



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
 600 Washington Street • Boston, MA 02111

MITT ROMNEY
 Governor


TIMOTHY MURPHY
 Secretary

KERRY HEALEY
 Lieutenant Governor

JOHN A. WAGNER
 Commissioner

Field Operations Memo 2006-49
October 20, 2006

To: Transitional Assistance Office Staff

From:  Cescia Derderian, Assistant Commissioner for Field Operations

Re: **Shelter Benefits Received Under Presumptive Eligibility Not Subject to 12-Month Rule and Assistance Pending an Appeal when Presumptive Eligibility Shelter Terminated**

Overview

The FY07 budget language made two changes to EA presumptive eligibility. The changes are:

- Temporary emergency shelter benefits received under presumptive eligibility will not be subject to the 12-month rule; and
- The EA-Presumptive AU will receive aid pending the appeal decision when the AU appeals the termination of the shelter benefits timely.

An EA applicant will receive shelter benefits for up to 30 days under presumptive eligibility when the applicant appears to be eligible for EA but is unable to provide the required third-party verifications and needs additional time to obtain the verifications. This concept of providing benefits when the applicant “appears” eligible is very similar to “immediate needs” in the TAFDC program or “expedited food stamps” in the Food Stamp program. An EA AU that is receiving temporary emergency shelter for up to 30 days pending verification is identified as an EA-Presumptive AU.

Obsolete FO Memos

Field Operations Memos 2005-38, 2005-38A and 2006-5 are made obsolete with the issuance of this memo. Pertinent information from these obsolete memos has been repeated in this memo.

Purpose of Memo

The purpose of this memo is to inform TAO staff about the revised presumptive eligibility procedures and to restate the role of the AU Managers or Homeless Coordinators in assisting EA applicants in obtaining the missing verifications.

EA Regulation Changes

The FY'07 budget changes that impact EA AUs and AU Managers or Homeless Coordinators are:

- Shelter benefits received under presumptive eligibility **will not** be subject to the 12-month rule, which states an AU is not eligible to receive EA benefits more than once in a 12-month period. If an EA-Presumptive AU is terminated before EA eligibility can be determined, the shelter benefits received presumptively will not be considered when determining if EA benefits had been received within the past 12 months; and
- Shelter benefits **will continue** when the EA-Presumptive AU appeals the termination of the shelter benefits timely.

The regulation revisions were issued in State Letter 1319.

Identifying Presumptive Eligibility Applications

For all EA applicants, the AU Manager or Homeless Coordinator must:

- Review the completed and signed *Applicant's Statement* form (APP St) (Attachment A) with the applicant, providing assistance if requested. By signing the *Applicant's Statement*, the applicant also gives DTA permission to contact the third-party for the missing verification;
- Complete an EA application in BEACON, following established procedures.
 - Discuss the verification requirements for determining eligibility.
 - Determine if the verifications are available to the applicant.
 - Determine if the applicant is in immediate need of shelter placement.
 - Determine if the applicant **appears** eligible for EA benefits. An applicant appears eligible for EA benefits when the applicant meets the basic EA eligibility requirements, such as the presence of a dependent child, no feasible alternative housing, homelessness was not caused by an eviction from public/subsidized housing for nonpayment of rent, or the last EA benefit was more than 12 months from the date of the current request.

If the applicant **is not** in immediate need of shelter, based on the *Applicant's Statement*, follow the application procedures outlined in the *EA User's Guide*, Chapter IV.

If the applicant **is** in immediate need of shelter and

- the applicant has the verifications to prove eligibility, follow the application procedures outlined in the *EA User's Guide*, Chapter IV;
-

Identifying
Presumptive
Eligibility
Applications
(continued)

-
- the applicant **does not appear** to be eligible for EA based on the *Applicant's Statement* (excess assets, no dependent child, has feasible alternative housing, etc.), the applicant is ineligible for EA benefits and must be issued an NFL-9 to deny EA benefits; or
 - the applicant **does appear** to be eligible for EA based on the *Applicant's Statement* and does not have the verifications to prove eligibility, follow the procedures described in this memo for processing the applicant for presumptive eligibility.

Note: When completing the Assessed Person Income and Expenses Statement workflow:

- if the applicant has income verification for the four weeks prior to the EA application, enter the information on BEACON;
- if the applicant does not have the income verification, use the income information from the *Applicant's Statement* to determine financial eligibility using the “What if” calculation. **Do not enter the “stated” income information on BEACON until it has been verified.**

If the applicant's income exceeds the EA Eligibility Standard, the applicant is ineligible for shelter placement and the EA application will be denied in BEACON.

- Go to the AU Composition Results window and select the EA AU;
- Select Program Rules and “income in excess of grant amount for EA-Presumptive” as the denial reason; and
- Issue an NFL-9 to deny EA benefits for income above the EA Eligibility Standard.

If the applicant's income is equal to or lower than the EA Eligibility Standard and the applicant appears to be otherwise eligible, the applicant will be placed presumptively in shelter while the other verifications are obtained.

- Make an entry on the BEACON Narratives tab about the applicant situation and reason for homelessness. Include a notation if the placement is based on presumptive eligibility.
-

**Presumptive
Eligibility in
BEACON**

If the applicant appears eligible and lacks verifications, the applicant is eligible for presumptive shelter placement. The AU Manager or Homeless Coordinator must:

- Set the Presumptive Eligibility indicator on the AU Composition Results window to Yes for an EA AU that is presumptively eligible.

Note: The Presumptive Eligibility field is defaulted to No for all EA AUs in the application workflow and must be changed to Yes for EA-Presumptive AUs. This indicator may be changed to Yes anytime a **pending** EA AU is determined to have presumptive eligibility.

Remember: The Presumptive Eligibility indicator must be changed to No when the eligibility for EA has been determined. When an AU is being terminated for refusing to cooperate in obtaining the verifications, the Presumptive Eligibility indicator must remain Yes because the AU is terminated while still an EA-Presumptive AU;

- Verify items on the Verifications tab for which the applicant has provided the required verifications. For an EA-Presumptive AU, when the verification has not been provided, highlight the item on the Verifications tab and select “EA Presumptive” as the value for the unverified items to continue with EBC. By doing this, the EA AU may be approved while having unverified eligibility items;
 - Create a VC-1 for any remaining items that were not verified. Click Print, select VC-1 as the Document Type, enter the return date and print. Give the VC-1 to the applicant;
 - Advise the EA-Presumptive AU that the AU must make every effort to obtain the missing verifications during the 30-day period and to notify the AU Manager or Homeless Coordinator if assistance is needed in obtaining the missing verifications. Advise the AU that shelter benefits will be terminated if the AU does not cooperate in obtaining the verifications. Refer to *Tracking Missing Verifications* later in this memo for additional details;
 - Complete the *EA Self-Sufficiency Plan/Agreement – Phase I* (EA-15) form. All self-sufficiency services, including HAP services, are available to the EA-Presumptive AU at the time of shelter placement. Indicate on the *EA Self-Sufficiency Plan* the requirement to obtain necessary verifications by day 30 of the presumptive eligibility period;
 - Initiate the *EA Self-Sufficiency Plan, Phase II, Parts 1, 2 and 3*. While in shelter, a presumptively eligible AU must comply with all shelter rules and if found to be in noncompliance during the initial 30 days, the AU Manager or Homeless Coordinator must follow current noncompliance procedures, noting “Presumptively eligible EA AU” on the noncompliance referral;
-

**Presumptive
Eligibility in
BEACON
(continued)**

-
- Attach the VC-1 to the EA-15;
 - Give the *Information Contacts* form (TES-IC) (Attachment B) to the applicant;
 - Complete and give to the applicant, the *Notice of Placement Pending EA Eligibility Determination* (Attachment C);
 - Complete the regular shelter placement procedures, such as entering information on the Residential Facility window, completing the SSPS invoices, etc.;
 - File the *Applicant's Statement* form in the AU record;
 - Complete a request on Interview Wrap-up;
 - Run EBC Results calculation;
 - Select Reevaluation as the Reevaluation Type. When the presumptive eligibility indicator is set to Yes on the AU Composition Results window, the Reevaluation End Date on the Interview Wrap-up EBC Results window will be automatically set to 30 days from the EA application date.

Note: If the shelter placement does not occur on the application date, for example, the actual shelter placement occurs two days later, the AU Manager or Homeless Coordinator must change the Reevaluation End Date to 30 days from the actual shelter placement date and explain on the BEACON Narratives tab why the shelter placement occurred at a later time;

- Click Update by the Benefits Effective Date;
- Click Close;
- Authorize the pending release;
- Follow the procedures outlined in the *EA User's Guide*, Chapter IV;
- Complete and issue the NFL-9 (Attachment D) either approving the presumptive eligibility placement for up to 30 days (106 CMR 309.040(A)(3)) or denying the EA application for not meeting a particular program requirement;
- Notify the shelter of the EA AU's presumptive standing. Make an entry on the BEACON Narratives tab that the shelter was notified; and
- Update the BEACON Narratives tab as necessary.

Note: Do not transfer an EA AU while it is an EA-Presumptive AU.

**Presumptive
Eligibility in
BEACON
(continued)**

After the EA-Presumptive AU is active:

- Monitor the Reevaluation Due View for EA AUs that are listed as EA-Presumptive AUs; and
- Record on the BEACON Narratives tab both the EA-Presumptive AU's progress and the AU Manager's or Homeless Coordinator's progress toward obtaining the verifications, as this information will document the efforts taken to secure the verifications during the 30-day period.

If the EA-Presumptive AU fails to appear at a placement without good cause or refuses a placement, the EA-Presumptive AU will be ineligible for EA. The EA-Presumptive AU will be terminated in BEACON for not complying with the EA regulations and must be issued an NFL-9 terminating benefits for failing to appear at a designated placement (106 CMR 309.040(F)(1)(c)).

This AU will not be eligible to receive EA benefits more than once in a 12-month period.

**Tracking
Missing
Verifications**

After the EA-Presumptive AU is approved and the status of the Interview Wrap-up Results is "pending release," the AU Manager or Homeless Coordinator must return to the Verifications tab and add the outstanding verifications by entering User Entered Verifications for the unverified items. They will appear on the Verifications Due View.

To add a User Entered Verification, the AU Manager or Homeless Coordinator must:

- Click on the "User...." button;
- On the User Entered Verification window, click on the popup button next to the Name field;
- Highlight and select each assessed person for whom additional information is required;
- At the Item dropdown box, select the item that needs to be verified;
- Enter the Value of the unverified item (wage, citizenship, etc.);
- Enter the Valid Values in the Verified With field that can be used to verify the item (these will be printed on the VC-1 for the applicant);
- In the "Required for" field, select "Yes" for the EA program; and
- Save the information and click on Close.

Refer to *A User's Guide, Chapter III, Section D, Verifications* for additional instructions. This information is also available through Help on the Eligibility Explorer, click Help, Help Topics, Help Topics, Index, and select "User Entered Verification" from the dropdown box.

Verifications

AU Managers or Homeless Coordinators must pay special attention to the procedures in this section which focus on the worker's actions regarding the submission or lack of submission of outstanding verifications. Applicants and the AU Managers or Homeless Coordinators, if requested by the applicant, must actively pursue the missing verifications during the 30-day period. All efforts must be made to determine EA eligibility as an EA-Regular or an EA-Six Month AU during the 30-day presumptive period. By the end of the 30-day period, missing verifications will fall into one of the following three groupings:

1. verifications were obtained;
2. applicant cooperated but all attempts to secure the verifications by the applicant or the AU Manager or Homeless Coordinator were unsuccessful; or
3. applicant did not cooperate in obtaining the verifications.

As verifications are obtained, the Verifications tab must be updated with the verification information.

- If the EA-Presumptive AU submits nonfinancial verification(s) during the 30-day period, EA eligibility must be determined. The AU Manager or Homeless Coordinator must determine the verification's impact on EA eligibility. The Verification tab would still list "EA Presumptive" as the value for the remaining outstanding verifications.
 - If the nonfinancial verification indicates the EA-Presumptive AU is ineligible for EA benefits, such as the only dependent is age 22, the EA AU is no longer eligible for EA. Update the BEACON windows as appropriate:
 - go to AU Composition Results window, select the appropriate ineligibility reason, and **change the Presumptive Eligibility indicator from Yes to No;**
 - go to the Residential Facility window and enter the exit date and reason;
 - go to Interview Wrap-up to authorize the pending release; and
 - complete and issue an NFL-9 terminating EA benefits;
 - If the nonfinancial verification does not impact EA eligibility, the AU remains an EA-Presumptive AU until either the outstanding verifications are received, other verification is submitted that impacts eligibility, or the 30-day period ends.
-

**Verifications
(continued)**

-
- If the EA-Presumptive AU:
 - 1) Submits income for the four weeks prior to the application date or asset verifications;
 - 2) Submits all of the required verifications; or
 - 3) Signs a self-declaration for the missing verifications after all efforts by the applicant or the AU Manager or Homeless Coordinator to secure the verification have failed,

then the EA AU stops being presumptively eligible for shelter and EA eligibility must be determined.

The AU Manager or Homeless Coordinator must:

- Update the Verifications tab with verifications that were received;
 - Update the Verifications tab with a self-declaration from the EA AU for the missing item(s) as specified in 106 CMR 702.340(C), *Methods of Verifications: Self-Declarations* and update the Verifications tab;
 - Update the appropriate BEACON workflows with the data received, such as entering the income or asset amount on the Assessed Person Income and Expenses Statement workflow or selecting the appropriate closing reason on the AU Composition Results window if the applicant does not meet one of the program requirements;
 - **Change the Presumptive Eligibility indicator on the AU Composition Results window from Yes to No;**
 - Complete a request on Interview Wrap-up;
 - Run EBC Results calculation.
 - **Enter the actual date the verification (including self-declaration) is received in the Benefit Effective Date field on the Interview Wrap-up EBC Results window.** This is the date the presumptive eligibility ends.
 - If the EBC Results shows the AU is eligible:
 - extend the Revaluation End Date on the Interview Wrap-up EBC Results window if the EA AU becomes an EA-Regular AU; and
 - complete and issue the NFL-9 notice, checking “approved” for EA shelter; or
-

**Verifications
(continued)**

-
- If the EBC Results shows the EA AU is ineligible for reasons other than income, the EA AU will be terminated in BEACON.
 - complete and issue the NFL-9 notice, terminating EA shelter benefits; or
 - If EBC Results shows the EA AU is ineligible due to income exceeding the Eligibility Standard, a system-generated closing will be displayed as the EBC results.

When an EA AU has income that is above the EA Eligibility Standard, BEACON creates a SubType EA Six Months AU. An EA-Presumptive AU may or may not be eligible as a Subtype EA Six Months AU. The AU Manager or Homeless Coordinator must determine if the EA AU should remain as a Subtype EA Six Months AU. The determination depends on the following:

- If the EA AU's income for the 30 days prior to the application date proves EA eligibility but subsequent verification shows the AU's income increased and the EA AU is still otherwise EA-eligible, the AU remains eligible as a Subtype EA Six Months AU. The EA-Six Month Notice is system-generated;
 - If the EA AU's income for the 30 days prior to the application shows the income to be above the EA Eligibility Standard, the EA AU is **not** eligible as a SubType EA Six Months AU and the subtype must change back to an EA-Regular AU. The TAO Director or designee must:
 - Complete a request on Interview Wrap-up;
 - Run EBC Results calculation;
 - Select Reevaluation as the Reevaluation Type to change the EA AU back to SubType Regular EA;
 - Click Update by the Benefit Effective Date;
 - Recalculate EBC Results. The EA AU will appear as a Regular EA AU;
 - Recalculate EBC Results for the Regular EA AU and the EA AU will appear as denied. An NFL-9, terminating benefits must be completed and sent to the EA AU.
-
- Click Update by the Benefits Effective Date;
 - Click Close;
 - Authorize the pending release; and
-

**Verifications
(continued)**

-
- Complete and issue an NFL-9 either approving EA benefits or terminating EA benefits if the EA AU is found ineligible for EA shelter benefits.
 - If by day 30, the applicant refuses to cooperate in obtaining the verifications or refuses to cooperate in providing sufficient information to the AU Manager or Homeless Coordinator to obtain the verification, the EA AU is no longer presumptively eligible for shelter benefits. The AU Manager or Homeless Coordinator must:
 - Terminate the EA-Presumptive AU by going to the AU Composition Results window, selecting the EA AU, selecting Noncooperation and the reason “failure to submit the required verification for EA-Presumptive.” The Presumptive Eligibility indicator must remain Yes. Do not change the Presumptive Eligibility indicator to No;
 - Enter the shelter exit date and reason on the Residential Facility window;
 - Complete a request on Interview Wrap-up;
 - Run EBC Results calculation. The EA-Presumptive AU will appear as ineligible;
 - Authorize the pending release; and
 - Complete and send an NFL-9 to the AU terminating EA shelter benefits for not cooperating in obtaining verifications to establish eligibility, as specified in 106 CMR 702.310, *Responsibility for Verifications*.

See *Reapplications*, below, if the AU reapplies for EA benefits.

An EA-Presumptive AU may appeal a termination decision and if appealed timely, receive aid (shelter) pending the decision.

Reapplications

If the AU reapplies after being terminated, complete the BEACON application. Having received shelter under presumptive eligibility does not make the family ineligible due to the 12-month rule. Advise the family to submit the necessary verifications to establish eligibility.

**Reapplications
(continued)**

The following are three examples of reapplications of AUs that received shelter under presumptive eligibility and how it impacts the reapplication.

- If the EA-Presumptive AU is terminated because the AU failed to cooperate in obtaining verifications, shelter benefits received under presumptive eligibility are not considered in the 12-month rule. However, the family will not be placed presumptively. It can not be determined that the family “appears” eligible since, in the past, the family failed to cooperate in providing verifications to establish eligibility. EA eligibility must be proven prior to shelter placement.

- If the EA-Presumptive AU, during the presumptive period, is terminated for:
 - failure to appear at or refusal to accept placement;
 - two noncompliances being issued; or
 - criminal activity,then the family is subject to the 12-month rule and will be ineligible for having received EA benefits within the past 12 months.

- If the EA-Regular AU or EA-Six Months AU was terminated, shelter benefits received are considered in the 12-month rule. The family will be ineligible for having received EA benefits within the past 12 months.

By using these procedures, TAOs no longer need to call the Legal Division when a terminated EA-Presumptive AU reapplies.

Forms

The FY07 budget language states shelter benefits will continue when the EA-Presumptive AU appeals the termination of shelter benefits timely. The appeal language on the EA notices and forms has been amended accordingly.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at 617-348-8478.



Applicant's Statement
for Emergency Assistance Shelter

DATE: ____/____/____

Name: _____

Address (where you can get mail): _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Emergency Contact Information: _____

Is your current homelessness a result of domestic violence? Yes No

Is any member of your household a Level 2 or Level 3 sex offender? Yes No

If yes, indicate person's name and level: _____

Please explain the reason for your current homelessness:

Where did you stay last night?

When is the last time you had your own apartment, and why did you leave it?

Can you verify the reason you are homeless with any of the following? Yes No

- eviction papers
- a letter from the friend or family member who is asking you to leave
- a report from Inspectional Services
- a fire report
- other: _____

Do you need assistance getting these verifications? Yes No

Do you or any member of your household have any assets, such as money in the bank or in hand, a car, or any other object of value?

Yes No

If yes, how much are these assets worth? \$ _____

Do you have verification of above assets? Yes No

Do you need assistance getting verification of above assets? Yes No

Are you or any member of your household currently employed? Yes No

If yes, how much do you or the other member of your household make? \$ _____

If not currently working, when was the last time you or the other member of your household worked? _____

Do you have verification of this employment? Yes No

Do you need assistance getting verification of employment? Yes No

Do you or any member of your household have any other source of income? Yes No

If yes, how much? \$ _____

Do you need assistance getting verification(s) of this income? Yes No

Do you or does any member of your household have a medical or other disability that might affect your placement in a temporary emergency shelter? Yes No

If yes, do you need assistance getting verification(s) of this disability? Yes No

I certify under penalty of perjury that the information given in this application is true to the best of my knowledge. I understand that I am required to verify the information I provided above. By signing this form, I give permission to the Department of Transitional Assistance to contact local and/or regional housing authorities, other government agencies, family, friends, schools, medical providers, financial institutions, and/or employers, past and present, and give permission to the above to share information with the Department of Transitional Assistance that is necessary for me to get housing assistance services.

I understand that it is DTA policy to use the Sex Offender Registry to determine if any member of my household, age 10 or older, is a registered sex offender.

I understand that if I am approved and offered a shelter placement based on the above statements and I am then found ineligible, my EA benefits will be terminated and I will be ineligible to receive further EA benefits for 12 months from my last day in shelter.

Applicant's Signature

Date

AU Manager / Homeless Coordinator's Signature

Date

Appeal Rights

Your Right To Appeal

You have the right to a hearing with a Hearing Officer to challenge an action or decision by the Department of Transitional Assistance about your case. You may appeal the shelter placement only if you believe the Department has not made reasonable efforts to find temporary emergency shelter to accommodate the physical composition of your household and to place you within 20 miles of your home community.

How To Appeal

If you want a hearing, fill in the blanks at the bottom of this page and mail or fax it to us at: Department of Transitional Assistance, Division of Hearings, P.O. Box 120167, Boston, MA 02112-0167 or fax to 617-348-5311.

If we get your hearing request within 10 days from the date of this notice, you can keep your shelter benefits while you are waiting for your hearing and the decision. If you appeal within 10 days and are appealing a transfer because you have been asked to leave your current family shelter placement, you can stay in your current family shelter placement until the decision, only if the family shelter approves.

We must get your hearing request **no later than 21 days** from the date of this notice or you will not get a hearing.

When the Hearing Will Be Held

Your hearing will be held as soon as possible. You will get notice at least two days in advance of the date, time and place for the hearing. You can only change the hearing date if you have a good reason (good cause). To ask for a change in the hearing date for good cause, call the Division of Hearings at 617-348-5321 or 1-800-882-2017. If you miss the hearing without good cause, you may lose your rights to a hearing.

Your Right To Get Help for the Hearing

You have the right to bring an attorney or anyone else as your representative to the hearing. To try to get free legal help for your hearing, contact legal services or other community agencies. Your local DTA office can give you information about these services.

You or your representative have the right to see your case file before the hearing, to bring witnesses and present evidence at the hearing, and to question (cross-examine) witnesses against you. The Hearing Officer must make a decision based on all the evidence presented.

If you do not speak English well and want an interpreter, please write this on your hearing request or call the Division of Hearings at 617-348-5321 or 1-800-882-2017, (TTY 617-348-5337 or 1-800-532-6238) for the hearing impaired, as soon as possible before the hearing.

Nondiscrimination Notice for Clients

Under federal and state law the Massachusetts Department of Transitional Assistance does not discriminate on the basis of race, color, sex, sexual orientation, national origin, religion, creed, age or disability. For help with these matters, we encourage you to contact the Director of Equal Opportunity, Department of Transitional Assistance, 600 Washington Street, Boston MA 02111, Tel. 617-348-8490, or TTY 617-348-5599 for the hearing impaired.

I, _____, hereby request a fair hearing before a Hearing Officer of the Division of Hearings. I wish to request a hearing for the following reasons:

Name _____ SSN _____

Address _____ Telephone () _____

City/ZIP _____ Date _____

Signature _____

My authorized representative is:

Name _____ Title _____

Address _____

Telephone () _____



Massachusetts Department of Transitional Assistance

**Notice of Placement Pending
EA Eligibility Determination**

Date _____

TAO _____

Name _____ SSN _____

Address, City & Zip _____

This notice is to inform you that you will be placed in Emergency Assistance (EA) Temporary Emergency Shelter pending a full determination of your EA eligibility. This shelter placement is based on statements you provided on the Applicant's Statement for Emergency Assistance Shelter form and any other information in the possession of the Department.

Your responsibilities as they relate to this placement are as follows:

- You must appear at the designated shelter placement. If you fail to appear at the placement without good cause or refuse the available placement, your shelter benefit will be terminated and you will not be eligible for EA for 12 months. 106 CMR 309.040(F)(1)(c)
- You must provide the verifications listed on the *Verification Checklist* form as soon as possible. You may request assistance from the Department if you have problems obtaining these verifications. Your shelter will be terminated 30 days from the date of application if you fail to provide these verifications. 106 CMR 309.040(A)(3)
- You must comply with all shelter rules. If found in noncompliance, you may be terminated from shelter.
- You must comply with the activities listed on your *Self-Sufficiency Plan*.

If you are found ineligible for EA based on the verifications you provide and/or other information obtained by the Department, your shelter benefit will be terminated. If your shelter benefit is terminated, you will receive a separate notice. If you disagree with the decision, you have the right to a fair hearing 106 CMR 343.250(B)

If you have any questions or you need help, please ask your DTA worker for further assistance.

Your signature on this form indicates that you understand the above responsibilities and conditions.

Applicant's Signature

AU Manager / Homeless Coordinator's Signature

Appeal Rights

Your Right To Appeal

You have the right to a hearing with a Hearing Officer to challenge an action or decision by the Department of Transitional Assistance about your case.

How To Appeal

If you want a hearing, fill in the blanks at the bottom of this page and mail or fax it to us at: Department of Transitional Assistance, Division of Hearings, P.O. Box 120167, Boston, MA 02112-0167 or fax to 617-348-5311.

If we get your hearing request within 10 days from the date of this notice, you can keep your shelter benefits while you are waiting for your hearing and the decision. If you appeal within 10 days and are appealing a transfer because you have been asked to leave your current family shelter placement, you can stay in your current family shelter placement until the decision, only if the family shelter approves.

We must get your hearing request **no later than 21 days** from the date of this notice or you will not get a hearing.

When the Hearing Will Be Held

Your hearing will be held as soon as possible. You will get notice at least two days in advance of the date, time and place for the hearing. You can only change the hearing date if you have a good reason (good cause). To ask for a change in the hearing date for good cause, call the Division of Hearings at 617-348-5321 or 1-800-882-2017. If you miss the hearing without good cause, you may lose your rights to a hearing.

Your Right To Get Help for the Hearing

You have the right to bring an attorney or anyone else as your representative to the hearing. To try to get free legal help for your hearing, contact legal services or other community agencies. Your local DTA office can give you information about these services.

You or your representative have the right to see your case file before the hearing, to bring witnesses and present evidence at the hearing, and to question (cross-examine) witnesses against you. The Hearing Officer must make a decision based on all the evidence presented.

If you do not speak English well and want an interpreter, please write this on your hearing request or call the Division of Hearings at 617-348-5321 or 1-800-882-2017 (TTY 617-348-5337 or 1-800-532-6238) for the hearing impaired, as soon as possible before the hearing.

Nondiscrimination Notice for Clients

Under federal and state law the Massachusetts Department of Transitional Assistance does not discriminate on the basis of race, color, sex, sexual orientation, national origin, religion, creed, age or disability. For help with these matters, we encourage you to contact the Director of Equal Opportunity, Department of Transitional Assistance, 600 Washington Street, Boston, MA 02111, Tel. 617-348-8490 or TTY 617-348-5599 for the hearing impaired.

I, _____, hereby request a fair hearing before a Hearing Officer of the Division of Hearings. I wish to request a hearing for the following reasons:

Name _____ SSN _____

Address _____ Telephone () _____

City/ZIP _____ Date _____

Signature _____

My authorized representative is:

Name _____ Title _____

Address _____

Telephone () _____