG.

- Each adult and emancipated minor included in the same WV WORKS AG is assigned one sanction for each time the case is sanctioned.

**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.

**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.

has not met the requirement, but has complied to the best of his ability, understanding of the requirement, understanding of the sanction process and/or level of motivation. The Worker has considerable discretion in imposing a sanction. The Worker may determine that the requirement was inappropriate based upon additional assessment. In addition, the Worker may determine that not applying a sanction in a particular situation provides more motivation for future participation than the imposition of a sanction. However, once a sanction has been imposed, it cannot be stopped, until the appropriate time has elapsed, or the appropriate action is taken.

- A requirement of the Office of Social Services precludes participation for a specified period of time.
- He refuses to accept surgery which would eliminate or significantly improve his condition, even if the refusal precludes participation.
- He would be required to travel more than one hour round trip to participate, unless it can be shown that local community travel standards exceed the one-hour limitation.

All good cause determinations must be recorded in RAPIDS. The recording must include the reason the Worker did not or did impose a sanction.

**13.12 EFFECT OF WV WORKS SANCTION ON MEDICAID**

The receipt of WV WORKS has no bearing on Medicaid eligibility, under any coverage group. Likewise, a WV WORKS sanction or ineligibility has no bearing on Medicaid eligibility, under any coverage group.

However, cooperation with BCSE is a requirement for both WV WORKS and Medicaid. To meet the Medicaid requirement, the caretaker is required to pursue medical support only, not cash child support. Therefore, both Programs could be affected for failure to cooperate with BCSE, but ineligibility for Medicaid is not automatic when a WV WORKS sanction is imposed for failure to cooperate with BCSE.