



# FAMILY INDEPENDENCE ADMINISTRATION

Matthew Brune, Executive Deputy Commissioner

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

Stephen Fisher, Assistant Deputy Commissioner  
Office of Procedures

## POLICY BULLETIN #13-29-SYS

*(This Policy Bulletin Replaces PB #10-20-SYS)*

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

<p><b>Date:</b> March 28, 2013</p>	<p><b>Subtopic(s):</b> Fair Hearing</p>
<p> This procedure can now be accessed on the FIAweb.</p> <p>Revised</p>	<p><b>Revisions to the Original Policy Bulletin:</b></p> <p>To remind staff that sanctions should be lifted if requested to do so by Fair Hearing and Conference (FH&amp;C), and that the lifting of sanctions is part of the Fair Hearing resolution process.</p> <p><b>Purpose:</b></p> <p>The purpose of this policy bulletin is to inform Job Center staff, Non Cash Assistance (NCA) Supplemental Nutrition Assistance Program (SNAP) staff, Fair Hearing Compliance staff, and the Fair Hearing Tracking Monitoring and Review Unit (FHTMRU) of the correct procedure for deleting durational sanctions.</p> <p>A durational sanction should be deleted:</p> <ul style="list-style-type: none"> <li>• If FH&amp;C requests a deletion as part of the Fair Hearing resolution process.</li> <li>• If the Group Supervisor reviews the case and determines that the action was incorrect.</li> <li>• To comply with a Fair Hearing decision.</li> </ul> <p><u>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).</u></p>

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

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 Revised

**Y46** Employment Unit Approved Override with documentation that allows the opening of CvB or JOB Search closings or sanctions during the infraction period. Removes the last sanction. **No Notice Required.** The code should be used for the following:

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

**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 **Citations to be required later.**

**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**.

Deleting sanctions that have already expired.

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 that has already expired, use the PA section (**Item Number** [column prefilled with code **399** - Duplicate Assistance within NYS]). To delete an FS infraction, use the FS section (**Item Number** [column prefilled with code **400** - Administrative Opening on Transitional Benefits Cases. **No Notice Required**]), 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
	<b>399</b>	<b>01</b>	<b>07062305</b>
FS	ITEM NUMBER	LINE NUMBER	AUTHORIZATION NUMBER
	<b>400</b>	<b>01</b>	<b>07062305</b>

- 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 will not be bumped up by the presence of an infraction marked with a **W** or **X**.

M91WB2 WMS.r4w - Reflection for REGIS Graphics

File Edit Connection Setup Macro Window Help

NOIN22 (P) CLIENT INFRACTION HISTORY 02/10/10  
Page 01 of 01

CIN	First Name M Last	Sex	SSN	Val	Birth Date
[REDACTED]	[REDACTED]	F	[REDACTED]	8	[REDACTED]

MA ID Number: [REDACTED]

PGM	TYPE	CASE #	AUTH #	TYPE	Code	AUTH DATE	SN	EXP DT	DEL	IND
PA		[REDACTED]	90500105	0120	ME3	03/19/09		09/15/09		
PA		[REDACTED]	07062305	0120	ME2	07/24/07		10/22/07		
PA		[REDACTED]	07011005	0120	ME1	02/05/07		02/05/07		
FS		[REDACTED]	07011005	0120	ME1	02/05/07		04/06/07		
						/ /		/ /		
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Next CIN: [REDACTED] CMD

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

167, 25 VT400-7 -- m91wbz.nyc.state.ny.us via TELNET 00:03:07 Num

Start Inboxes - Microsoft Outl... Project #2682, Fair H... Project #2682, Fair H... M91WB2 WMS.r4w - ... 9:21 AM

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** (Active), **SI** (Single Issue), **SN** (Sanctioned), **CL** (Closed) or **RJ** (Rejected) 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.

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 must 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. Lifting a sanction to implement ATC only occurred when the ATC is manually implemented, otherwise the Code **2** (Aid to Continue) in WMS keeps the sanction in pending status.

*Effective Immediately*

#### **References:**

18 NYCRR 385.12  
18 NYCRR 352.29

#### **Related Items:**

PD #09-25-SYS  
PD #10-21-OPE  
PB #02-18-ELI  
PB #02-47-EMP  
PB #05-28-SYS