

<b>DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY DISABILITY ASSISTANCE MANUAL</b>
<b>CHAPTER VI: CHANGES AFFECTING CASE STATUS</b>	<b>COMAR 07.03.05.12</b>
<b>SECTION 1: REQUIREMENTS</b>	

## **REQUIREMENTS**

### A. Reporting Changes

1. The eligible customer is required to report changes within 10 days of the onset of the change.
2. When a change that affects continuing eligibility or the delivery of assistance is reported or brought to the attention of the department, the case manager shall promptly re-evaluate eligibility for TDAP.
3. When the local department believes that a customer's circumstances need to be verified, the local department shall request, and the customer must promptly submit, completed medical and financial documents for a determination of eligibility.

#### **Example:**

Ms. C. reports on August 5 that her Social Security Disability (SSDI) benefits will begin on September 1. The case manager requests verification and Ms. C. brings in the award letter on August 7. Ms C is eligible for TDAP in the month of August. Send a 10-day notification of adverse action to inform her that her case will close effective September 1, due to the receipt of SSDI.

### B. Notice

1. After the eligibility period has been established, the local department shall provide timely and adequate advance written notice to the customer before the:
  - a) Eligibility period is shortened or terminated; and
  - b) Method of delivery of assistance is changed;
2. An adequate advance written notice includes:
  - a) A statement of action the agency intends to take;
  - b) The reasons for the intended agency action;
  - c) The specific COMAR regulations supporting the action;

<b>DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY DISABILITY ASSISTANCE MANUAL</b>
<b>CHAPTER VI: CHANGES AFFECTING CASE STATUS</b>	<b>COMAR 07.03.05.12</b>
<b>SECTION 1: REQUIREMENTS</b>	

- d) An explanation of the individual's right to request a fair hearing before the Office of Administrative Hearings; and
  - e) The circumstances under which assistance is continued, if a hearing is requested.
3. A timely notice is a written notice that is mailed at least 10 days before the date of action.
  4. Agency conference.
    - a) If the customer or a representative responds within the 10-day adverse action period, the local department will provide an opportunity for an agency conference where the customer has the opportunity to speak or to be represented by legal counsel or by a friend or other spokesperson.
    - b) This conference does not in any way interfere with the customer's right to an administrative hearing.
    - c) The local department cannot take the intended action until after the conference with the customer or representative.
  5. The local department sends adequate notice not later than the date of the action when the:
    - (a) Local department has factual information confirming the death of a customer;
    - (b) Local department receives a clear written statement signed by the customer that:
      - i) The customer no longer wishes to receive benefits, or
      - ii) Gives information that requires the action and indicates that the customer understands that termination of eligibility or reduction of assistance is the consequence of supplying the information.
    - (c) Customer's whereabouts are unknown;
    - (d) The customer has moved out of State; or
    - (e) Local department has factual information confirming that the customer was admitted to a public institution.
  6. If mail from the local department directed to the customer has been returned by the post office indicating no known forwarding address, the local department will attempt to contact the customer personally by telephone, by home visit, or through contact with neighbors to ascertain the customer's whereabouts.

<b>DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY DISABILITY ASSISTANCE MANUAL</b>
<b>CHAPTER VI: CHANGES AFFECTING CASE STATUS</b>	<b>COMAR 07.03.05.12</b>
<b>SECTION 1: REQUIREMENTS</b>	

7. Mass Changes. When changes in either State law or regulations require automatic adjustments or termination of assistance, the local department will send timely notice of adjustment or termination, which will be adequate if the notice includes:

- a) A statement of the intended action,
- b) The reasons for that intended action,
- c) A statement of the specific changes in law requiring the action; and
- d) A statement of the circumstances under which a hearing may be obtained.

C. Continuation of Assistance Pending Appeal.

1. If a recipient requests an administrative hearing within 10 days following the mailing of the adverse action notice **and the eligibility period has not expired**, the customer's status continues as it was immediately before the notice.
2. If the individual does not request an administrative hearing within the period provided by the notice, the local department shall take the action.
3. Do not continue assistance beyond the expiration date of the eligibility period and do not reinstate the case if the eligibility period has expired.

**Examples:**

Mr. X applies June 15th for TDAP benefits. He submits a completed 402B that indicates he is disabled from working for 12 months (June thru May). Mr. X previously received 6 months of TDAP benefits in the 36- month countable period. He provides all the required information and verification for TDAP Type 1 eligibility. The case manager certifies Mr. X TDAP benefits for June, July and August pending the SRT disability determination and Mr. X's cooperation with DEAP. July 16 the case manager receives notification from SRT that Mr. X is determined not disabled. The case manager sends notification to Mr. X on July 16<sup>th</sup> that his case will close August 31<sup>st</sup> because SRT has found him "not disabled". Mr. X files his appeal within 10 days of the notice. Mr. X case closes August 31<sup>st</sup>. He is not eligible for benefits beyond the month of August pending his appeal because his eligibility period expired August 31<sup>st</sup>.

Mr. Z appeals the decision to close his TDAP case because he failed to cooperate with DEAP. He files his appeal within 10 days of the notice. His certification period does not end for five more months. Continue assistance until the appeal hearing and a decision is received.

<b>DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY DISABILITY ASSISTANCE MANUAL</b>
<b>CHAPTER VI: CHANGES AFFECTING CASE STATUS</b>	<b>COMAR 07.03.05.12</b>
<b>SECTION 1: REQUIREMENTS</b>	

#### D. Reapplication and Redetermination

1. CARES sends system generated notices to customers before the eligibility period ends. Type 1 cases are sent notice of closing. Type 2 cases are sent notice of redetermination.
2. If the individual reapplies after the eligibility period has ended, the application is considered a reapplication. The local department requires a new application and new proof of eligibility to establish a new eligibility period.
3. If the recipient reapplies before the eligibility period ends, it is considered a redetermination. The local department completes a redetermination application on a TDAP Type 2 recipient so that an eligible customer receives uninterrupted benefits.

#### E. Redetermination Procedure

After the SRT's initial determination of disability, policy requires no medical re-examination and no new 402B as long as the customer is continuing the application process for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). Also, if the customer is appealing a Social Security Administration (SSA) decision of not disabled no additional medical re-examination is required. In those circumstances, the customer is not required to submit DHR/FIA 402B and should not be referred to SRT. An eligibility determination, for all factors of eligibility other than disability, is all that is required in these situations. The case manager will do the following:

1. Verify whether the customer is still pursuing SSI/SSDI benefits.
  - (a) Ask the customer the status of his or her SSI/SSDI application.
  - (b) Verify the status of the SSI/SSDI application using one of the following systems SDX, SVES, or SOLQ. When status can not be determined from information on these systems, and
  - (c) DEAP is the customer's representative, verify using DEAP documentation, or
  - (d) Customer has private representation, require customer to submit documentation from representative
2. When there is no supporting verification from the above sources that the customer is still pursuing SSI/SSDI benefits, or
  - (a) The customer does not meet all other factors of eligibility,
  - (b) The customer is ineligible for TDAP

<b>DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY DISABILITY ASSISTANCE MANUAL</b>
<b>CHAPTER VI: CHANGES AFFECTING CASE STATUS</b>	<b>COMAR 07.03.05.12</b>
<b>SECTION 1: REQUIREMENTS</b>	

3. When acceptable documentation verifies that the customer continues to pursue SSI/SSDI benefits, and
  - (a) The customer meets all other factors of eligibility,
  - (b) Recertify the customer for TDAP.
  - (c) The certification period is 12 months.

**Examples:**

Mr. I was certified for TDAP – Type 1 from 01/01/05 through 06/30/05 based on a 402B which stated he was unable to work for 6 months because of a broken leg. Mr. I receives notification that his case will close on 6/30/05. Mr. I may reapply on 07/01/05 or anytime thereafter if he is still unable to work. He must provide new information to establish a new period of eligibility.

Mr. E. was certified for TDAP – Type 2 from 01/01/05 through 12/31/05 based on his 402B, which stated he was unable to work for 12 months. He is cooperating with DEAP, which includes applying for SSI and has been determined “disabled” by SRT. CARES sends a redetermination appointment for 11/15/05, which he keeps. He files his redetermination application for a new certification period. His original SSI claim was denied but he verified that he has filed an appeal and continues to cooperate with DEAP, therefore an eligibility determination, for all factors of eligibility other than disability, is all that is required. Mr. E’s TDAP – Type 2 eligibility is established for a recertification period of 12 months, from 1/01/06 through 12/31/06, with no break in benefits.