

CLEAR STATEMENT OF THE WORKSOURCE POLICY TO BE FAXED OR E-MAILED TO APPEALS HEARING OFFICERS

FAILURE TO COOPERATE AS REQUIRED (FOOD STAMP RECIPIENTS)

PURPOSE

The purpose of this document is to provide hearing officers with a clear statement of The WorkSource policy for use in appeals hearings.

FAILURE TO COOPERATE AS REQUIRED

▪ **The WorkSource Policy:**

The WorkSource will initiate a penalty for a Food Stamp recipient who fails to cooperate as required and agreed or who does not offer a good cause for non-cooperation within our required timeframe provided in our Non-Cooperation letter.

- Texas Workforce Commission Food Stamp E&T Rules section that permits us to do this: **Food Stamp E&T Rules 40 TAC Chapter 813, Section 813.2 Definitions and Section 813.3. General Board Responsibilities**
- The WorkSource procedures: **The WorkSource Expanded Services Standards and Guidelines, Section VI. Data entry and reporting requirements, Paragraph 10.**

▪ **What we will demonstrate:**

- The customer was required to cooperate a specific number of hours.
 - The customer was informed about cooperation requirements and the requirements for reporting hours of cooperation to The WorkSource.
 - The customer agreed to cooperate a specific number of hours.
 - The customer did not present a good reason for non-cooperation.
 - The customer did not cooperate as required or did not report hours of cooperation as required.
 - A non-cooperation letter was mailed to the customer on a specific date.
 - The letter was mailed to the customer's current address.
 - The letter instructed the customer to respond within 7 calendar days of the date on the letter.
 - The customer did not respond and penalty was initiated on the 8th calendar day.
- Or,**
- The customer responded within 7 calendar days of the letter, but did not offer a good cause for non-cooperation within the required timeframe and penalty was initiated on the 8th calendar day.

▪ **The documents we will present**

- Copy of the customer's Family Employment Plan. The customer signs and dates a statement of agreement to acknowledge she understands receiving Food Stamps means she must cooperate with the requirement of the Family Employment Plan or she will lose her Food Stamp benefits.
- Copy of Non-Cooperation Letter. The letter is dated and states that the customer has "7 calendar days from the date of the letter to respond to The WorkSource".
- TWIST Counseling Record. The counseling note is a system entry, automatically created by the system and shows the address and date the letters were created. The address is the same address used by HHSC.
- Copy of The WorkSource Policy Regarding Cooperation Requirements.

POLICY REGARDING COOPERATION REQUIREMENTS

SOURCE:

TEXAS WORKFORCE COMMISSION FOOD STAMP E&T RULES: 40 TAC CHAPTER 813, SECTION 813.2. DEFINITIONS AND SECTION 813.3. GENERAL BOARD RESPONSIBILITIES

§ 813.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) ABAWD -- a food stamp household member who is determined by the Texas Health and Human Services Commission to be a mandatory work registrant and is:
 - (A) classified as an able-bodied adult;
 - (B) at least 18 but less than 50 years of age;
 - (C) without dependents; and
 - (D) subject to a limitation on the receipt of food stamp benefits for three months out of 36 months if the person does not work at least 20 hours per week or participate in employment and training activities as specified in 7 U.S.C. §2015(o)(2)(A)-(B).
- (2) Exempt recipient -- an individual who is part of the General Population, is not required to participate in FSE&T services, as set forth in 7 U.S.C. §2015(d)(2), and shall not be sanctioned for failure to cooperate with FSE&T requirements as set forth in §813.12.
- (3) FSE&T activities -- Food Stamp Employment and Training activities as specified in §813.31 of this chapter.
- (4) FSE&T support services -- Food Stamp Employment and Training support services as specified in §813.41 of this chapter.
- (5) Full-service counties -- counties in which Boards ensure that:
 - (A) ABAWDs, who are not working at least 20 hours per week, are outreached and receive FSE&T services;
 - (B) the FSE&T General Population receives FSE&T services based on available funding;
 - (C) mandatory work registrants shall be sanctioned (i.e., food stamp benefits are denied) for failure to cooperate with FSE&T requirements; and
 - (D) exempt recipients who voluntarily participate in FSE&T services shall not be sanctioned for failure to cooperate with FSE&T requirements.
- (6) General Population -- a mandatory or exempt food stamp household member who is:
 - (A) at least 16 but less than 60 years of age; and
 - (B) not classified as an ABAWD.

The provisions of this §813.2 adopted to be effective March 29, 2005, as published in the Texas Register, March 25, 2005, 30 TexReg 1803.

THE WORKSOURCE PROCEDURES FOR FOOD STAMP RECIPIENT COOPERATION REQUIREMENTS

SOURCE: The WorkSource Expanded Services Standards and Guidelines, Section VI. Data entry and reporting requirements, Paragraph 10.

**The WorkSource Expanded Services Standards and Guidelines
Section VI. Data entry and reporting requirements**

Paragraph 10.

Recommending Penalties or Other HHSC Actions for Customers Receiving Food Stamps -TWIST – Program Detail – Program Type – Food Stamp E&T - A sanction will be recommended to HHSC when a food stamp recipient does not respond to a recruitment letter by the date specified on the letter. The recommendation is sent through TWIST/Customer Record/FSE&T History/ Penalty tab. The reason “did not respond” is used to recommend the sanction. The same process is used to recommend a sanction when the customer does not cooperate according to her employment plan agreement. The reason in this case is “did not cooperate”.

A notice of reconsideration is sent to HHSC when a customer responds to a recruitment letter with an apparently valid reason why she is not required to cooperate. This is done using the HHSC paper form 1817.