

# **Chapter 9**

## **General Assistance**

### **Written Decision**

# Written Decision

Once the administrator has received and verified all the necessary information and has determined whether the applicant is eligible, the next step is to give a written notice of decision to the applicant. *The administrator **must give a written decision** to applicants each time they apply, whether or not assistance is granted or denied, within **24 hours** of receiving a completed application.*

It is absolutely essential that the administrator give the applicant a written decision within 24 hours of receiving each application, after deciding to reduce, suspend, terminate or make any change in an applicant's grant of assistance. Furthermore, if a person is denied assistance, the decision must state the specific reasons for the denial. Simply stating, "The applicant is denied because he is ineligible" is not sufficient notice.

Even when a person is granted assistance and receives a voucher for food or rent and is fully informed of the nature of the grant, the administrator must give *written* notice stating the specific reasons for the decision, and noting the type and amount of aid granted.

The purpose of the decision is to inform the applicants what assistance they were or were not granted and to inform them that they have the right to question that decision by appealing it to the Fair Hearing Authority. In addition to giving a written decision within 24 hours, assistance—if granted—must also be furnished within the same 24-hour period. *In emergencies, assistance must be provided **as soon as possible** within this period.*

**Contents.** There are six important elements in the notice of decision:

- 1) the reasons for the decision;
- 2) the amount of assistance granted or denied;
- 3) the specific period of eligibility (e.g., from Jan. 6, 2000 to Jan. 20, 2000);
- 4) the conditions, if any, that are being placed on the grant of assistance that may affect future eligibility;
- 5) the right to complain to the Department of Human Services if the applicant believes the municipality has violated state law; and
- 6) the right to question or appeal the decision to a Fair Hearing Authority.

**Reasons.** The written decision must state whether the request for assistance has been granted or denied and give the reasons for the decision. The reason must be specific. For example, stating, "The applicant is granted assistance in accordance with section 6.9 of the ordinance," does not fulfill the spirit of the intent of giving a written notice. The purpose of the decision is to provide the applicant with

sufficient information about what action was taken on the request for assistance and why.

The decision should explain the Town's action completely, such as:

“The applicant is found eligible to receive assistance because the household income is less than the allowed expenses and therefore the household is in need, in accordance with section 5.1 of the municipal ordinance, and the applicant has completed the work requirement, pursuant to section 5.5 of the ordinance.”

or,

“The applicant is denied due to sufficient household income to meet his need for basic necessities pursuant to sections 4.5 and 6.7 of the municipal ordinance and state law 22 M.R.S.A. § 4309.”

- **Amount of assistance.** The decision should state the amount of GA that was requested and state what assistance was actually granted or denied. For instance, an applicant might request \$350 for rent. If the applicant was granted \$300 because that is the maximum amount allowed, the decision should reflect why the total request was not granted.
- **Period of eligibility.** It is very important that every decision clearly indicate the *period of eligibility for which the GA grant is being made*. The period of eligibility, by law, can be for *no longer than 30 days, but it may be for any period shorter than 30 days*.

One reason for clearly indicating the period of eligibility is to make sure the applicant is aware of the duration of the grant and, therefore, when he or she should re-apply. Another reason for noting the period of eligibility is to keep track of the amount of assistance granted during a specific period of time so that the point at which “emergency” assistance (i.e., assistance granted over and above the household's deficit) must be granted can be easily established.

- **Conditions of future eligibility.** The purpose behind the two-step GA application process which generally provides a “need only” test of eligibility for first time applicants, and allows the imposition of other eligibility conditions (such as the work requirement) for future applications, is to give people the “benefit of doubt” the *first* time they apply but to expect them to know the eligibility requirements for subsequent applications.

The only way this process will work is if recipients *know* what those eligibility requirements are. Therefore it is essential that the decision inform recipients what they will have to do to receive assistance upon subsequent applications. MMA provides a brochure that explains applicants' rights and responsibilities.

Able-bodied, non-working recipients must be told that they must:

- register for work with the Maine Job Service;
- look for work;
- accept a job offer;
- not quit work, if and when employed, and not be discharged from employment for misconduct.

In addition, the decision should inform recipients that they *must apply for any resource that would assist them*, and specify what those resources are (Food Stamps, TANF, fuel assistance, unemployment compensation, etc.). They should be instructed to seek assistance from legally liable relatives (parents, spouses) and should be informed that those liable relatives may be billed for any assistance granted to the applicants.

If recipients have any assets the administrator expects them to sell or use as collateral, this also must be included in the decision, along with the reasonable time frame in which to liquidate the asset or apply for a loan against significant collateral.

All applicants should be informed of the lump sum pro-ration process and what their specific responsibilities will be if they receive a lump sum payment (*see "Lump Sum Income," page 2-24*).

The applicants should be told that any income they receive must be used for basic necessities and if it is not it may result in the household being ineligible or receiving a reduced amount of assistance. Further, the recipient should be reminded about the penalties for committing fraud (*see page 3-22*).

In short, *the decision should state **any and all** conditions the administrator expects the recipient to fulfill*. If the recipient *doesn't know* that she could apply for fuel assistance or that she was expected to sell her wood lot, she won't do it and can't be disqualified for not complying with directions to use available resources.

Finally, the written decision should also *include any use-of-income guidelines* the administrator thinks appropriate to impose in accordance with the *use-of-income policy adopted by the town* (*see "Use-of-Income Guidelines," page 2-22*).

These guidelines may consist of a pre-printed notice that explains how recipients are expected to spend their income, or the use-of-income requirements may be specifically stated on the decision issued to the recipient, or both. For example, the notice issued to all applicants may generally explain that the municipality considers any rent or mortgage obligation to be the recipient's responsibility. In addition, on a particular recipient's decision form the administrator might write, "You are also expected to apply \$250 of the TANF check you will be receiving next week toward your rent, and the next time you apply you must bring a rent receipt showing that this was done."

Administrators should remember that any generally applicable use-of-income policy adopted by the municipality *must be issued to all applicants*.

- **Right to complain to DHS.** The decision must give notice that people have the right to complain about the decision to the Department of Human Services if they believe the municipality has violated state law. DHS has a toll-free telephone number for this purpose and that number must be on the decision (1-800-442-6003). A law enacted in 1990 also requires that this telephone number be posted.
- **Right to appeal.** The decision must inform people that they have the right to challenge the decision at a fair hearing and inform them of the process for obtaining a fair hearing (*see "Fair Hearings," page 10-1*).

It is important that all this information be included in the written decision. It is also important that the administrator take the time to explain to the applicant the eligibility requirements and the right to appeal the decision.

**Summary.** Applicants must be given a *written decision each time they apply*. The decision must be given *within 24 hours of receiving an application*. It must be given whether assistance is granted or denied and it must state the reasons for the decision. *If assistance is granted it must be furnished within the 24 hour period*. The decision *must inform the applicants that if dissatisfied they may appeal the decision to a Fair Hearing Authority, and if they believe that the administrator violated state law they can complain to the Department of Human Services*. The decision must also explain *what conditions must be met to receive assistance in the future*.