



FAMILY INDEPENDENCE ADMINISTRATION
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POLICY BULLETIN #06-97-ELI

**PUBLIC ASSISTANCE EMPLOYMENT AND ELIGIBILITY REQUIREMENTS
 FOR INDIVIDUALS WHO ARE REQUIRED TO APPLY FOR SSI**

Date: August 1, 2006	Subtopic(s): Employment
<p> This procedure can now be accessed on the FIAweb.</p>	<p>This policy bulletin is to inform all Job Center staff of the policy regarding public assistance (PA) employment and eligibility requirements for individuals who are required to apply for Supplemental Security Income (SSI). It also provides instruction on exempting from PA and Food Stamp (FS) work requirements individuals who are required by the Agency to apply for SSI benefits as a PA eligibility condition. This policy bulletin serves as information for all other staff.</p> <p>Individuals who are required to apply for SSI benefits as a condition of eligibility for PA are exempt from PA and FS work requirements. These individuals are not required to comply with employment activities until the Agency has determined, based on the individual's claim that s/he is able to work or a Wellness, Comprehensive Assessment, Rehabilitation and Employment (WeCARE) medical evaluation which confirms the individual's employability status, that the individual is nonexempt and no longer required to apply for SSI benefits as a condition of eligibility for PA.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
 Call 718-557-1313 then press 2 at the prompt followed by 765 or
 send an e-mail to *FIA Call Center*

Staff is required to ensure that individuals, who are deemed by WeCARE to have substantial functional limitations to employment due to medical conditions that will last for at least 12 months and make the individual unable to work apply for SSI benefits, follow through on the application, comply with all additional requests for information from the Social Security Administration (SSA) and accept such benefits, if eligible. Staff must require individuals whose application for SSI benefits has been denied and who continue to be unable to participate in work activities because of a medical condition that potentially qualifies the individual for SSI, to file an appeal and comply with all SSA requirements. Refer to [PD #05-30-ELI](#) for information regarding the appeal process with the Disability Assistance Unit (DAU).

Individuals who are required by the Agency to appeal a denial of SSI benefits continue to be exempt from work requirements while the appeal is pending a decision.

Failure to Comply with Requirements to Apply For and Accept SSI Benefits

When a PA applicant/participant:

- refuses, without good cause, to cooperate in applying for SSI benefits; or
- refuses to appeal a denial when the Agency determines such appeal is required; or
- declines to accept SSI benefits for him/herself or for a member of the PA household;

the consequence(s) for noncompliance is/are as follows:

- in a multiperson household (household composition > 1), since SSI cannot be applied to other household members, a pro rata PA sanction is initiated only for the noncompliant individual. Enter PA Sanction Code **F12** (Failure to Apply for SSI) in element **331** of the noncompliant individual's line on the TAD. This sanction remains in effect until the individual cooperates with the requirement. In a single person household, use code **F12** (Failure to Apply for SSI [HH = 1]) to reject/close the noncompliant individual's case.

Note: Code **F12** can be used to reject or close a case when the household size = 1.

- if the applicant/participant who failed to comply with the requirement is not a mandatory PA filing unit member and/or a legally responsible relative (e.g., a 20-year-old sibling residing in the household), s/he would be ineligible for assistance and the remaining household members eligibility can be determined based on current procedure. Use code **F12** to reject/close the noncompliant individual's line.
- if an adult caretaker applicant/participant refuses to apply for, follow through on or accept SSI on behalf of a child, the pro rata needs of only the noncooperative adult must be eliminated until s/he cooperates. This is true even if the adult caretaker is not a legally responsible relative. To sanction the noncompliant individual, enter PA Sanction code **F12** in element **331** of the individual's line on the TAD. If the adult caretaker is not in receipt of PA, no sanction is imposed.

When a household's PA benefits are reduced or discontinued for refusing to apply for or accept SSI, the household's FS benefit amount (if applicable) is calculated using the pre-sanction PA grant. As a result, a Client Notice System (CNS) notice is sent to inform the household of the change in PA/FS benefits. In the case of a denial (this includes cases where one individual is denied and the other household members are determined eligible for assistance), the household is notified via the Action Taken on Your Application: Part A: Public Assistance, Food Stamp Benefits and Medical Assistance Coverage (NYC) ([LDSS-4013A NYC](#))/Action Taken on Your Application: Part B: Public Assistance, Food Stamp Benefits and Medical Assistance Coverage (NYC) ([LDSS-4013B NYC](#)).

If the PA applicant/participant is not physically or emotionally capable of applying for SSI benefits, the JOS/Worker will refer him/her to the WeCARE unit, which will provide services to ensure that s/he is assisted in applying for and following through on the application for SSI benefits. The DAU provides similar services, which assist the individual in filing for an appeal on a denial decision, when appropriate. In these instances, the PA benefits shall not be reduced or discontinued for failure to pursue SSI benefits.

Food Stamp Budgeting

The requirement to apply for SSI benefits and appeal a denial of an SSI application is not a FS eligibility requirement.

Medical Assistance Eligibility

The requirement to apply for SSI benefits and appeal a denial of an SSI application is not a Medical Assistance (MA) eligibility requirement. In instances where the household's PA benefits are discontinued for refusing to apply for or accept SSI, an MA separate determination will be conducted.

Effective Immediately

Related Item:

[PD #04-37-ELI](#)

Reference:

[06-ADM-06](#)