

Problems Meeting the TAFDC Work Requirement or Employment Development Plan? The Family May Have the Right to “Good Cause”

What is “Good Cause?”

“Good Cause” excuses a parent (or caretaker relative) from meeting the TAFDC work requirement on a temporary basis, so that their family won’t lose benefits due to sanctioning. The family has the right to Good Cause if the parent has a good reason for not meeting the work requirement or complying with her Employment Development Plan (EDP), which is a DTA document that lists the activities the parent is to do to meet the work requirement.

What counts as Good Cause?

Under the Mass. Welfare Reform Act, as amended in July, 2004, the following situations count as good cause:

- Child care - Lack of appropriate and available child care;
- Transportation - Lack of affordable and reliable transportation;
- Housing search - The need to do housing search;
- Lack of placement - Lack of an available and appropriate community service site identified by DTA;
- Health - Illness, injury, or disability of the parent or a family member;
- Employer violations - The job that the parent had or was offered violated minimum wage laws; discriminated on the basis of age, sex, race, religion, ethnic origin, or physical or mental disability; violated health and safety standards; or was available due to a strike or lockout; or
- All other good reasons - A family crisis, an emergency or any other compelling circumstance beyond the parent’s control and requiring her attention during hours she would otherwise be doing required activities.

How does the family get “Good Cause” protections?

Under the law, DTA cannot legally sanction the family without first reviewing all of the Good Cause reasons with the family and finding out if any apply. If DTA thinks a parent is not meeting the work requirement (or her EDP), DTA is supposed to send the parent a warning notice that includes a form listing the Good Cause reasons, but DTA appears to be doing this only at the time the parent is under the work requirement for the first time.

- If the parent gets the Warning Notice/Good Cause form, she should circle the Good Cause reasons that apply and return the form to her DTA worker within 10 days. If she has any proof readily available, she should enclose a copy.

- If she does not get the form, she should speak to her worker or a duty worker (by going to the office, if possible) and turn in a note saying she why she has Good Cause or make sure that the worker enters this into the computer.
- If the worker asks for more proof of the parent's Good Cause reason, the parent should be given something in writing telling her what verification is needed and giving her a reasonable time to get it and turn it in.
- DTA should not lower or stop the family's benefits during this period or ever, if the parent turns in the verification. If the parent needs help getting the verification and tells the worker, the worker is required to help (although this requirement is often violated).

What if DTA lowers or stops the family's benefits, without checking for good cause or even though the parent has asked for good cause?

The parent should quickly get an appeal of the notice lowering or stopping her benefits to DTA's Division of Hearings (by fax, if possible) and seek help from Legal Services. Information about appealing and a form to use should be on the back of the notice.

What if the parent didn't ask for Good Cause *before* DTA starts sanctioning?

It is best to ask for Good Cause right away, *however*, Good Cause can be raised after DTA sends a sanction notice lowering or stopping the family's grant. The parent should appeal notice but also contact her DTA worker or the duty worker to ask for Good Cause. If DTA will not "pull" the sanctioning and grant Good Cause, the parent may need help from Legal Services.

Greater Boston Legal Services, (617) 371-1234, (800) 323-3205