FAMILY INDEPENDENCE ADMINISTRATION

Seth W. Diamond, Executive Deputy Commissioner

James K. Whelan, Deputy Commissioner
Policy, Procedures, and Training

Lisa C. Fitzpatrick, Assistant Deputy Commissioner
Office of Procedures

POLICY BULLETIN #10-20-SYS
(This Policy Bulletin Replaces PB #08-59-SYS)

DELETING DURATIONAL SANCTIONS IMPOSED IN ERROR OR TO COMPLY WITH A FAIR HEARING DECISION

Date: March 2, 2010	Subtopic(s): Fair Hearing

⌨ This procedure can now be accessed on the FIAweb.

The Worker's Guide to Codes Manual will be updated at a later date to include this information.

Revisions to the Original Policy Bulletin

This policy bulletin has been revised to advise staff of the instances in which the Infraction Deletion Data Entry Form (**LDSS-4962**) must be used to delete sanctions.

A statement has been added to remind staff that Special Grant Issuance Codes **73** (Supplementation of Regular Grant) and/or **74** (Benefit Restoration) must be used when Cash Assistance (CA) allowances are issued as the result of a Fair Hearing Decision.

The definition of CA Case Level Opening Code **Y46** has also been expanded. It can now be used when the decision to delete a sanction is made by the Fair Hearing and Conference staff (FH&C). In addition, **Y46** can also be used to delete a FS sanction on an NCA FS case.

Purpose

The purpose of this policy bulletin is to inform Job Center staff, Non Cash Assistance (NCA) Food Stamp (FS) staff, Fair Hearing Compliance staff, and the Fair Hearing Tracking Monitoring and Review Unit (FHTMRU) of the correct procedure for deleting durational sanctions.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to*: (917) 639-0298*

Distribution: X

Sanctions must be deleted from Welfare Management System (WMS) if the sanction is imposed in error, incorrectly implemented, or to comply with a Fair Hearing decision. If the sanction was implemented properly and upheld (either at a Fair Hearing or upon review), it should not be deleted, nor should it be lifted prior to the expiration date. Once the properly imposed sanction has expired and the individual has demonstrated compliance, the case/line can be reactivated with the appropriate opening code (in this instance, do not use any of the codes listed below).

When a sanction is being deleted, JOS/Workers must determine the type of sanction, e.g., employment, substance abuse, or intentional program violation. They must also determine whether or not the case or line is to be activated. Use of the appropriate code on the Turn-Around Document (TAD) will automatically delete the sanction history in WMS, so as not to cause an improper bump up for the next infraction.

To delete a durational sanction that has not expired, the JOS/Worker must use one of the following opening codes, as appropriate:

CA Case Level Opening Codes

Y46 Employment Unit Approved Override with documentation that allows the opening of cases with employment sanctions during the infraction period. There is no notice required and the code should be used for the following:

1. Client was incarcerated
2. Client was hospitalized
3. There had been a change of address
4. Fair Hearing decision reversed and Office Of Employment Services (OES) closing
5. Issue settled in conference by FH&C

Revised reason to use Code **Y46**

Note: This reason will appear in the revised WMS Worker's Guide to Codes manual in July 2010, but can be applied effective immediately.

New Information

Code **Y46** can also be used to delete a sanction on a NCA FS case, although this information is not included in the WMS Worker's Guide to Codes.

Y47 To be used to override an Intentional Program Violation (IPV) sanction and open a case/suffix during the infraction period. Use of this code is restricted to EPF (Fiscal Operations) as the Origination Center. Manual notice is required.

Y65	To be used to override a Drug and Alcohol Closing or Rejection Code during the infraction period. This removes the last sanction. No notice is required.	

CA Individual Line Opening Codes

96	Client Now Willing to Comply with Departmental Policy	
97	Aid Continuing – Case Awaiting Fair Hearing Decision (to be used with approval of OES). No notice is issued. This is only used for Aid to Continue (ATC) cases.	
V7	To be used to override a Drug and Alcohol Sanction Code during the infraction period. It removes the last sanction from history. No notice is issued.	

FS Individual Line Opening Code

LZ   Override Code to reopen individual line that was automatically sanctioned for an employment-related infraction.

Note: CA Opening Code **114** (Override Opening Code – Prior Sanction History Remains) was made obsolete on May 27, 2008. Staff must refrain from using opening code **114**.

New Information

To delete a sanction for a participant whose CA case is active, or to delete a sanction that occurred prior to another infraction, the JOS/Worker must complete Form **LDSS-4962** as follows:

- To delete a CA infraction, use the PA section (**Item Number** [column prefilled with code **399**]). To delete an FS infraction, use the FS section (**Item Number** [column prefilled with code **400**]), and enter the following:

  - The line number of the individual who committed the infraction in the **Line Number** column; and
  - The eight (8) digit authorization number of the infraction (as found on the **Client Infraction History** screen) in the **Authorization Number** column.

Form **LDSS-4962** is only used for CA cases.

For example, line 01 was sanctioned for both CA and FS with code **WE2** for the period 7/24/07 to 10/22/07 with an authorization number of 07062305. To delete these infractions, enter the following on Form **LDSS-4962**:

PA	**ITEM NUMBER**	**LINE NUMBER**	**AUTHORIZATION NUMBER**
	399	**01**	**07062305**
FS	**ITEM NUMBER**	**LINE NUMBER**	**AUTHORIZATION NUMBER**
	400	**01**	**07062305**

- Submit Form **LDSS-4962** to the Supervisor and then Control for data entry.

The pending transaction will appear on the **Pending Individual Data** screen in WMS. After the overnight batch process runs, the infraction record is marked with a **W** in the **DEL IND** column on the **Client Infraction History** screen. This is similar to the use of an override code, which marks the infraction with an **X**. An individual with an infraction marked with **W** can be opened with any valid opening code and no override code is required. The next infraction of the same type <u>will not</u> be bumped up by the presence of an infraction marked with a **W**.

> If this sanction is deleted using Form **LDSS- 4962**, a **W** will appear here.

New Information

When completing Form **LDSS-4962**, the JOS/Worker should be aware that:

- an infraction for both CA and FS will have the same authorization number. To delete both infractions, two entries must be made on Form **LDSS-4962**: one with Item Number **399** for the CA infraction and one with Item Number **400** for the FS infraction.
- if a more recent sanction (than the deleted sanction) exists of the same type, the duration of the sanction will be automatically adjusted and an **M** (Modified) will display in the **DEL IND** column. For example, a case has three employment infractions. If the second (90-day) sanction is deleted, then the third (180-day) infraction will be adjusted to 90 days.

- deletion of a sanction is allowed on a line in **AC**, **SI**, **SN** (Sanctioned), **CL** or **RJ** status as long as the CA case status is in AC/SI status. Both unexpired and expired infractions may be deleted.
- Form **LDSS-4962** should not be used to delete the most recent sanction unless the sanction was entered in error. If the sanction period has expired and the individual is now willing to comply, the individual should be activated with a valid opening code per current procedure.

New Information

When issuing CA allowances as the result of a Fair Hearing Decision, the JOS/Worker must use Special Grant Issuance Codes **73** (Supplementation of Regular Grant) and/or **74** (Benefit Restoration) on the PA Single Issuance Authorization Form (**DSS-3575**).

Reinstating Sanctions after a Fair Hearing Decision

This is the only instance in which a notice <u>must</u> be suppressed.

Reminder: In instances in which a sanction was lifted due to an ATC directive and the Agency was subsequently affirmed in the hearing, the sanction must be reinstated and the notice must be suppressed by entering an **A** (Adequate) or **T** (Timely) in the **M3E** field on the TAD. A new notice is not required.

Effective Immediately

References:

18 NYCRR 385.12
18 NYCRR 352.29

Related Items:

PD #09-25-SYS
PD #01-38-EMP
PB #05-28-SYS
PB #02-47-EMP