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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 93 ADM-38

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: December 14, 1993

SUBJECT: Public Assistance Category Clarification

SUGGESTED
 DISTRIBUTION:

Public Assistance Staff
 Staff Development Coordinator
 Fair Hearing Staff

CONTACT
 PERSON:

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ATTACHMENTS:

Attachment I: DSS-4403 - Not available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
89 ADM-37	89 ADM-37	351.8		PASB	
92 ADM-2		382.2		VIII-A	
93 INF-11		382.3		through M	
93 INF-				VIII-Q	
				through S	
				IX-A and B	
				X-all	

I. PURPOSE

The purpose of this directive is to define the distinction between the Home Relief category and the PG-ADC category. This distinction is important when deciding which cases are subject to certain policies that apply only to individuals or cases that are in the Home Relief category.

This is also to remind workers to explore the potential for EAF claiming for non-ADC cases where appropriate.

In New York City, PG (Predetermination Grant) - ADC is referred to as HR-PG. For the purposes of this release, reference to PG-ADC will mean both PG-ADC and HR-PG.

II. BACKGROUND

Once a social services examiner made the decision that an individual or household applying for public assistance was not eligible for the Aid to Dependent Children (ADC) category, the examiner then had to decide if the case category should be Home Relief (HR) or PG-ADC. Cases that contain an individual under the age of 19, that are not ADC eligible at the time of the eligibility determination, must be PG-ADC. However, with some cases that do not contain an individual under age 19, the decision about the proper category has not always been easy to make.

III. PROGRAM IMPLICATIONS

Although some training may be necessary as a result of this directive, it is expected that the examiner's decisions about the category of non-ADC eligible individuals or households will be easier and more uniform.

IV. REQUIRED ACTION

A. Applicants

When an individual or household applying for public assistance has been determined categorically ineligible for ADC, the case category of assistance must be Home Relief unless the individual or household falls into at least one of the following groups. The following cases, if not ADC eligible, must be PG-ADC.

1. Cases with an applying individual under age 19.
2. Cases with an applying pregnant woman whose pregnancy is medically verified.

3. Cases with the applying father of an unborn when the mother of the unborn is living in the same household and is applying for or in receipt of public assistance in a separate case. In order for the applying father to be PG-ADC rather than HR, he must have acknowledged paternity in writing.
4. Cases where the applicant is a parent or caretaker of an SSI child under age 19.
5. Cases where the applicant is the legally responsible relative of an applying child under the age of 19, for example, a step-parent.

NOTE: For cases determined not to be ADC eligible, and where there is an applying child under age 21, a pregnant woman of any age, or the applicant is the caretaker of an SSI child under age 21, the worker must explore the reason why the family is applying for assistance. The DSS-4403, "Determination of Eligibility for Emergency Assistance to Families" (attachment I) was developed to assist workers in making the EAF eligibility determination, and, for eligible cases, to serve as the EAF program authorization.

If the need to apply is directly related to an emergency and all other EAF criteria are met, the non-ADC PA must be claimed EAF. The case type remains PG-ADC or HR, but the special claiming code "F" must be entered on section 6 of the DSS-3209 for all payments for which EAF is being claimed.

The following examples will illustrate the policy.

EXAMPLE 1: Mr. and Mrs. Arden and their 18 year old daughter, Dale, applied for public assistance. The examiner decided that the household is not ADC eligible because Dale's 19th birthday is in the month before her graduation from high school. The household is PG-ADC because there is an individual under age 19 applying in the case.

Mr. Arden's unemployment benefits and savings have been exhausted and that is why the family must apply. The need for PA is not directly related to an emergency so the family's non-ADC PA cannot be claimed EAF.

EXAMPLE 2: At the time that Gail Scott applied for public assistance, she presented verification from her doctor that she was three months pregnant. Since Ms. Scott has no other children and since she is not yet in her sixth month of pregnancy, the worker determined that Ms. Scott is not categorically

eligible for ADC. Ms. Scott's category must be PG-ADC. That is because she has a medically verified pregnancy.

The worker explored the reason why Ms. Scott needed to apply for PA and found no cause directly related to an emergency. Therefore the non-ADC PA cannot be claimed EAF.

EXAMPLE 3: Mr. Kirk, age 20 applied for public assistance. Because he is not under age 19 and because he was living alone, he was determined to be ineligible for either ADC or PG-ADC. The worker assigned the case category as HR.

Because Mr. Kirk is under age 21 and EAF must be considered, the worker investigated the reason why Mr. Kirk needed public assistance and found no cause directly related to an emergency.

Several days later, Mr. Kirk told his worker that his girlfriend, Ms. Scott, who is three months pregnant, has just moved into his home. Mr. Kirk acknowledged in writing, that he is the father of the unborn child. The worker reassigned Mr. Kirk's pending case to PG-ADC category.

EXAMPLE 4: An eligibility examiner interviewed three applicant households on the same day. In all cases adults are living with their non-applying children under age 19.

- a. Mrs. Picard is applying for herself only, because her 18 year old child is not in school, is employed part-time and does not want public assistance. Mr. Picard has not lived with his family for the past five years. Mrs. Picard is assigned to the HR category.

Since only Ms. Picard is applying and her child is not, EAF claiming of the non-ADC PA is not possible even if there is an emergency cause for need to apply for PA.

- b. Ms. Crusher is applying for herself only, because her son, Wesley (age 17) receives SSI due to a serious learning disability. Mr. Crusher is deceased. Ms. Crusher is assigned to the ADC category.
- c. Will and Diana Riker are applying for themselves but not for their son, Data (age 16) who is an SSI recipient because of a severe emotional disorder.

Neither Will nor Diana is incapacitated and neither has an attachment to the work force. The worker determines that they are not ADC eligible. They are assigned to the PG-ADC category.

The Riker's recently moved to this area so that Mr. Riker could start a job. After two days on the job a fire destroyed the store where Mr. Riker was employed. Because the need for PA was directly related to an emergency and because the household contains a child under age 21, the PA can be claimed EAF.

EXAMPLE 5: Ms. Yar and her children receive public assistance in the ADC category. Mr. Spock joined the household and applied for public assistance. Mr. Spock is assigned to the HR category. Once Mr. Spock is eligible for HR, that is, after 45 days if otherwise eligible, he may be included in the ADC case as an essential person.

If Mr. Spock and Ms. Yar were married and Mr. Spock was the step-parent to the Yar children, he would be assigned to the PG-ADC category and, if otherwise eligible for PG-ADC, could be included in the ADC case as an essential person.

EXAMPLE 6: Ms. Uhora has applied for PA for herself and a child in her care. There is no blood relationship between Ms. Uhora and the child.

The worker explored the household's recent history and found that the child's mother, a close friend of Ms. Uhora's, recently died. The mother and her child were in receipt of ADC prior to the mother's death.

Ms. Uhora has agreed to care for the child until relatives, who live out of the state, can decide who will take permanent responsibility for the child. That may not happen for several months. The worker decided that Ms. Uhora and the child are ADC eligible because they meet the criteria stated in 92 ADM-2, "ADC for Children Residing with Non-Related Adults".

B. Recipients

Applicants who are assigned to HR are subject to the 45 day waiting period. After the waiting period, any eligible HR cases that are cooperatively budgeted with a case that is PG-ADC based on the above criteria must also be PG-ADC. Any HR individual who is eligible to be added to an ADC case as an essential person must be added to the

ADC case after the 45 day waiting period. Any HR individuals who are not essential to the ADC household but who are budgeted cooperatively with the ADC case, must be PG-ADC. These rules apply also to cases that would be budgeted cooperatively except that they have a Section 8 Certificate rent subsidy and are separate economic units. These rules apply also to new resident cases that would otherwise be subject to the 80% budgeting.

EXAMPLE 7: Mr. Bonz age 26, was a lifelong resident of Florida. He recently moved to New York State to live with his sister and her family who receive ADC. Mr. Bonz applied for public assistance three weeks after moving to NYS. Mr. Bonz is subject to the 45 day waiting period. Once that time has passed and he can get assistance, he may be added to his sister's case as an essential person. Then, as an ADC recipient, Mr. Bonz is not subject to the 80% new resident budgeting.

If he could not be added to his sister's ADC case as an EP (for example his resources, combined with hers would exceed \$1,000 and make all ineligible), he would be in a separate PG-ADC case budgeted cooperatively with the ADC case.

As a recipient in a PG-ADC case, Mr. Bonz is not subject to the 80% new resident budgeting.

Again , he is subject to the 45 day wait because he must meet HR eligibility requirements. Once he is eligible and cooperatively budgeted with an ADC case, his case type is PG-ADC and he is not subject to the 80% new resident budgeting rules.

V. EFFECTIVE DATE

The effective date of the directive is December 15, 1993.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security