

3.5.3 ~~Non-Compliance Sanction~~ NCS Re-applications

~~Tools~~

Revised ~~March 15~~ July 1, 2021

Note: If a participant re-applies, is determined financially eligible, and their case closed due to NCS Termination prior to July 1, 2021, TANF/SFA opens without any NCS penalty or cure requirement. ⁴

Effective March 16, 2020, due to the COVID-19 outbreak, WorkFirst participants are temporarily suspended from:

- **Mandatory participation**
- ~~Home visits~~
- ~~Sanction and sanction termination.~~ Non-Compliance Sanction (NCS) penalties

Legal References:

- [RCW 74.08.090; 74.08A.260 & .270](#)
- [WAC 388-310-1600](#)

The *Non-Compliance Sanction Policy* section is divided in three separate sub-sections:

- [Section 3.5.1- Entering Non-Compliance Sanction \(NCS\)](#) describes how to make the ~~NCSsanction~~ decision.
- [Section 3.5.2 - ~~Ending~~ Non-Compliance Sanction \(NCS\)](#) describes what happens when if a participant ~~decides to stay~~ in ~~NCSsanction for more than three months.~~ This section includes:
- [Section 3.5.3 - NCS Reapplications](#) describes how to process reapplications from ~~non-compliance sanction~~ NCS case closure ~~terminations.~~ This section includes:
 - [3.5.3.1](#) Can a participant reapply for TANF cash assistance after a Non-Compliance Ssanction termination penalty ~~ease closure~~?
 - ~~3.5.3.2~~ [3.5.3.2](#) What is a WorkFirst Sanction Reopen (WFSR) case?
 - ~~3.5.3.3~~ [3.5.3.2](#) Consolidated Emergency Assistance Program (CEAP) for NCSnon-compliance case closures ~~for non-compliance sanction.~~
 - [3.5.3.4](#) What if a participant reappplies before their case is terminated in NCS ~~closed~~?
 - [3.5.3.5](#) How do I decide and track an applicant's participation requirements?
 - [3.5.3.6](#) What if the applicant stops participating?

- [3.5.3.76](#) How is the NCS reapplication approved?
- [3.5.3.87](#) What if a participant's NCS reapplication is approved and they~~participant is reopened and they~~ stops participating again?
- [3.5.3.98](#) NCS reapplication - step-by-step guide

3.5.3 ~~Non-Compliance Sanction (NCS)~~ Reapplications

3.5.3.1 Can a participant reapply for TANF cash assistance after a Non-Compliance Sanction termination penalty~~case closure~~?

A participant may reapply for TANF cash assistance or State Family Assistance by filing a new application. Unless ~~it is a WorkFirst Sanction Reopen case, or unless~~ the participant is unable to participate, they ~~will need to~~must participate 4 weeks (28 days) in a row before they are approved~~for~~ cash assistance. The participant receiving the NCS penalty~~sanctioned family~~ may be eligible for CEAP while they meet the participation requirement (see ~~Section 3.5.3.3~~Section 3.5.3.2.)

Note: If a participant re-applies, is determined financially eligible, and their case closed due to NCS Termination prior to July 1, 2021, TANF/SFA will open without any NCS penalty or cure requirement.

3.5.3.2 ~~What is a WorkFirst Sanction Reopen (WFSR) case?~~

~~A WorkFirst Sanction Reopen (WFSR) case is when a participant receives a sanction case closure penalty, applies for TANF, and completes a financial interview by the end of the month following the paid-through date.~~

~~For example, if a participant received the sanction case closure penalty with a 2/28 paid through date, and they reapply and complete their financial interview in March, process the application as a WFSR case. In this scenario, an application received prior to 3/1 isn't a WFSR case yet because TANF is still open.~~

~~Refer to the CSD Procedures Handbook, 'Processing a WFSR Red Application', to process a WFSR case. To summarize, the WFPS:~~

- ~~1. Removes the NCS termination.~~
- ~~2. Determines whether to open the TANF grant effective the beginning of the month using the reopen function, without requiring participation for the 4 week cure period first. Don't reopen the case when the participant received 10-day notice of case closure for sanction and for another reason unless the participant resolves the other reason for case closure when they reapply.~~

3. ~~Determines whether to code the sanction grant reduction penalty so the month of application will be month one of a two-month reduced grant sanction. Don't code a sanction grant reduction penalty when the participant is unable to participate.~~

Use the text blocks below for WFSR approval and denial letters. The text blocks can be accessed at the [CSD WorkFirst SharePoint Sanction Documents](#) page.

Text Block	Used For
WFSR reopened in sanction	Approval letter when the WFSR case closed for NCS only and the participant is able to participate
WFSR reopened without sanction	Approval letter when the WFSR case closed for NCS only and the participant is NOT able to participate
Ineligible WFSR—remains in sanction status	Denial letter when the WFSR case closed for NCS and another reason and the participant is able to participate. If the participant later reapplies and is found eligible, they will reopen in sanction status.
Ineligible WFSR—no longer in sanction status	Denial letter when the WFSR case closed for NCS and another reason and participant is NOT able to participate. If the participant later reapplies and is found eligible, they will NOT reopen in sanction status.

~~Example #1 (WFSR reopens in sanction)~~

- ~~• A participant fails to attend their scheduled non-compliance staffing appointment at the office on 07/10 and is not available for their scheduled home visit on 07/15. They receive the sanction case closure penalty and their TANF grant is terminated for non-compliance sanction on 07/31. Their case is closed for NCS only.~~
- ~~• On 08/20, the participant submits an application for TANF and completes a financial interview on 8/28; this is a WFSR case. The WFPS determines that they are able to participate.~~
- ~~• The WFPS removes the NCS termination and opens TANF, and follows the CSD Procedures Handbook to open as of 08/01 in month one of sanction. The WFPS uses the 'WFSR reopened in sanction' text block on the approval letter.~~
- ~~• The participant does not cure or end their sanction by the end of September, so the WFPS imposes the NCS case closure effective 09/30.~~

~~Example #2 (WFSR reopened without sanction)~~

~~Same scenario as example #1 except the WFPS determines the participant is no longer able to participate due to a recent verified back injury. The WFPS:~~

- ~~Removes the NCS termination and documents that the participant is unable to participate and is no longer in sanction status.~~
- ~~Reopens the case as of 8/1 and uses the 'WFSR reopened without sanction' text block on the approval letter.~~

~~Example #3 (ineligible WFSR — remains in sanction status)~~

~~Same scenario as example #1 except the participant received 10-day notice for both NCS case closure and for having no eligible child.~~

- ~~On 8/28, when the participant completes a financial interview, the WFPS determines that there is still no eligible child in the household and the participant is able to participate.~~
- ~~The WFPS removes the NCS termination and keeps the case closed as the applicant has already received 10-day notice of case closure due to no eligible child. The WFPS uses the 'ineligible WFSR — remains in sanction status' text block on the denial letter.~~
- ~~The participant reapplies three months later, the child has returned home, and the participant is financially eligible and able to participate. The WFPS reopens the case in month one of sanction. The participant does not need to cure the sanction before the case is reopened because the participant met the WFSR criteria on 8/28.~~

~~Example #4 (ineligible WFSR — no longer in sanction status)~~

~~Same scenario as example #1 except the participant received 10-day notice for both NCS case closure and for having no eligible child and is NOT able to participate.~~

- ~~On 8/28, when the participant completes a financial interview, the WFPS determines that there is still no eligible child in the household and the participant is no longer able to participate due to a serious chemical dependency issue.~~
- ~~The WFPS removes the NCS termination and keeps the case closed as the participant has already received 10-day notice of case closure due to no eligible child.~~
- ~~The WFPS documents that the participant is unable to participate and is no longer in sanction status.~~
- ~~The WFPS uses the 'ineligible WFSR — no longer in sanction status' text block on the denial letter. If the participant later reapplies and is reopened, they will not reopen in sanction.~~

3.5.3.23 Consolidated Emergency Assistance Program (CEAP) for ~~non-compliance sanction~~NCS case closures.

Participants closed for non-compliance sanction (NCS) may qualify for CEAP. They ~~a~~'re eligible to apply for CEAP under the same rules as other applicants.

To determine eligibility and authorize benefits follow the CEAP eligibility and procedures described under WAC 388-436-0015.

3.5.3.34 What if a participant reapplies before their case is terminated in NCS ~~closed~~?

~~If the case closed due to a sanction case closure penalty and contact is made, see WFHB 3.5.1.16 for definition of contact and instructions on reinstating TANF/SFA.~~

~~If the case closed due to a sanction case closure penalty and **no** contact is made, the application is a WFSR application as of the first of the month. (See CSD Procedure Handbook, Processing TANF/SFA Application Forms Received Prior to Case Closure Penalty.)~~

Example:

~~Greg's TANF is closing November 30 due to sanction case closure penalty. He submits an online application form on November 25. The case manager attempts contact, but Greg doesn't speak with WF staff before November ends. As of December 1, the application form becomes a WFSR application and staff can't reinstate TANF.~~

If TANF/SFA is closing after ~~ten~~two months of the NCS grant reduction ~~sanction penalty~~ and an application is received before the NCS termination date:

- Track the application in DMS, and
- Attempt to contact the participant right away.

Note: Staff won't be able to input the application into ACES until the first of the following month.

After the participant completes an interview and staff determines financial eligibility, the WorkFirst Program Specialist (WFPS) or WorkFirst Social Service Specialist (WFSSS) determines if they are able to participate.

- If the participant can't participate, lifts the sanction and restores full benefits the first of the following month or when all other financial eligibility criteria is met.²
- If the participant can participate, ~~manually~~tracks 28 day NCS cure requirement ~~participation until the 1st of the following month. After the 1st of the month, tracks participation in eJAS.~~

3.5.3.45 How are an applicant's participation requirements determined and tracked?

When a participant applies after the NCS termination, the ~~intake~~ worker:

- Determines financial eligibility.
- Pends application approval for WorkFirst participation.
- Refers the case to WorkFirst staff to find out whether the participant must participate before they receive cash.

Once that decision is made, the ~~application~~ ACES WorkFirst Participation-TANF Pending (85-06) pend-letter is updated as needed. Once the participant is in pending status, they appear on the 'NCS Re-applicant report' on the Caseload Management Report. Only the participant who caused the termination appears on the report.

The participant must participate, if able, four weeks (28 consecutive days) in a row before they ~~a~~'re eligible for cash benefits.

- The 4-week participation requirement ~~will be~~ is waived, (and the SA or SN code removed) when the participant enters the third trimester of pregnancy if they:
 - Have completed a Pregnancy to Employment assessment and;
 - Don't have a mental health and/or chemical dependency treatment requirement.
- The requirement is waived if their situation is now severe enough that they ~~a~~'re exempt.
- ~~The participant starts over with zero months in sanction when the participation requirement is waived.~~
- Notify the application intake worker if the participation requirement is lifted so they can update the pend letter or approve the application.

If the participant is able to participate, the WFPS/WFSSS:

- Tracks the participation in eJAS.
- ~~Completes Schedules the participant for a Sanction re-engagement appointment. Comprehensive Evaluation (CE) interview. The Sanction Re-engagement CE interview must be done in addition to the short term, mid-term or long-term returner comprehensive evaluation for re-applicants. It isn't necessary to complete the last question (screening for other issues) of the Sanction Re-engagement CE interview.~~
- Develops the participant's IRP with the participant and authorizes necessary support services needed to participate, such as ~~WCCC and~~ transportation.

If both participants in a 2-parent household refused to participate and caused their case to close, both participants need to meet the 28-day participation requirement. The application shouldn't be approved until both participants meet this requirement.

Day one of participation begins when the participant completes the ~~Sanction Re-engagement appointment CE interview~~ and their IRP. Excused absences count towards meeting the 28-day requirement. If TANF is closing at the end of the month due to NCS termination, Any uninterrupted participation should be credited in month 10 of NCS reduction² up to the end of the month should be credited towards meeting the 4-week participation requirement.

~~The~~ WFPS/WFSSS must ~~complete~~:

- ~~F~~follow A comprehensive evaluation guidelines in WorkFirst Handbook 3.2.1-3.2.3 every time a participant reapplies for benefits.

- ~~• A Sanction Re-engagement CE interview for applicants who are re-entering TANF in sanction.~~

After the CE and Sanction Re-engagement ~~CE~~ interview is completed, the participant must be referred to other approved activities until the full 4 weeks (28 days) of participation is completed.

~~The application intake worker should be told~~ WorkFirst staff FPS tracks when the four week participation requirement is met. TANF benefits start on the date the participant meets all other financial eligibility factors.

3.5.3.56 What if the applicant~~participant~~ stops participating?

When an applicant has stopped participating, deny the application if there was ne't a good reason for interrupting participation. ~~Tell~~ the applicant can't contact WorkFirst staff if they want a reconsideration of the denied application. ~~The WFPS/WFSSS determines whether there was a good reason, a good cause, for interrupting participation.~~

Good cause may be established if the participant is determined unable to perform the required WorkFirst activities or if significant barriers outside their control prevented participation as described under WAC 388-310-1600(3). Good cause that may ~~be considered~~ include, but not limited to:

- An unmet need for Equal Access (EA) Accommodation Plan
- Limited-English Proficiency (LEP) not addressed through interpreters or translations that result in the participant not understanding what is required
- Emergent or severe medical condition (verified by a health care professional) of the participant or a family member in their care
- Family Violence
- Immediate legal concerns
- Homelessness

Non-participation because of unexcused absences isn't considered a good cause unless there ~~i's~~ a significant circumstance outside the participant's control (such as family violence or hospitalization). This circumstance must suggest a good reason why make it impossible for the applicant~~participant to call in to show a good cause for stoppeding the 4 week~~ participation.

If the WFPS/WFSSS ~~decides~~ determines good cause exists, the excused days ~~will~~ count towards the participant's cure period. For example, a participant stops participating on March 7th, which is the 6th day of the 28-day period. On March 12th, it is determined that good reason exists and the participant ~~will~~ starts to participate again on March 15th. March 15th is now day 14 of participation of the 28-day period.

~~If the WFPS/WFSSS decides~~ determines that no good cause exists, WFPS denies the application and ~~sends the denial letter, with required free form text.~~

If the WFPS/WFSSS ~~determines~~ ~~if~~ that no participation is required and the participant meets an exemption criteria, approve the application if otherwise determined financially eligible.

3.5.3.67 How is the NCS reapplication approved?

When the applicant meets the participation requirement, remove the SA or SN code from eJAS and approve the application back to the date financial eligibility was met.

~~Follow the approval instructions in the CSD procedures handbook, for WFSR cases.~~

3.5.3.78 What if a participant's NCS reapplication is approved ~~is reopened~~ and they stop participating again?

Follow the ~~sanction or~~ NCS process in section 3.5.1- Entering Non-Compliance Sanction (NCS); the participant ~~will have~~ two two months of NCS without reduction and ten months of NCS reduction to complete four consecutive weeks of participation or the case ~~will close~~ again for NCS.

~~After following the sanction guidelines of section 3.5.1- Entering Non-Compliance Sanction (NCS) the WFPS/WFSSS must:~~

- ~~• Schedule the sanctioned participant to go through the Sanction Re-engagement comprehensive evaluation interview.~~
- ~~• Continue to try to reengage the sanctioned participant.~~

3.5.3.8 NCS Reapplication - Step-by-step guide

~~Non WFSR Step by Step~~

~~The intake application worker refers a~~ Applicants who closed due to the ~~for~~ NCS Termination penalty non-compliance sanction ~~must meet with~~ to WFPS/WFSSS ~~ork~~ First who have been closed for non-compliance sanction to meet develop an IRP to complete a 4-week (28 days) WorkFirst participation requirement. Once the participant's NCS reapplication is in pending status, they appear on the 'NCS Re-applicant report' on the Caseload Management Report. Only the participant who caused the NCS termination appear on the report.

The WFPS:

1. ~~Determines~~ ~~if~~ if the participant is able to participate.
 1. If the participant can't participate, the WFPS pends the application for financial eligibility, or approves.
 2. If the participant reapplies before the NCS termination effective date and can't participate, lifts the NCS terminationsanction and reinstates ~~stores~~ the grant effective the first of the following month per 3.5.1.10.

3. If the participant can participate; ~~the WFPS/WFSSS~~
 1. Determines financial eligibility and confirms a WF Participation-TANF pending (85-06) letter has been provided
 - ~~1.2.~~ Schedules/conducts an appointment CE.
 - ~~2.3.~~ Develops an IRP-
 - ~~3.4.~~ Approves needed supports-
 - ~~4.5.~~ Tracks participation in CLMR- NCS Re-application report.-
2. ~~Decides~~ Determines if there is good cause if the participant stops participating as required. If the participant:
 1. Is no longer able to participate, they ~~will~~ only need to meet financial eligibility criteria.
 2. Has good cause, they ~~will~~ pick up participation where it left off until the 28-day requirement is met.
 3. Doesn't have good cause, the application denies the NCS Re-applicational will stands.
- ~~3.~~ Note: If the application is denied, review the case to see if the Basic Food Benefits should be penalized under the Basic Food Program rules for failure or refusal to comply with the Basic Food E&T requirements.
3. Removes the SA or SN code once all participation and financial eligibility criteria are met.

Note: For further information about processing NCS reapplications or Basic Food Work Requirements see:

- ACES manual-WorkFirst Non-Compliance Sanction (NCS)
- EA-Z Manual-WorkFirst Sanctions
- EA-Z Manual-Basic Food Work Requirements-Disqualification

~~3.~~

WFSR Step by Step

~~Follow the procedures in the CSD procedures manual to reopen the case, and refer sanctioned recipients to meet a 4 week WorkFirst participation requirement, as needed, to cure their sanction. Once TANF reopens, the WFPS:~~

- ~~1. Opens the REIN on the eJAS NCS tool menu:
 - ~~1. Selects the date of the approval letter from ACES letter history,~~
 - ~~2. Completes the questions in the REIN tool.~~~~
- ~~2. If the participant is unable to participate:
 - ~~1. Completes the 'When Sanction is Cured or Lifted' section of the REIN tool; and,~~
 - ~~2. Removes the SA or SN code.~~~~
- ~~3. If the participant is able and willing to participate:~~

- ~~1. Completes or schedules the Sanction Re-engagement CE interview,~~
- ~~2. Develops an IRP.~~
- ~~3. Approves needed supports.~~
- ~~4. Tracks participation.~~

Resources

Related WorkFirst Handbook Sections

- [3.1 Tools - Overview](#)
- [3.2 Comprehensive Evaluation](#)
- [3.4 Case Staffing](#)
- [6.1 Resolving issues](#)

Forms & Other Resources

- [EA-Z Manual - Food Stamp E & T Chapter](#)
- [WorkFirst Opportunities Brochure \(DSHS 22-1125\)](#)