



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #10-11-ELI

ESSENTIAL PERSONS

Date: February 16, 2010	Subtopic(s): Cash Assistance
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AUDIENCE The instructions in this policy directive are for Job Center staff and are informational for all other staff.

POLICY All applicants and participants who are not Family Assistance (FA) or Safety Net Federally Participating (SNFP) eligible, but who are residing in the same home as an FA or SNFP household, must be assessed to determine if the applicant or participant can be designated as an Essential Person on an FA or SNFP case.

BACKGROUND An individual who has applied for and is eligible for Safety Net Cash Assistance (SNCA)/Safety Net Non Cash Assistance (SNNC) living in the same home as an FA or SNFP household may be deemed an Essential Person. An individual does not have to perform any specific task or service in order to be deemed an Essential Person. The FA/SNFP head of household and the individual decide whether or not an individual is essential.

Eligibility for an Essential Person Designation

In order for an individual to be designated as an Essential Person, the following conditions must be met:

- The individual must be living in a household with a dependent child who is applying for or in receipt of FA or SNFP;
- The individual’s designation as an Essential Person must not negatively impact the FA or SNFP household’s benefits or cause ineligibility; and

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send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

- The individual must apply and be eligible for, and comply with all Safety Net Assistance (SNA) eligibility requirements, including work rules, and the SNA 45-day application wait period.

Essential Person status can be given to, but is not limited to, a sibling over the age of 18 who is no longer categorically eligible for FA or SNFP, a step-sibling, or a step-parent.

Ineligible for Essential Person status

An individual may not be deemed an Essential Person in any of the following situations:

- When the head of household does not agree that the individual should be deemed Essential;
- When granting the status to the Essential Person would negatively impact the FA or SNFP case; or
- The individual designated as the Essential Person indicates that he/she does not want to be designated as an Essential Person.

Requirements of an Essential Person

Essential Persons age 18 and older must also:

- complete and sign an application, unless the Essential Person is already in receipt of Cash Assistance (CA) (Essential Persons who are CA applicants are subject to a 45-day application wait period).
- sign all subsequent recertification applications, unless there is a good reason for not signing (e.g., the JOS/Worker failed to notify the Essential Person of the requirement).
- appear for the face-to-face recertification interview, unless there is a good reason for not appearing (e.g., the Essential Person is working or in school).
- comply with employment requirements. If an Essential Person fails to comply with employment requirements without good cause, the appropriate employment sanction must be imposed solely against the individual and cannot impact the FA or SNFP household.
- be screened for drug and alcohol abuse. In the event of noncompliance, the appropriate sanction must be imposed solely against the individual and cannot impact the FA or SNFP household.

See the Employment Process Manual for more information.

Negative Impact on the Household

At no point should an Essential Person ever negatively impact the FA/SNFP household. If the Essential Person designation negatively impacts the cash grant of the FA/SNFP household, the Essential Person must be removed from the FA or SNFP case. A separate SNCA/SNNC application must then be registered in the Welfare Management System (WMS) and an eligibility determination must be made for the former Essential Person. The SNCA/SNNC eligibility determination for the Essential Person must be made within 30 days from the date the Essential Person is removed from the FA or SNFP case.

The 45-day rule does not apply in this instance.

The following are some, but not all, of the factors that could cause the addition of an Essential Person to negatively impact a case:

- Sanctions

Sanctioning of the noncompliant Essential Person cannot cause a reduction in the grant that is greater than his/her share. Therefore, the Essential Person status must be removed and the individual must be provided his/her own SNCA/SNNC suffix prior to imposing the sanction. See Required Action for more information.

- Child Support

When an FA or SNFP case includes an Essential Person, any child support collected on behalf of the case members must not be applied against the needs of the Essential Person. Conversely, any child support collected on behalf of an Essential Person must not be counted against the needs of the other case members. In these cases, the Essential Person must be provided a separate suffix.

- Time Limits

When an Essential Person in an FA or SNFP case reaches his/her State 60-Month Limit before the head of household reaches his/her limit, the JOS/Worker must remove the Essential Person from the case and establish a separate SNCA/SNNC suffix for the individual.

- Recoupments

A situation may arise in which a change in category of the Essential Person from SNCA/SNNC to FA/SNFP may have a negative impact either on the Essential Person or other case members if either (or both) cases incur an overpayment or recoupment prior to the Essential Person's inclusion in the FA or SNFP case/suffix.

The addition of the Essential Person to an existing FA or SNFP case increases the total needs of the case. Initiation or continuation of a recoupment at the same percentage level of total needs would result in a greater amount being recouped, thus creating a negative impact.

If, however, an overpayment occurs and a recoupment is initiated after the Essential Person has been added to an FA or SNFP case, the monthly recoupment amount must not exceed 10% of the total needs. In this instance, participants and the Essential Person share in the recoupment.

Instructions for budgeting recoupments for cases with Essential Persons can be found in the Temporary Assistance Source Book (TASB), Chapter 22, Section E.

Application/Recertification Kits

The Essential Persons notice (**W-912KK**) must be included in all CA Application/Recertification Kits to provide the casehead with information and eligibility criteria for the Essential Person designation.

CA Application/Recertification Kits must also include the Notice to Applicants/Participants (**W-904DD**), which must be completed for all cases in which no one listed in any case suffix is legally responsible for anyone listed in another suffix. A copy of Form **W-904DD** must be permanently filed in the case folder for each suffix listed on the case.

Notices

Notices

Notices that are required to be sent as a result of an action taken on a case that includes an Essential Person are sent to the head of household. If an Essential Person is removed from a case to prevent a negative impact on the household, the Essential Person is the head of household of his/her own suffix, and any required notices would be sent to him/her.

See TASB, Chapter 9, Sections P and Q, or the Public Assistance Budgeting Manual, Appendix A.

Budgeting

When budgeting cases with an Essential Person, no special budgeting procedures apply unless the Essential Person is considered a “Danks” Essential Person. A “Danks” Essential Person case exists when an FA or SNFP case contains an Essential Person who has no legal lines of responsibility to the case members and also declares himself/herself to be a separate economic unit.

A “Danks” Essential Person can request that the portion of the CA grant that represents his/her needs be sent directly to him/her. This would result in a separate FA suffix for the Essential Person. In order to do so, the head of household must agree to the reduction in his/her grant due to the splitting off of the Essential Person. This agreement must be in writing and documented in the case file. If the head of household does not agree to the reduction, the individual cannot be deemed an Essential Person and the Essential Person designation must be removed.

A child under the age of 18 cannot be a “Danks” Essential Person because he/she cannot be deemed a separate economic unit apart from the rest of the household.

REQUIRED ACTION

Adding Essential Persons to a CA Case

When adding an Essential Person to a CA case, the JOS/Worker must proceed as follows:

- Ensure that the Essential person and the casehead have signed form **W-904DD**.
- On the POS Detail screen, select “Essential Person” from the pick list provided under the “Relation” field.
- Enter Relationship Code **12** - Essential Person, and individual Categorical Code **14** – Essential Person, on the POS TAD.
- Enter the appropriate employability status code on the POS TAD.
- If the Essential Person is requesting to receive his/her own share of the grants under “Danks”, create a separate FA suffix for the Essential Person.

Refer to the Public Assistance Budgeting manual for the appropriate proration indicator.

- On the household screen (**NSBL02**) of the budget, enter the appropriate proration indicator code.
- On the TAD, enter the appropriate category and relationship, codes.

Note: When an Essential Person in a case with restricted rent requests a separate grant, the rent must remain restricted, including the Essential Person's share of the shelter allowance.

- Scan and index the completed **W-904DD** into the case record.
- Enter case comments in POS, or document all changes on the History Sheet Form (**W-25**) if a manual process is necessary.
- Prepare and send the casehead(s) the Notice of Intent to Change Benefits: PART A Public Assistance, Food Stamp Benefits, Medical Assistance Coverage and Services (NYC) (Timely and Adequate) Form (**LDSS-4015A NYC**) and Notice of Intent to Change Benefits: PART B Public Assistance, Food Stamp Benefits, Medical Assistance Coverage and Services (NYC) (Timely and Adequate) Form (**LDSS-4015B NYC**).

Note: If the casehead and the Essential Person are applying at the same time, prepare the **LDSS-4013A NYC** and **LDSS-4013B NYC** (Action Taken On your Application: Public Assistance, Food Stamp Benefits and Medical Assistance).

If the case is a "Danks" case, the notices must go to both the casehead and the Essential Person.

- Scan and index the completed form into the case record.

Removing an Essential Person

When it is necessary to remove an Essential Person from a suffix, the proper procedure is dependent upon the reason for closing the Essential Person's case, as follows:

- If the Essential person is being sanctioned for non-compliance with an eligibility or engagement requirement, the JOS/Worker must:

On Day 1

- Calculate and save a new budget by making the following entries:
 - On the Individual Screen (**NSBL06**) change the PA status to **SN** and the FS status to **SN** (if the sanction applies to FS).
- Complete the TAD by making the following entries:
 - Enter the budget number on the TAD, element **015**.
 - Enter **T** (Timely) in the **M3E** field.
 - On the Essential Person's line change the PA and FS status (if applicable) to SN, elements **330** and **350** respectively
 - Enter the appropriate reason code in the **RSN** field, elements **331** and **351** respectively.
 - Enter the appropriate date in the **TO** field, element **332**.
- Prepare and send the **LDSS- 4015** to the casehead.

On Day 2 (after the sanction clocks down [approximately 14 days later]):

- Calculate and save a new budget by making the following entries
 - On the Essential Person's **NSBL06** screen, change the PA status from **SN** to **CL**. **Note:** the FS status will remain in **SN** status.
 - Complete the TAD by making the following entries:
 - Enter the budget number on the TAD, element **015**
 - On the Essential Person's line, change the PA status from **SN** to **CL**, element **330**.
 - Enter the CA removal code **F61** (No Longer Essential to the Household) in the **RSN** field, element **331**.
 - Prepare and send the **LDSS-4015A** or **LDSS-4015B** to the casehead.
- If the Essential Person has income (earned or unearned), or resources that make the Household ineligible, the JOS/Worker must:

On Day 1

- Split the suffix to give the Essential Person his/her own suffix (refer to the Authorization of Grants (AOG) Manual for detailed instructions).

On Day 2

- Calculate and save a new budget.

- If the Essential Person's income is sufficient to meet his/her needs, close the suffix with the appropriate excess income closing code per current procedure

Note: If the Essential Person is under the age of 21 and attending school, the Essential Person is considered a dependent child for the purpose of applying the dependent student income disregard. If the Essential Person is under age 21 and is not a student, the Essential Person's earned income must be applied only against his/her share of the grant (see PD #02-49-ELI).

- If the Essential Person's resources exceed the resource limit, close the suffix with the appropriate excess resource closing code per current procedure.
- If the Essential Person must be removed from the case for other reasons the Worker must:
 - Complete the TAD by making the following entries:
 - Enter **T** in the **M3E** field.
 - On the EP's line, change the case status from **AC** to **CL**, element **330**.
 - Enter the CA removal code **F61** in the **RSN** field, element **331**.
 - Prepare and send the **LDSS-4015A** or **LDSS-4015B** to the casehead.

**PROGRAM
IMPLICATION**

Paperless Office System (POS) Implications

The POS implications are on page five (5) of this PD.

Food Stamp Implications

If an Essential Person is removed from an FA or SNFP case because of a negative impact on the CA case, the Essential Person's income must still be budgeted for FS purposes, if not otherwise exempt from FS budgeting.

The presence of an Essential Person does not alter the method for determining food stamp household composition. Food stamp household composition is based on which members residing together purchase and prepare their meals together. Special household determination rules regarding relationships, as defined in the Food Stamp Source Book (FSSB) Section 5, must also be applied.

Medicaid
Implications

Essential Person status is not recognized in the Medicaid program for MA-only cases. If the assistance of an individual identified as an Essential Person in a CA case is denied or discontinued, a separate Medicaid determination must be completed for this individual, as many CA requirements do not apply to eligibility for Medicaid.

LIMITED ENGLISH SPEAKING ABILITY (LESA) IMPLICATIONS

For Limited English Speaking Ability (LESA) and hearing-impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with PD #08-20-OPE and PD #10-12-OPE.

FAIR HEARING IMPLICATIONS

Avoidance/
Resolution

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that the participant must receive either adequate or timely and adequate notification of all actions taken on his/her case.

Conferences

A participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. If a participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen. In Model Centers, the Front Door Receptionist 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 Unit staff.

The FH&C AJOS/Supervisor I will listen to and evaluate any material presented by the 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/Supervisor I will explain the reason for the Agency's action(s) to the participant.

If the determination is that the participant has presented good cause for the infraction or shown that the outstanding Notice of Intent needs to be withdrawn for other reasons (e.g., verification that the participant filed an application for SSI) the FH&C AJOS/Supervisor I will Settle in Conference (SIC), enter detailed case notes in 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 WMS, the AJOS/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 CA Recoupment Data Entry Form – WMS (**LDSS-3573**) to delete a recoupment. The AJOS/Supervisor I must complete a Conference Report (**M-186a**).

If the participant fails to show good cause for the infraction or if it is determined that the Agency's action(s) should stand, the AJOS/Supervisor I will explain to the participant why he/she cannot SIC. The AJOS/Supervisor I must complete Form **M-186a**.

Should the participant elect to continue his/her appeal by requesting a Fair Hearing or proceeding to a hearing already requested, the FH&C AJOS/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets All Evidence Packets must contain a detailed case history, copies of relevant WMS screen printouts, other documentation relevant to the action taken, and copies of NYCWAY "Case Notes" screens.


REFERENCES

18 NYCRR 369.3 (c) (2)
 18 NYCRR 404.5 (a)(1)(ii)
 09 ADM 09
 Public Assistance Budgeting Manual, Appendix A
 Temporary Assistance Source Book (TASB) Chapter 9, Sections P and Q and Chapter 22, Section E

RELATED ITEM

Employment Process Manual
 PD #02-49-ELI

ATTACHMENTS

 Please use Print on Demand to obtain copies of forms.

W-904DD	Notice to Applicants/Participants (Rev. 11/13/08)
W-904DD (S)	Notice to Applicants/Participants (Rev. 11/13/08) (Spanish)
W-912KK	Essential Persons (Rev. 2/16/10)

Notice to Applicants/Participants

(Complete for all cases in which no one in one suffix is legally responsible for anyone in another suffix.)

Payee First Name	M.I.	Last Name	Case Number
Essential Person First Name	M.I.	Last Name	Case Number
Essential Person First Name	M.I.	Last Name	Case Number

We, the above individuals, affirm that we and our dependents (if any) reside in the same dwelling unit. We agree that the following is true about the financial arrangements of our household:

- 1. We pool (substantially) all of our income and resources together to meet household and individual expenses: Yes No
- 2. We purchase and prepare food together: Yes No
- 3. We share in the cost of other major household expenses, such as utilities, fuel, insurance, car maintenance, etc: Yes No

We understand that if we checked "Yes" for **ALL** three statements above, we will be determined to be living as a single economic unit. Our Cash Assistance needs will be calculated as if we were one family, and the grant (calculated in this manner) will be divided proportionately among us.

We understand that if we checked "No" to **ANY** of the three statements above, we will be determined not to be a single economic unit. Our Cash Assistance needs (exclusive of shelter, heat and water, which will be divided proportionately) will be calculated as if we were separate families, and the grant (calculated in this manner) will be the basic grant for each family (except for allowances for shelter, heat and water, which will be added to this amount as appropriate for each family).

We further understand that we have the responsibility to inform the Human Resources Administration (HRA) of any future changes in our household financial arrangements so that the grant amount can be recomputed if necessary.

Signed:

Payee	Date	
Essential Person	Date	
Essential Person	Date	
Worker	Date	Telephone Number

If you have any questions about the budgeting of your Cash Assistance case, please contact your Worker.
Filing: A copy is to be permanently filed in the case folder for each suffix.

Aviso a los Solicitantes/Participantes

(A ser llenado por todos los casos donde, la persona que aparece en un sufijo no es legalmente responsable por la que aparece en otro sufijo.)

Nombre del Beneficiario	I.	Apellido	Número del Caso
Nombre de Persona Esencial	I.	Apellido	Número del Caso
Nombre de Persona Esencial	I.	Apellido	Número del Caso

Nosotros, las personas antemencionadas, afirmamos que nosotros y nuestros dependientes (de haberlos) residimos en la misma unidad de vivienda. Estamos de acuerdo de que la siguiente información acerca de nuestros arreglos financieros domésticos es correcta:

- Combinamos (sustancialmente) todos nuestros ingresos y recursos para cubrir los gastos del hogar e individuales: Sí No
- Compramos y preparamos juntos las comidas: Sí No
- Compartimos los costos de otros gastos importantes del hogar, como electricidad y gas, combustible, seguro, mantenimiento de automóvil. Sí No

Entendemos que si marcamos "Sí" para **TODAS** de las tres declaraciones antemencionadas, se nos considerará una sola unidad económica. Nuestras necesidades de Asistencia en Efectivo serán calculadas como si fuéramos una sola familia, y la concesión (calculada de este modo) se dividirá proporcionalmente entre nosotros.

Entendemos que si marcamos "No" a **CUALQUIERA** de las tres declaraciones antemencionadas, no se nos considerará una sola unidad económica. Nuestras necesidades de Asistencia en Efectivo (con la excepción del albergue, calefacción y el agua, que serán distribuidos proporcionalmente) se calcularán como si fuéramos familias separadas, y la concesión (calculada de este modo) será la concesión básica para cada familia (con la excepción de asignaciones para el albergue, la calefacción y el agua, que serán añadida a esta cantidad como le corresponda a cada familia).

Nosotros también entendemos que tenemos la responsabilidad de informarle a la Administración de Recursos Humanos (Human Resources Administration – HRA) de cualquier cambio futuro en nuestros arreglos financieros domésticos para que la concesión se calcule nuevamente si es necesario.

Firmado

Beneficiario	Fecha	
Persona Esencial	Fecha	
Persona Esencial	Fecha	
Trabajador	Fecha	Número de Teléfono

Si tiene alguna pregunta respecto al presupuesto de su caso de Asistencia en Efectivo, favor de comunicarse con su Trabajador.
Archivo: Una copia debe ser archivada permanentemente en el registro de caso de cada sufijo.

Essential Persons

The purpose of this handout is to tell you about a part of the Family Assistance (FA) program, the Safety Net Federally Participating (SNFP) Program known as **Essential Persons**.

Essential Persons are individuals:

- who live in the home of an FA/SNFP family,
- who are eligible for Cash Assistance on the basis of income and resources, and
- whose presence on the case does not negatively impact the FA or SNFP household's benefits or cause ineligibility.

The basis for permitting this person to receive an FA/SNFP grant is that he/she is an Essential Person. Some households can have more than one Essential Person. An Essential Person is any person who is believed to be important to your family's well-being. You make the decision about who is essential to your family.

If there is an Essential Person in your household, your Worker will add that person to your FA/SNFP grant. If at any time you do not agree that the person is essential, please contact your Worker. The Essential Person will then be removed from your grant.

Personas Esenciales

El propósito de este folleto es para informarle sobre una parte del programa de Asistencia Familiar (Family Assistance [FA]), el Programa de Participantes Federal de la Red de Seguridad (Safety Net Federally Participating (SNFP) Program), conocido como **Personas Esenciales**.

Las Personas Esenciales son aquellas:

- que viven en el hogar de una familia de FA/SNFP,
- que son elegibles para Asistencia en Efectivo según su ingreso y otros recursos, y
- cuya presencia en el caso no afecta de manera negativa los beneficios del hogar de FA/SNFP o causa la inelegibilidad del mismo.

El criterio para permitir que esta persona reciba una concesión de FA/SNFP es que él o ella sea una Persona Esencial. Algunos hogares podrán tener más de una Personas Esencial. Una Persona Esencial es cualquier persona que su hogar crea importante para el bienestar de su familia. Es usted quien toma la decisión de quién es esencial para su familia.

Si hay una Persona Esencial en su hogar, su Trabajador añadirá a esa persona a su concesión de FA/SNFP. Si en cualquier momento usted no está de acuerdo con que dicha persona sea esencial, favor de comunicarse con su Trabajador. Posteriormente la Persona Esencial será retirada de su concesión.