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Informational Letter

Section 1

Transmittal:	03 INF 27
To:	Local District Commissioners
Issuing Division/Office:	Temporary Assistance
Date:	July 11, 2003
Subject:	Temporary Assistance Date of Eligibility
Suggested Distribution:	Temporary Assistance Staff Employment Coordinators Staff Development Coordinators Food Stamp Staff Medical Assistance Staff
Contact Person(s):	DTA Central Team at 1-800-343-8859, extension 4-9344 Medicaid: Upstate (518) 474-8216; New York City (212) 268-6855
Attachments:	None
Attachment Available On – Line:	<input type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
99 ADM-5 97 ADM-23 01 INF-10		18 NYCRR 351.8(c)(2) 387.5(c)	12 NYCRR 1300.7 and 9		

Section 2

I. Purpose

The purpose of this release is to clarify the date from which Temporary Assistance (TA) eligibility must be calculated for a TA eligible applicant.

II. Background

18 NYCRR 351.8(c)(2) provides that the initial grant of regularly recurring financial assistance for Family Assistance (FA) must be computed starting with the date of establishment of eligibility or the 30th day after the date of application, whichever is earlier. The amount of the

initial grant of regularly recurring financial assistance for Safety Net Assistance (SNA) must be computed starting with the 45th day after the date of application. The date that the application is filed is day one.

When the application acceptance notice is issued to a SNA applicant prior to the 45th day, the SNA household is considered a recipient household from the date that an application acceptance notice is issued even though ongoing SNA is authorized beginning on the 45th day.

DTA has recently had questions about eligibility requirements for which the local district imposes a schedule and over which the client has no control in terms of when the requirement(s) can be met. Because of valid concerns expressed by districts, DTA has decided to clarify the date to which eligibility must be calculated in various circumstances.

III. Program Implications

a. Temporary Assistance:

When the social services district (SSD) imposes a schedule for the completion of an eligibility requirement and that district-imposed schedule limits the timeframe within which the applicant can comply, that eligibility requirement must be met before the eligibility determination can be made, but the date of eligibility must go back to the date that all other eligibility requirements are met.

In the event that the district cannot schedule the completion of the activity within the required timeframes for processing the TA application, then the application must be accepted for an otherwise eligible household. For example, if the applicant employment assessment cannot be scheduled within 30 days for the FA application, then the application must be processed without the completed assessment. If the FA recipient then fails to comply with the employment assessment, the appropriate conciliation and prorata sanction action would be taken.

In the event that the applicant who must complete an activity on a district imposed schedule, asks to reschedule the activity appointment for a valid reason, the requirements must be met but the date of eligibility would still go back to the date that all other eligibility requirements are met.

The following examples will further illustrate this policy clarification. Unless otherwise stated, in all examples the applicant household is Family Assistance and the FA processing timeframes apply.

1. The applicant applied on June 2nd. The eligibility interview was conducted on June 10th. The worker gave the applicant the LDSS-2642 to provide missing documentation by June 20th. All documentation required for the eligibility determination was provided by June 12th.

The applicant was also required to comply with the district's applicant employment assessment requirement. The assessment appointment was scheduled for June 25th.

The district may hold the TA eligibility determination until the applicant has complied with the employment assessment requirement. If the applicant fails to comply with the requirement, the application is denied. If the applicant complies with the assessment

requirement, then the date of eligibility for the FA household is June 12th, the date all other necessary documentation was received.

2. The applicant applied on June 2nd. The eligibility interview was conducted on June 10th. The worker gave the applicant the LDSS-2642, "Documentation Requirements", to provide missing documentation by June 20th. All documentation required for the eligibility determination was provided by June 12th.

The applicant was also required to comply with the district's applicant employment assessment requirement. The assessment appointment was scheduled for June 11th and the applicant complied with that requirement.

The date of eligibility for the household is June 12th, the date all other necessary documentation was received.

3. An applicant filed a TA application on May 26th. By June 2nd, the applicant had been interviewed and met all documentation and eligibility requirements except applicant job search. The applicant was given a first appointment to discuss job search and a second appointment two weeks later to return the completed job search booklet. On June 18th, the date of the second appointment, the applicant returned the completed job search booklet.

The eligible family will receive assistance back to June 2nd, the date all other eligibility requirements were met.

Note: In some districts the job search is assigned the same day as the eligibility interview and the applicant is free to return the booklet any time within an assigned timeframe. Even though the district's scheduling is not interfering with the applicant's ability to meet the requirements, for the purpose of consistency, if the job search is determined to be complete, eligibility would go back to the date that all other eligibility requirements were met.

4. An applicant filed a TA application on the 8th of the month. The social services district did not schedule the eligibility interview until the 22nd of the month. At the eligibility interview, the worker gave the applicant the LDSS-2642 to provide missing documentation by the 1st of the following month. The applicant provided all documentation required for the eligibility determination by two days after the eligibility interview, the 24th.

The eligibility interview should have been held within seven working days from the date of application, in this example, no later than the 16th. Since the necessary documentation was received two days after the interview, the eligible applicant must receive assistance from two days after the last date that the eligibility interview should have been held. The date of eligibility in this case is 18th of the month.

Note: If the applicant's eligibility interview was scheduled within the required seven working days but was rescheduled to a date outside the seven-business day timeframe at the applicant's request, the date of eligibility will be based on the later appointment.

5. The applicant filed the TA application on May 20th. The eligibility interview was conducted on May 24th. At that time all required documentation was provided.

However, based on answers on the Drug/Alcohol (D/A) screening form, the district determined that the applicant was required to have a D/A assessment. The D/A assessment was scheduled for June 18th, thirty-two days after the TA application was filed. For FA, 18 NYCRR 351.8(c)(2) requires that the first payment must be authorized no later than 30 days from the date of application. Because the individual has not been determined unable to work due to his or her substance abuse problem early enough for the district to meet the requirements under 18 NYCRR 351.8(c)(2), the case must be opened as FA. The date of eligibility in this example is May 24th, the date that all required documentation was received by the SSD.

In the event that the individual (now a recipient) fails to comply with the assessment, a timely and adequate notice must be provided before the family's TA benefit can be reduced and the case category changed to non-cash Safety Net (FP) (case type 12).

6. The applicant filed the TA application on May 20th. The eligibility interview was conducted on May 24th. At that time all required documentation was provided. The multiperson case is otherwise FA eligible. However, based on answers on the Drug/Alcohol (D/A) Screening form, the district determined that the applicant was required to have a D/A assessment. The D/A assessment was scheduled for June 1st.

The district may pend the application until the applicant has complied with the D/A assessment requirement and the decision about the outcome of the assessment is known (if within 30 days of the FA application date). One of three outcomes can be expected:

- If the individual does not comply with the assessment, the case category is non-cash SNA-FP (case type 12). The case would be eligible for ongoing SN-FP (Case type 12) from the 45th day from the date of application with a D/A prorata non-durational sanction.
 - If the individual does comply with the assessment and is determined to be unable to work due to the D/A problem, the case would be eligible for ongoing TA from the 45th day from the date of application.
 - If the individual complies with the assessment and the CASAC finds the individual's condition is not so severe that he or she is mandated into treatment, then the case would open FA with an eligibility date back to May 24th.
7. An application for TA is filed on June 6th by the custodial parent of two children. The eligibility interview was held the same day and all required documentation was provided by the applicant that day. The children's father is absent from the household and the applicant is given an appointment to talk to IV-D on June 11th. On June 14th, the TA worker is notified by IV-D that the applicant has cooperated with IV-D. The case is eligible from June 6th, the date that all other eligibility requirements were met.

Note: The eligibility date would be the same even if IV-D notified TA that the individual refused without good cause to cooperate. However, then the case would open from June 6th with the Child Support sanction in place.

b. FS Implications:

Regulation 18 NYCRR 387.5(c) provides that for the Food Stamp Program, the date of application filing is the date that the signed application form containing at least the applicant's name and address is received through the mail or in person by the social services district (SSD). A household is not required to attend an interview *prior* to filing an application.

An applicant for Food Stamp Benefits has thirty days to complete the application process that includes being interviewed, submitting any required verification and completing any required actions. Districts may deny a Food Stamp application for failure to submit documentation after a period of ten days. However, if the household subsequently complies within the first 30-day period and is found eligible, the benefits are issued back to the application date. If the household complies during the 2nd 30-day period the household is not required to file a new application, however, benefits are pro-rated from the date of compliance.

Districts are reminded that as outlined in 01 INF-10, Food Stamp applications must not be denied prior to the 30th day for failure to show for an eligibility interview.

c. Medical Assistance Implications:

Regardless of imposed time schedules for completion of TA eligibility requirements and regardless of when the recurring grant begins, TA applicants who have also applied for Medicaid and who are determined eligible must have Medicaid authorized beginning with the first of the month of application. All applicants determined eligible for TA and Medicaid are entitled to have their eligibility determined for Medicaid for the three months prior to the month of application, if the circumstances warrant. This policy applies to both Safety Net Assistance and Family Assistance.

As is current procedure, any TA/Medicaid case that is denied due to failure to meet district imposed time limits should be referred for a separate Medicaid determination, if the reason to deny a case for TA is not the same reason to deny a case for Medicaid.

Issued By

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