

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

<p>██████████ Petitioner,</p>	:	
	:	
v.	:	Docket No.: ██████████
	:	OSAH-DFCS-TANF- ██████████ Miller
	:	
DHS, FAMILY & CHILDREN SERVICES,	:	Agency Reference No.: ██████████
	:	
Respondent.	:	

INITIAL DECISION

I. Overview

This matter is the Petitioner’s appeal of the Respondent’s action denying her application for benefits under the Temporary Assistance for Needy Families (“TANF”) Program. The hearing took place on May 24, 2016. The Petitioner, ██████████, appeared *pro se*. Robin Crane, lead TANF case manager for the Respondent’s Walton County office, appeared as the Respondent’s representative. For the reasons set forth below, the Respondent’s decision to deny the Petitioner’s application for TANF benefits is **REVERSED** and **REMANDED**.

II. Findings of Fact

1.

The Petitioner applied for TANF benefits on April 5, 2016. On that date, she completed an orientation session, followed by an intake meeting with her case manager, Henry Howell. During the intake meeting, Mr. Howell created a TANF family service plan for the Petitioner. The plan noted that the Petitioner was “job-ready” and that her only potential barrier to employment was transportation. The plan further directed the Petitioner to return for a follow-up appointment with Mr. Howell at 9:00 a.m. on April 11, 2016, and to turn in a job search record demonstrating that she had applied for at least twelve jobs in the interim. The Petitioner signed the family service plan. (Testimony of Robin Crane and Petitioner; Exhibits R-1, R-3.)

2.

The Petitioner erroneously recorded the date of her follow-up appointment on her calendar as April 12, 2016. As a result, she missed her scheduled appointment on April 11, 2016, and Mr. Howell immediately closed her case based on her failure to comply with TANF program requirements. The Petitioner was not offered an opportunity to conciliate the violation. (Testimony of Ms. Crane; Exhibit R-3.)

3.

The Petitioner, believing that her appointment was scheduled for 9:00 a.m. on April 12, 2016, arrived at the Respondent’s office at 8:30 a.m. on that date. She had applied for more than

twelve jobs and had brought her job search record to give to Mr. Howell. She did not realize she had arrived on the wrong day until Mr. Howell entered the waiting area and told her that he had already closed her case because she had missed her appointment. The Petitioner explained her mistake and attempted to give her job search record to him, but he refused to accept it. (Testimony of Ms. Crane and Petitioner; Exhibit R-4.)

4.

The Petitioner has never previously received TANF benefits,¹ nor has she conciliated a prior violation of the TANF program. (Testimony of Ms. Crane and Petitioner; Exhibit R-4.)

5.

The Respondent denied the Petitioner's TANF application based on its determination that she failed to meet the requirements of her family service plan. The Petitioner timely appealed. (Testimony of Ms. Crane and Petitioner; Exhibit R-4.)

III. Conclusions of Law

1.

Because this matter involves an application for public assistance benefits, the burden of proof is on the Petitioner. Ga. Comp. R. & Regs. 616-1-2-.07(1)(e). The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4). The Petitioner met her burden.

2.

One of the goals of the TANF program is to “end the dependence of needy parents on government benefits by promoting job preparation [and] work” 42 U.S.C. § 601(a)(2). In furtherance of this goal, all work-eligible members of a TANF household are required to complete a family service plan and to participate in work activities as a condition of receiving cash assistance. 45 C.F.R. §§ 261.10, 261.12; TANF Program Manual (Volume I, MAN 3390) (“TANF Manual”) §§ 1345, 1349.

3.

The Respondent's policy manual provides that “[a]n individual who fails to meet certain requirements without good cause has committed a material violation that may result in a sanction against the assistance unit.” TANF Manual § 1351-1. A “material violation” includes the failure to comply with a personal responsibility or work participation requirement found in a family service plan, unless good cause exists. Id. In this case, the Petitioner's family service plan included a personal responsibility requirement for her to attend a follow-up meeting with Mr.

¹ She filed an application once several years ago, but she found a job before her orientation appointment and did not complete the application process. (Testimony of Petitioner.)

Howell on April 11, 2016,² and it is undisputed that she did not keep this appointment. However, the parties disagree as to whether she had good cause for missing the appointment.

4.

The TANF Manual itemizes the following examples of good cause for the failure to meet a program requirement:

- a temporary medical condition or illness which is obvious or otherwise substantiated,
- a family crisis or personal crisis,
- domestic violence issues,
- a natural disaster or weather emergency,
- lack of transportation,
- lack of child care, or
- a court-required appearance.

TANF Manual § 1351-2. While the list is non-exhaustive, each of the examples contemplates the existence of an emergent situation beyond the individual's control. Here, although the Petitioner made an honest mistake, no exigent circumstances were present. The Court therefore finds that the Petitioner's reason for missing her appointment does not rise to the level of "good cause" as contemplated by the Manual, and the Respondent properly determined that she had committed a material violation of the TANF program. TANF Manual § 1351-1.

5.

Notwithstanding this violation, however, the Respondent was required to engage in a conciliation process³ with the Petitioner before closing her case. The TANF Manual expressly states that a "[o]ne[-]time only conciliation opportunity is available for TANF applicants if the applicant [] has committed a material violation during the application process, and [has] not previously conciliated." TANF Manual § 1105-10. The Manual further provides, regarding the conciliation process:

Use of the conciliation process at application, whether pending from a previous receipt or resulting from a material violation committed during the application process, constitutes the use of the individual's right to one conciliation.

² Further, the Manual expressly requires TANF recipients to keep appointments. TANF Manual § 1835-2.

³ The conciliation process allows the case manager and the applicant to meet and discuss:

- why the individual failed to meet the requirement
- whether or not the individual had good cause for failure to meet the requirement
- what can be done to conciliate the failure to meet the requirement and avoid the sanction
- the consequences of imposing a sanction
- how to prevent any other program violations.

TANF Manual § 1351-3. To conciliate successfully, the applicant need only agree to abide by the requirement in the future. TANF Manual § 1351-4.

An applicant who fails to participate with applicant services or meet a personal responsibility requirement without good cause, and who does not successfully conciliate, will be denied. No sanction will be imposed for failure to meet work requirements or personal responsibility requirements at application.

TANF Manual § 1351-5. Thus, the Respondent was not authorized to close the Petitioner's TANF case without first affording her an opportunity to conciliate the violation.

IV. Decision

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Respondent's denial of the Petitioner's application for TANF benefits is hereby **REVERSED**, and this matter is **REMANDED** to the Respondent. The Respondent is **ORDERED** to complete the conciliation process within ten days of the entry of this Initial Decision, and to resume the application process immediately upon the Petitioner's successful conciliation of the violation. If the violation is not conciliated successfully, the Respondent is authorized to close the Petitioner's TANF case at that time.

SO ORDERED, this 31st day of May, 2016.



KRISTIN L. MILLER
Administrative Law Judge