



# FAMILY INDEPENDENCE ADMINISTRATION


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## POLICY BULLETIN #13-26-OPE

### RESTORATION OF CASH ASSISTANCE BENEFITS AND DELETION OF EMPLOYMENT SANCTIONS FOR CLASS MEMBERS IN THE HERCULES V. DOAR SETTLEMENT

<b>Date:</b> March 27, 2013	<b>Subtopic(s):</b> Employment Sanctions												
<p> This procedure can now be accessed on the FIAweb.</p>	<p>The purpose of this policy bulletin is to inform the Cash Assistance Center staff about an agreement to restore lost Cash Assistance (CA) benefits and to delete employment sanctions for class members in <u>Hercules v. Doar</u>.</p> <p><u>Hercules</u> class members are individuals in the Safety Net Assistance (SNA) category who have at least one dependent child in their household and were issued a Client Notice System (CNS) sanction notice for an employment infraction that contained the incorrect sanction duration.</p> <p>Due to a computer programming error, CNS sanction notices issued between August 24, 2007 and August 25, 2011, to SNA individuals in a household with at least one dependent child contained the sanction period for SNA households without children which is a longer sanction period than authorized by law. The following chart summarizes the different employment sanction periods applicable to SNA households with and without a dependent child:</p> <table border="1" data-bbox="480 1381 1451 1755"> <thead> <tr> <th></th> <th>Duration of First Sanction</th> <th>Duration of Second Sanction</th> <th>Duration of 3<sup>+</sup> Sanctions</th> </tr> </thead> <tbody> <tr> <td>SNA household with a dependent child</td> <td>Until willing to comply</td> <td>90 days &amp; until willing to comply</td> <td>180 days months &amp; until willing to comply</td> </tr> <tr> <td>SNA household without a child</td> <td>90 days &amp; until willing to comply</td> <td>150 days &amp; until willing to comply</td> <td>180 days &amp; until willing to comply</td> </tr> </tbody> </table>		Duration of First Sanction	Duration of Second Sanction	Duration of 3 <sup>+</sup> Sanctions	SNA household with a dependent child	Until willing to comply	90 days & until willing to comply	180 days months & until willing to comply	SNA household without a child	90 days & until willing to comply	150 days & until willing to comply	180 days & until willing to comply
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#### 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

The computer error has been corrected so that, CNS sanction notices now reflect the correct sanction period.

#### Deletion of Employment Sanctions

Under the terms of the Hercules settlement, class members who were issued one CNS sanction notice containing the incorrect sanction period between August 24, 2007 and August 25, 2011 had one sanction deleted from WMS. Class members who were issued more than one CNS sanction notice containing the incorrect sanction period between August 24, 2007 and August 25, 2011 had two sanctions deleted from WMS.

#### Restored Benefit Calculation

Additionally, Hercules class members received a restored Cash Assistance (CA) benefit based on the following calculation:

For class members who were issued an incorrect CNS sanction notice and remained sanctioned until the expiration date set forth in the CNS sanction notice, the CA benefit was calculated based upon an average of monthly lost benefits (based on a household size of 3.5) multiplied by the number of days benefits were wrongly denied.

For class members who were issued an incorrect CNS sanction notice, and cured their sanction on or before the expiration date set forth in the CNS sanction notice, a percent reduction was applied to the calculation above.

#### Benefit Issuance

The restored CA benefits were issued by the Office of Temporary and Disability Administration (OTDA) to the class member's original case, if it was active at the time of OTDA's payment; or, if that case was closed, to the class member's current case, if any and if active at the time of payment. However, if the class member's original case was closed, and/or the class member did not currently have an active CA case, OTDA did not issue a restored benefit. Staff at the Job Centers will issue the restored payment if the class member's household becomes eligible for CA.

Responding to Questions

HRA mailed Hercules class members a letter informing them that as a result of the Hercules v. Doar settlement, they will be receiving a special settlement payment and will have a sanction(s) removed. If individuals have additional questions about the special payment or how the sanction history was changed, they should call Plaintiffs' Class Counsel at (212) 577-3491 and say they have a question about the Hercules notice.

*Effective Immediately*