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*Executive Office of Health and Human Services*  
**Department of Transitional Assistance**  
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Field Operations Memo 2002-13  
May 22, 2002

**To:** Transitional Assistance Office Staff

**From:**  Cescia Derderian, Assistant Commissioner for Field Operations

**Re:** Good Cause Criteria for TAFDC and EAEDC and the TAFDC Good Cause Medical Statement for Non-Presumptive Claims of Disability

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**Overview** State Letter 1217 moved the Good Cause Criteria regulations from 106 CMR 207.190 to 106 CMR 701.380 and eliminated the Good Cause Criteria in 106 CMR 320.430 so TAFDC and EAEDC utilize the same Good Cause Criteria.

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**Purpose of Memo** This memo clarifies the general use of good cause as well as in the context of disability applications under 106 CMR 701.380. As will be explained, a TAFDC applicant or recipient who requests a subsequent (second) disability exemption after having already been denied within a 60-month period can receive good cause while awaiting a disability determination if he or she is work program-required, EDP-required or has work activities related to qualifying for a time limit extension, and if he or she provides a certified **TAFDC Good Cause Medical Statement**. This differs from the general use of good cause, which *temporarily* excuses an applicant or recipient from meeting certain Department requirements or obligations for short periods of time. Good cause is usually, but not exclusively, provided for a specific event or circumstance that prevents the applicant or recipient from meeting a Department requirement.

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**Good Cause  
Definition**

Good cause as defined in the regulations includes 1) lack of child care, or 2) a crisis, family crisis, emergency situation or other compelling circumstance that is beyond the control of the applicant or recipient and demands his or her immediate attention and can only be attended to by the applicant or recipient during the relevant time period. Please note that crises, emergency situations or other compelling circumstances can include accidents, severe weather, court dates, children's issues as well as physical and/or mental conditions, illnesses, injuries, or health problems. The underlying concept is that the applicant or recipient **could not** meet a Department requirement due to a situation "beyond his or her control." There are other good cause reasons related to reducing earnings, failing or refusing to accept offers of employment or for quitting a job that generally do not apply to temporarily excusing a recipient from meeting Department requirements.

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**Good Cause  
Determinations**

In order to have a good cause determination made, the applicant or recipient must normally inform the AU Manager either orally or in writing of the reason for not performing a Department requirement or obligation. If circumstances indicate, however, that the applicant or recipient may have had good cause, the AU Manager should explore the possibility with the individual. Before a good cause determination, the AU Manager must provide written notice of the verification required under 106 CMR 701.380(B) to the individual in accordance with the verification procedures in 106 CMR 702.300-340.

Good cause determinations should be made, if possible, **before** the AU Manager mandates community service as a sanction, or to reduce, deny, or terminate benefits for noncompliance with the work program requirement, EDP requirement, work activities related to qualifying for a time-limit extension, for missing an appointment or other like circumstances.

Good cause, however, is often requested after the fact. An example would be a request for good cause because the recipient says he or she was unable to do more than 18 of the 20 hours required. The recipient will need to verify that a good cause reason existed to not work those two missing hours. There will, however, be times when good cause is appropriately requested for future events such as a planned hospital visit or in conjunction with a subsequent disability determination.

Good cause can be provided to an applicant or recipient in regard to either regular or extended benefits.

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**Verification of Good Cause**

Verification of good cause will generally be in writing, as explained in 106 CMR 701.380(B). It is the responsibility of the applicant or recipient to verify good cause. If assistance is requested and appropriate, however, the AU Manager must help obtain verification, as explained in 106 CMR 702.310(B)(5). If verifications have been requested, no adverse action should be taken until the verification time standards have expired. An example of when written verification may not be needed is if a snowstorm prevented the recipient from meeting his or her community service hours that week and the AU Manager was well aware of the storm. The fact that the town's schools were closed during the relevant time period could serve as verification.

While the AU Manager is awaiting verification from the recipient and if the AU involves attendance reporting tracking by BEACON, it will be necessary to temporarily code the AU as Good Cause in BEACON. If good cause is eventually denied, then this code must be removed. If an adverse action was already issued, it should be pulled pending the good cause determination.

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**Denial of Good Cause**

A denial of a good cause claim is not generally appealable as no negative action has yet been taken against the AU. If a request for good cause is denied and a negative action such as a sanction or termination is initiated, the applicant or recipient can appeal the action and argue before the hearing officer that the action was improper because he or she had good cause for failure to meet the Department's requirements.

If the AU Manager determines that good cause has not been established, the AU Manager must explain the reason for the denial to the individual along with his or her right to appeal any adverse action that may follow the denial of good cause.

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**Good Cause Examples****Example 1**

Ms. Green is TAFDC work program-required. Her daughter broke her leg and cannot leave the house for a week. She may then return to school but due to the severity of the break, she only attends half a day. This has been verified by letters from the treating physician. Ms. Green should receive good cause for the week her daughter is home and for hours she is unable to meet Department requirements due to her daughter's schedule. A caretaker exemption may be better for Ms. Green if this becomes a prolonged situation.

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**Good Cause  
Examples  
(continued)**

**Example 2**

Ms. Saunders, who is TAFDC work program-required, recently learned her daughter has been sexually abused. Ms. Saunders and her daughter attend therapy sessions and are also involved with the District Attorney's Office in prosecuting the offender. Her daughter is not in school due to summer vacation and is frightened when left alone. She returns to school in one month. Ms. Saunders may apply for a caretaker exemption but chose not to. Good cause should be granted for not meeting the work requirement until her daughter returns to school. Good cause is also appropriate if she is unable to meet the work requirement because of court dates or therapy appointments.

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**Example 3**

Ms. McDonald is TAFDC work program-required. She has a son in therapy once a week for behavioral problems and she is often called to take the child home from school. She requests good cause to not meet the **entire** work requirement. This should **not** be approved. Good cause may be granted when the participation report is submitted and Ms. McDonald has been unable to meet her work requirement on a specific day(s) because of having to bring her child home or for attending therapy sessions that could not be rescheduled. Good cause could be verified by a letter from the school and/or treating therapist.

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**Example 4**

Ms. Jones applied for a TAFDC disability exemption due to her asthma. The request was denied as her condition was not severe enough to be considered disabling under Department regulations. Ms. Jones is now meeting her work requirement; however, the extreme hot weather and poor air quality has aggravated her asthma and as a result she has missed two days of Structured Job Search (SJS). The acute asthma episode has been verified by her doctor so she should receive good cause for the days she was unable to attend SJS.

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**Good Cause  
and TAFDC  
Disability**

Requests for good cause may be made to temporarily excuse recipients from Department requirements due to physical and/or mental conditions, illnesses, injuries or health problems. Requests can be made with or apart from a request for a disability exemption. **A good cause request based upon an ongoing claim of an alleged disability, however, cannot be granted unless the individual also requests a disability exemption.**

If the request for a disability exemption will be a presumptive disability exemption because it is the first request, then work, ESP and time limit requirements **will not apply** and good cause would be necessary only if the individual fails to meet other Department requirements or obligations.

If the individual is not entitled to a presumptive disability exemption while the disability exemption request is pending and is work program-required, EDP-required or has work activities related to qualifying for a time limit extension, **then special good cause rules apply due to the previous denial.**

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**Good Cause  
and TAFDC  
Disability  
(continued)**

A TAFDC applicant or recipient is eligible for a presumptive disability exemption once during a five-year period, as explained in 106 CMR 203.530(G). This raises the question of what to do if the applicant or recipient was previously denied a disability exemption and claims that he or she cannot meet the work requirement, the requirements of an EDP, or work activities related to a time limit extension due to a disability. Even if the applicant or recipient has a new disability exemption request pending (i.e., with no presumptive disability), if he or she is subject to the work program requirement, an EDP, or has reached the time limit, it is likely the applicant or recipient will have to verify good cause to avoid program sanctions while awaiting Professional Review Organization's (PRO, formerly known as DES) determination. Such a person **is not considered exempt** as the subsequent disability determination has not yet been made, meaning the work requirement applies and the 24-month clock continues to run.

**The TAFDC  
Good Cause  
Medical  
Statement  
(TAFDC-GCMS)**

In order to be **totally excused** from work requirements, requirements of an EDP, or work activities related to a time limit extension during a subsequent disability determination period, the applicant or recipient must claim and verify good cause using the **TAFDC Good Cause Medical Statement (TAFDC-GCMS)**. This verification must be filled out and certified (signed) by the individual's primary care physician, if applicable, or other competent medical authorities. The length of the excused period will depend on the competent medical authority's opinion found on the certified TAFDC-GCMS; however, the excused period cannot last longer than it takes PRO to make its disability determination. Please note that even if the TAFDC-GCMS is not provided on a timely basis or not provided at all, the same applicant or recipient is not prevented from pursuing temporary good cause under 106 CMR 701.380(A)(2). (See example 6 of this memo.)

Providing a properly certified TAFDC Good Cause Medical Statement excuses failure to perform certain requirements. In addition, the TAFDC-GCMS must be used to verify **eligibility** for TAFDC in three specific circumstances. These include individuals claiming a second disability exemption when 1) the applicant or recipient has used 24 months of time-limited benefits (and is not applying for an extension), 2) a recipient is terminated for failure to meet the work requirements (and states that he or she cannot meet the two-week requirement to regain TAFDC eligibility because of disability rather than requesting temporary good cause) and 3) a recipient is terminated for failure to meet EDP requirements (same as #2). **These persons can only be eligible for TAFDC if they qualify through the TAFDC Good Cause Medical Statement process (unless another exemption applies).** Applicants or recipients in these situations must provide a properly certified TAFDC-GCMS to establish TAFDC eligibility and depending on whether they are an applicant or recipient, the eligibility review or application timeframes and procedures apply.

**The TAFDC  
Good Cause  
Medical  
Statement  
(continued)**

If the applicant or recipient states that he or she is having trouble obtaining a certified TAFDC-GCMS for such reasons as lacking a health provider or having a mental health provider who is not a competent medical authority, the applicant or recipient should be advised of his or her right to seek a reasonable accommodation under the Americans with Disabilities Act. (See Field Operations Memo 98-50 and Example 9 of this memo.)

A certified TAFDC Good Cause Medical Statement will verify whether the competent medical authority believes that the applicant or recipient is able to work 20 hours per week at a paid job or community service (or able to participate in structured job search). If the competent medical authority states that the applicant or recipient is unable to work 20 hours per week but could do 10 hours of community service, then good cause would be appropriately given for the remaining 10 hours.

Until and unless the applicant or recipient provides the certified TAFDC Good Cause Medical Statement, this good cause period will not be provided pending PRO determination. Applicants or recipients who properly verify good cause **remain nonexempt** during the period prior to PRO's determination, meaning the 2.75 percent reduction still applies. Only the work program requirements, EDP requirements and any termination due to time limits are waived pending PRO determination. If PRO's determination ultimately comes back with a finding of disability, the applicant or recipient will receive retroactively any benefits or time owed.

**TAFDC Good  
Cause Medical  
Statement  
Examples**

**Example 5**

Ms. Smith requested a disability exemption in 1999 due to back problems. Her disability claim was denied and she was subject to the work program requirement. After trying community service, Ms. Smith claims she was still unable to work due to her back condition. She claims disability but because she had used her presumptive disability determination she was work program-required. She was provided a TAFDC-GCMS for her doctor to complete and her doctor verified her back injury prevented her from doing 20 hours of work or community service and the injury was expected to last for at least three months. Ms. Smith should be provided a good cause period lasting three months excusing her from the work program requirement. **(If PRO has not made a decision in three months, Ms. Smith must have her doctor sign a new TAFDC-GCMS verifying that the alleged disability is continuing.)**

**TAFDC-GCMS  
Examples  
(continued)****Example 6**

Ms. Stevens' claim of disability due to depression was denied in February, 2001. She completed a new Disability Supplement and submitted a certified TAFDC-GCMS in which the doctor stated she could work 10 hours per week. She should not be granted a good cause period for failure to meet the entire work program requirement and only 10 hours per week may be excused. Ms. Stevens could claim temporary good cause (701.380(A)(2)) if depression prevented her from temporarily meeting the 10 hours *on a temporary basis* while disability is determined. Verification of temporary good cause is a letter from her doctor, counselor or similar authority.

**Example 7**

Ms. Lamont requested a disability exemption due to ulcers and anxiety in March, 2001 and was denied. She did not meet her work requirement and her case closed. She wishes to reapply for TAFDC but she must meet the two weeks of work requirement to receive TAFDC. She says she still cannot work so she must reapply for a disability exemption and provide a certified TAFDC-GCMS as proof of eligibility. If Ms. Lamont seeks an *extension* and claims only a temporary inability to comply (less than 30 days), she could verify temporary good cause (701.380(A)(2)) to be excused from work activities related to qualifying for a time-limited benefits extension.

**Example 8**

Prior to the end of her 24 months of time-limited benefits, Ms. Whitman requested a disability exemption. She was not work program-required. Her claim of disability was denied. Her benefits were then terminated due to time limits. She wishes to reapply for TAFDC claiming a disability. Along with the disability supplement, she must submit a certified TAFDC-GCMS to establish her eligibility. Alternatively, Ms. Whitman could apply for an extension and receive temporary good cause for not meeting the work requirements if claiming only a temporary condition (less than 30 days).

**Example 9**

After receiving 24 months of benefits, Ms. Robinson has applied for a second disability exemption claiming she cannot work due to mental health issues. She has been seeing a social worker to help with these problems. She was given a TAFDC-GCMS for a doctor to complete. She has an appointment with a psychologist in two months and that is the earliest available appointment. She was told she will need to be seen several times for a diagnosis. Since she cannot provide the certified TAFDC-GCMS in a timely fashion, she should be informed of her right to request a reasonable accommodation under the Americans with Disabilities Act. Depending upon her specific circumstances and if she can provide other credible documentation of her disability, she may temporarily receive benefits as an accommodation while awaiting the certified TAFDC-GCMS.

**Questions**

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

