

Sanctions: How to Avoid Them and What to Do if You Get One

WHAT IS A SANCTION?

Most people who receive public assistance must take part in a “work activity.” The NYC Human Resources Administration (HRA) will choose a work activity for you. If you do not follow all of the work rules you will be sanctioned. A sanction is when your benefits are cut off. Sanctions can also be imposed for reasons that are not related to your work activity. HRA often calls sanctions “failure to report” (FTR) or “failure to comply” (FTC).

WHY ARE PEOPLE SANCTIONED?

People are most often sanctioned for:

- Missing work appointments.
- Refusing a work assignment.
- Not working all of the hours as required by your assignment.
- Failing to comply with a drug/alcohol requirement.
- Failing to report the absence of a minor child or provide required information on behalf of a child.

You will not be sanctioned for each time you break a work rule or each time you fail to comply with a requirement. You will only be sanctioned if you break a rule without “good cause.”

WHAT ARE EXAMPLES OF “GOOD CAUSE”?

Good cause means that you had a good reason for breaking a work rule. Some good reasons are:

- You or your child had to go see a doctor.
- You could not do the job because of your health.
- You had a personal or family emergency.
- You had to take care of someone who is sick.
- You had to go to court to stop an eviction.
- You had problems traveling to the job.
- You did not have child care.
- You were given a dangerous job.

HOW LONG WILL MY SANCTION LAST?

A new law has come into effect that ends durational sanctions. When you miss a work assignment you will receive a notice. After you get the notice you will be able to explain to your case worker why you missed the assignment. If you missed because of a “good cause” your benefits will not be reduced. If the case worker does not find good cause your benefits will be reduced until you go to your work assignment. Once you go to the work assignment, the sanction will be lifted.

IF I'M SANCTIONED, WILL MY MEDICAID GET CUT?

No. If you are sanctioned for not following work rules, your Medicaid should not be cut. But you may have to go to a Medicaid office to prove that you are still otherwise eligible.

However, if you are sanctioned by the Office of Child Support Enforcement (OCSE) then your Medicaid **will** be cut off. Other people on your case should continue to receive Medicaid benefits.

WHAT CAN I DO TO AVOID BEING SANCTIONED?

- Do not miss work appointments.
- If you are having a problem at your worksite or a problem performing the work activity, you should request a Conciliation. A Conciliation is a meeting with an HRA worker to try to work out a problem. You must request this in writing at your worksite or job center. If you need to miss appointments or days of your assignment, you must have a good excuse and get proof of the excuse. Examples of proof are a letter from the doctor or a caseworker, an eviction notice, or letters from witnesses who can support your story. Tell your worker or your supervisor as soon as you can why you need to break the work rule.

HOW WILL I KNOW IF I AM BEING SANCTIONED?

Usually, if you do not request a Conciliation for breaking a work rule, HRA's first step is to send you a Conciliation Notification with an appointment or a deadline for Conciliation. If you win your Conciliation, you will get a new work assignment or your problem will be solved some other way. If you lose your Conciliation, you will receive a Notice of Intent.

The Notice of Intent states an effective date on which your benefits will be cut off. You should receive the Notice of Intent 10 days or more **before** the effective date. When you receive this, it is important to take note of the effective date and the notice number.

WHAT SHOULD I DO WHEN I RECEIVE A NOTICE OF SANCTION?

You should request a fair hearing immediately. If you receive notice that you must work but you believe you are exempt for medical reasons, you must request a hearing within **10 days of the notice**. You have **60 days** to request a fair hearing from the date you receive the Notice of Intent for your public assistance case. You have **90 days** to request a fair hearing for your food stamps case. You should also request "Aid Continuing." Aid Continuing is your right to continue to receive benefits until a decision is made after the fair hearing. However, **you must request Aid Continuing within 10 days of the notice**.

You can request a fair hearing and aid to continue in the following ways:

- Going to 14 Boerum Place, 1st Floor Brooklyn, New York 11201
- Calling 800-342-3334
- Visiting: <http://otda.ny.gov/hearings/request/#online>
- Faxing a fair hearing request to 518-473-6735

- Writing to the New York State Office of Temporary and Disability Assistance, Office of Administrative Hearings, P.O. Box 1930, Albany, NY 12201-1930

Be sure to have the notice on hand with you when you request a fair hearing and/or aid to continue. **Keep copies of everything you send.** If you have already been sanctioned, but you have a good cause for failing to comply, you should still request a fair hearing.

WHO CAN I CONTACT IF I HAVE QUESTIONS?

You may call MFY Legal Services, Inc.'s Government Benefits Project at 212-417-3732 on Mondays from 10:00 a.m. to 12:00 p.m. If you are a mental health consumer you may call MFY's Mental Health Law Project intake line at 212-417-3830 on Monday, Tuesday, and Thursday from 10:00 a.m. to 5:00 p.m.

DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.