



TWS 06-01

March 21, 2006

To: The WorkSource contractors and staff

From: Rodney Bradshaw
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Subject: Procedures to Prepare for and Participate in TANF Appeals Hearings

PURPOSE

Establish The WorkSource procedures to prepare for and participate in TANF-related appeals hearings.

NOTE: We will publish procedures to prepare for and participate in Food Stamp-related appeals hearings in the near future.

BACKGROUND

When The WorkSource penalizes a customer because that person (1) did not respond to a TANF recruiting letter or (2) did not cooperate as we required, the state Health and Human Services Commission (HHSC) mails the customer a form which tells her HHSC is denying or reducing her TANF benefits. This HSSC form also tells the customer that she has the right to appeal the denial or reduction.

If the customer chooses to appeal, she may request a hearing through HHSC within 90 days after the action that reduced or denied her benefits.

HHSC mails an appeal hearing appointment letter to both the customer and The WorkSource staff person who initiated the penalty in TWIST. Most hearing appointments are conducted by telephone. Hearing officers may be from Houston, Dallas, El Paso or elsewhere in the state.

The WorkSource staff will provide, to the hearing officer and the customer in advance of the hearing appointment, a copy of The WorkSource's policy and other evidence to support the penalty action.

Some office contractors designate specific staff to send documentation to the hearing officer and to participate in the actual appeal hearing. This designee is not necessarily the same staff person who initiated the penalty or received the appeal hearing notice.

PREPARING FOR APPEALS HEARINGS

When The WorkSource staff member receives an appeal hearing notice from the HHSC Appeals Department, that staff member—or the staff member who has been designated by office or contractor management—will send to the HHSC appeals officer and the customer:

1. a copy of the appropriate Statement of The WorkSource Policy for Hearing Officers (either the TANF Recruitment or TANF Non-Cooperation policy); and
2. copies of the applicable documents for the particular customer, as described in the Statement of The WorkSource Policy

PARTICIPATING IN APPEALS HEARINGS

Contractor management will make sure that The WorkSource staff attend TANF-related appeals hearings. When participating in an appeal hearing, staff will:

1. Verify that the hearing officer received the complete policy statement and all copies of documents which The WorkSource sent;
2. Offer testimony, if asked, and answer questions from the hearing officer;
3. Maintain a professional demeanor; and
4. Keep notes to report rulings on appeals log.

HHSC tape records all its appeals hearings. The WorkSource staff may also tape record the hearings, although we do not require it.

REPORTING RESULTS OF APPEALS HEARINGS

Use the Appeals Log attached to this issuance to track and report the number, type and outcome for all appeal hearings conducted during a month. Report data separately by office.

Send the completed log sheets for each month by the 10th day of the following month to Carol Kimmick carol.kimmick@h-gac.com .

ACTIONS REQUIRED

1. Make sure that all office managers, supervisors, trackers, personal service representatives and other appropriate staff are aware of the requirements for preparing to participate in an appeal hearing of TANF Recipients.
2. Designate primary and back-up staff persons to prepare for and participate in TANF-related hearings.
3. Send the Appeals Log—with data by office for all offices the contractor manages—to Carol Kimmick at carol.kimmick@h-gac.com each month by the 10th day of the month.
4. Make sure that quality assurance staff look to see that staff are following these procedures.

QUESTIONS

For questions contact Ginger Rogers ginger.rogers@theworksource.org 713. 993.2409, Betty Drake betty.drake@theworksource.org or David Baggerly david.baggerly@theworksource.org 713.993.4528 or submit questions through the electronic Q&A at <http://theworksource.org> .

ATTACHMENTS

- Statement of The WorkSource Policy for Appeals Hearing Officers – TANF Recruitment
- Statement of The WorkSource Policy for Appeals Hearing Officers – TANF Non-Cooperation
- Monthly Appeal Hearing Log