



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #09-18-ELI

TEMPORARY INCREASE IN UNEMPLOYMENT INSURANCE BENEFITS

Date: May 5, 2009	Subtopic(s): Unemployment Insurance Benefits
AUDIENCE	The instructions in this policy directive are for staff at Job Centers and Non Cash Assistance Food Stamp (NCA FS) Centers, and informational for other staff.
POLICY	<p>All recipients of Unemployment Insurance Benefits (UIB), even if only eligible for \$1 per week in regular UIB, received a retroactive UIB payment and will receive a temporary \$25 per week increase in UIB until December 31, 2009. The retroactive payment and the increase to UIB must be considered when determining Cash Assistance (CA), Food Stamps (FS), and Home Energy Assistance Program (HEAP) eligibility.</p> <p>Applicants/participants are not required to provide documentation of the increase in benefits.</p>
BACKGROUND	The American Recovery and Reinvestment Act (ARRA) of 2009 was signed into law on February 17, 2009. The bill authorized a temporary \$25 per week increase for current and new recipients of UIB benefits. The increase, known as the Federal Additional Compensation (FAC), is for individuals who are collecting regular or extended UIB. The \$25 per week (\$108 per month) FAC increase was made retroactively to the week ending March 1, 2009 and will be temporarily included in future weekly UIB until December 31, 2009.

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*

The retroactive FAC UIB payments were made by the Department of Labor (DOL) to individuals in receipt of UIB on March 30, 2009. The recurring \$25 FAC increase to benefits was included in the weekly UIB beginning the first week of April 2009. The \$25 FAC increase to UIB will continue through December 31, 2009.

Reporting an increase in income

CA cases are required to report an increase in income or resources within 10 days. FS cases are not required to report an increase in income or resources between reporting periods unless the monthly increase in income exceeds 130% of the poverty limit.

Each Job and Non Cash Assistance Food Stamp (NCFS) Center will receive a list of cases from Management information Systems (MIS) that currently has UIB budgeted (Income Source Code **36**).

There will be no mass rebudgeting done for these cases. Workers must manually make adjustments to currently active cases.

REQUIRED ACTION

For Cash Assistance (CA) Purposes

JOS/Workers must determine CA eligibility and benefit amounts for applicants/participants in receipt of UIB. When the UIB list is received from MIS, JOS/Workers must follow the instructions below:

Refer to [PD #09-07-ELI](#) for information about lump sum payments.

- When the one-time retroactive FAC payment alone or combined with budgeted income is **greater** than the CA household's needs, the amount must be treated as a lump sum payment.

Example:

A household size of three with CA needs of \$345.50 Semimonthly (S/M) is currently receiving \$225 S/M in UIB. The UIB increase is \$54 S/M and the retroactive UIB payment is \$108. The regular S/M UIB of \$225 combined with the increase of \$54 S/M and the retroactive payment of \$108 totals \$387, which exceeds the \$345.50 S/M standard of need for the household size. The retroactive amount of \$108 must be budgeted as a lump sum payment. This household will be ineligible for CA unless the participant proves that the resources are depleted.

- When the one-time FAC payment alone or combined with other budgeted income is **equal to** or **less than** the CA household's needs, the retroactive FAC payment is not considered a lump sum payment and is budgeted as income. The gross amount must be budgeted as unearned income in the month received.

Example:

A household of three with a S/M standard of need of \$345.50 is currently receiving \$75 S/M in UIB. The S/M UIB increase of \$54 combined with the regular S/M UIB payment of \$75 and the retroactive payment of \$108 totals \$237. Since the combined UIB and retroactive payment is \$237, which does not exceed the household's standard of need, the payment is budgeted as unearned income.

- The temporary **recurring** \$25 per week FAC increase in UIB must be budgeted as unearned income as follows:
 - The \$25 per week (\$54 S/M) FAC increase and regular benefit must be combined and budgeted as a total UIB using Other/Unearned Income Source Code – 36 – Unemployment insurance Benefits.
- A timely and adequate Notice of Intent (NOI) must be sent using the Client Notices System (CNS).
- A recoupment for any overpayment from March 1, 2009 to the next available cycle must be initiated for individuals in receipt of CA.

Note: If a FS household reports the \$25 FAC UIB increase and the increase is placed on the CA budget, the additional UIB income must also be reflected on the FS budget.

For Food Stamps (FS) Purposes

When Eligibility Specialists (ES) at NCA FS Centers receive the list of individuals in receipt of UIB from MIS, they must use it as a reference check to ensure that the UIB is adjusted at the household's next recertification or periodic report.

The ES must follow the instructions below to determine eligibility and benefit amounts for FS:

Refer to [PD #08-01-ELI](#) for information about FS resource policy.

- **Exclude as income** the one-time, retroactive FAC UIB payment back to March 1st, 2009, and treat the amount as a non-recurring lump sum payment; and
- **Include** the recurring \$25 FAC increase to the weekly UIB benefit as income to the FS household using Other/Unearned Income Source Code – 36 – Unemployment insurance Benefits .

Note: Most FS households are categorically eligible and do not have to pass a resource test.

HEAP

The one-time, **retroactive** FAC UIB payment back to March 1, 2009 must be considered a lump sum payment and must be excluded as income.

The temporary, recurring \$25 FAC increase to the weekly UIB benefit **is** considered income for HEAP eligibility and benefit calculation purposes.

PROGRAM IMPLICATIONS

Paperless Office System (POS) Implications

There are no POS implications.

Medicaid Implications

The temporary increase in UIB must be considered when determining Medicaid eligibility.

LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING-IMPAIRED IMPLICATIONS

For Limited English-Speaking (LESA) participants, make sure to obtain appropriate interpreter services in accordance with [PD #09-14-OPE](#). For hearing-impaired participants, make sure to obtain appropriate interpreter services in accordance with [PD #08-20-OPE](#).

FAIR HEARING IMPLICATIONS

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date.

Avoidance/Resolution

The applicant/participant must receive timely and adequate notification of all actions taken as a result of the increase in UIB. Remember to make every reasonable attempt to resolve the issue.

Conferences

An applicant/participant can request and receive a conference with a Fair Hearing & Conference (FH&C) AJOS I/Supervisor I at any time. If the applicant/participant comes to the Job Center and requests a conference, the Receptionist must notify the FH&C AJOS I/Supervisor I. In Model Offices, the Receptionist at Main Reception will issue an FH&C ticket to the applicant/participant to route him/her to the FH&C Unit and does not need to verbally alert the FH&C staff.

The FH&C AJOS I/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file, and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS I/Supervisor I will explain the reason for the Agency's action(s) to the applicant/participant.

If the NOI needs to be withdrawn for any reason, the FH&C AJOS I/Supervisor I will Settle in Conference (SIC), enter detailed case notes in New York City Work, Accountability and You (NYCWAY), and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken.

In addition, if the adverse case action still shows on the "Pending" (08) screen in the Welfare Management System (WMS), the AJOS I/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form ([LDSS-3722](#)), change the 02 to 01 if the case has been granted Aid to Continue (ATC), or prepare and submit a PA Recoupment Data Entry Form – WMS ([LDSS-3573](#)) to delete a recoupment. The AJOS I/Supervisor I must complete a Conference Report ([M-186a](#)).

If it is determined that the Agency's action(s) should stand, the AJOS I/Supervisor I will explain to the applicant/participant why he/she cannot SIC. The AJOS I/Supervisor I must complete form **M-186a**.

Conferences at FS Centers

If the applicant/participant comes to the NCA FS Center and requests a conference, the Receptionist must alert the FS Center Manager's Designee that the applicant/participant is to be seen.

If the applicant/participant contacts the ES directly, advise the applicant/participant to call the Center Manager's Designee. In Model Offices, the Receptionist at Main Reception will issue a FS Conf/Appt/Problem ticket to the applicant/participant to route him/her to the NCA FS Reception area and does not need to verbally alert the Center Manager. The NCA FS Receptionist will alert the Center Manager once the applicant/participant is called to the NCA FS Reception desk.

The Center Manager’s Designee will listen to and evaluate the applicant’s/participant’s complaint regarding the case closing. The applicant/participant must provide current verification of address to resolve the issue. After reviewing the documentation, case record, and discussing the issue with the Group Supervisor/ES, the Center Manager’s Designee will decide to resolve or defend the case based on all factors.

The Center Manager’s Designee is responsible for ensuring that further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

All Evidence Packets must include a detailed history, copies of relevant WMS screen printouts, other documentation relevant to the action taken, including any Credentialed Alcohol and Substance Abuse Counselor (CASAC) evaluation, and copies of NYCWAY **Case Notes** screens.

REFERENCES

[GIS 09-TA/DC011](#)


RELATED ITEMS

[PD #08-01-ELI](#)

Food Stamp Resource Policy

[PD #09-19-ELI](#)

Cash Assistance Resource Policy

 Please use Print on Demand to obtain copies of forms.