

Xochitl Esparza, TANF Program Manager  
Authorized Signature

**Number:** SS-PT-09-013  
**Issue Date:** 05/01/2009

**Topic:** Cash Payments

**Transmitting (check the box that best applies):**

- New Policy   
  Policy Change   
  Policy Clarification   
  Executive Letter  
 Administrative Rule   
  Manual Update   
  Other: \_\_\_\_\_

**Applies to (check all that apply):**

- All DHS employees                     
  County Mental Health Directors  
 Area Agencies on Aging               
  Health Services  
 Children, Adults and Families       
  Seniors and People with Disabilities  
 County DD Program Managers       
  Other (please specify): \_\_\_\_\_

Policy/Rule Title:	Rule: Specific Requirements; MAA, MAF, and TANF		
	FSM Policy: TANF- D: Nonfinancial Eligibility Factors: Disqualification from Unemployment Compensation (UC): caretaker relative in the need group		
Policy/Rule Number(s):	Rule: OAR <a href="#">461-135-0070</a>	Release No:	
	Policy: <a href="#">FSM-TANF-D-10</a>		
Effective Date:	May 1, 2009	Expiration:	
References:	SB-5552		
Web Address:			

**Discussion/Interpretation:**

As a result of legislative approval for budget reductions, OAR 461-135-0070 was amended to include changes in TANF eligibility.

This change requires that an unemployed caretaker relative in the need group is not separated from his or her *most recent job* for a reason that would or does disqualify them from Unemployment Compensation benefits in Oregon. This requirement affects the entire family's eligibility for TANF. This rule/policy applies only to applications with a Date of Request on or after May 1, 2009, and at redetermination.

## Questions and Answers for OAR 461-135-0070

Rule [461-135-0070](#): Specific Requirements; MAA, MAF, and TANF

[FSM TANF – D, Section 10](#): Disqualification from Unemployment Compensation (UC): caretaker relative in the need group.

**Question:** If a client applies for TANF before May 1, 2009, is the client subject to this rule? Does it matter if TANF eligibility determination is made after May 1, 2009?

**Answer:** No. As long as the date of request for TANF is on or before April 30, 2009, this policy will not affect the client. However, this rule will apply when it is time to redetermine TANF eligibility.

**Question:** When a family is determined ineligible for TANF because of this rule, could they still receive medical such as MAA?

**Answer:** The family may still be eligible for MAA. This policy change does not impact medical eligibility. You will need to determine eligibility for medical separately.

**Question:** Francis was denied Unemployment Compensation because he did not have enough earnings to qualify. What is my next step in determining eligibility for TANF?

**Answer:** Your next step is to determine if Francis would have been disqualified if he had been eligible for UC benefits. You may need to consider if Francis would have had “good cause” for their job separation. It may be necessary to contact the Employment Department to help make this determination.

**Question:** Bill was disqualified from receiving UC benefits. What happens if the UC disqualification reason code on ECLM does not match the examples given in the FSM?

**Answer:** At this point you would need to determine if the client had good cause for being unemployed. It may be necessary to contact the Employment Department for help making this determination.

**Question:** A TANF applicant's most recent employment ended in March 2009. They worked all of 2008. Up until February they worked full-time at 160 hours per month. In February, the employer cut the applicant's to 80 hours per month. This was due to a slow down in the industry. They worked 80 hours in February and 60 in March. Would the family be subject to the new rule?

**Answer:** No. At the time they left the job, they were working and scheduled to work less than 100 hours per month. The reduction in hours was an employer decision and not a voluntary reduction.

**Question:** A client had their TANF approved in March 2009. TANF redetermination will be due in September 2009. Will this rule apply to the redetermination?

**Answer:** Yes, at redetermination we are re-establishing eligibility. This rule would need to be included in the eligibility determination.

**Below are helpful questions when determining eligibility:**

- 1) Was the applicant or recipient at redetermination, disqualified from receiving UC benefits or if denied UC you determined they would not have had good cause? If yes, go to question #2. If no, continue TANF eligibility determination.
- 2) Was the job which caused the disqualification within the past 12 months of the date of request for TANF? If yes, go to question #3. If no, continue TANF eligibility determination.
- 3) Did they work or were they hired to work at least 100 hours per month the last month they were employed? If yes, the family is not eligible for TANF cash assistance. The medical eligibility determination must be made as the family may still be eligible for medical such as MAA. If no, go to question #4.
- 4) If they worked or were scheduled to work less than 100 hours, why?
  - a. The employer set the hours less than 100 per month.
    - i. Continue with TANF eligibility determination.
  - b. The applicant or recipient volunteered to work less than 100 hours per month.

i. Did the client have good cause for reducing their hours?

If no, the family is not eligible for TANF cash assistance. The family may be eligible for medical such as MAA.

If yes, continue with TANF eligibility determination.

**Implementation/Transition Instructions:**

**Training/Communication Plan:** The changes are being incorporated into existing training for self-sufficiency staff.

**Local/Branch Action Required:** Local manager review with staff.

**Central Office Action Required:** Revised the Family Services Manual (FSM) and amended OAR 461-135-0070.

**Field/Stakeholder review:**  Yes  No

**If yes, reviewed by:**

**Filing Instructions:**

*If you have any questions about this policy, contact:*

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