

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

**L [REDACTED] B [REDACTED],
Petitioner,**

v.

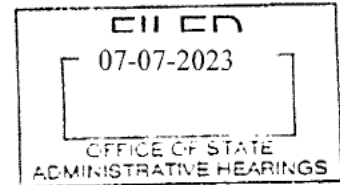
**DHS, DIVISION OF FAMILY AND
CHILDREN SERVICES,
Respondent.**

**Docket No.: [REDACTED]
[REDACTED] OSAH-DFCS-TANF-137-
Woodard**

Agency Reference No.: [REDACTED]

AMENDED ¹ FINAL DECISION

I. INTRODUCTION



Petitioner L [REDACTED] B [REDACTED] appealed the decision by Tift County Department of Family and Children Services (“Respondent” or “DFCS”) to terminate her eligibility for Temporary Assistance for Needy Families, or TANF, due to her alleged failure to cooperate with the Division of Child Support Services. A hearing was held at Tifton Municipal Court on May 18, 2023. Petitioner appeared and represented herself with the assistance of her mother. Respondent was represented by Lisa McLaughlin, TANF Employment Services Unit, DFCS Region V. For the reasons set forth below, DFCS’ termination of Petitioner’s TANF case is **AFFIRMED**.

II. FINDINGS OF FACT

1.

Prior to March 1, 2023, Petitioner was eligible for TANF benefits for a family of three persons. Her monthly payment was \$280.00. (Testimony of Lisa McLaughlin).

2.

TANF is designed to help families become self-sufficient. Toward this goal, adult family members are required to engage in programs designed to lead to employment, unless the

¹ The original Final Decision did not include the judge’s signature or the official seal of the administrative court. This Amended Final Decision is issued to correct that oversight.

adult is exempt from this requirement due to disability, pregnancy, or several other factors.
(Testimony of Lisa McLaughlin).

3.

Due to the COVID pandemic, Petitioner was not required to be employed or engage in any employment services through DFCS or its contractors. This waiver was lifted in July 2022, but at that time Petitioner was pregnant and DFCS exempted her from participation in employment services. Her baby was born in September 2022, and DFCS extended her exemption from the work requirement through the end of January 2023. Petitioner claimed that she was not able to work or engage in employment services, and on or about January 28, 2023 DFCS provided her with a disability verification form to take to her physician's office to complete. (This document was not at issue to the termination of Petitioner's existing case but was relevant to her future application for TANF). (Testimony of Lisa McLaughlin).

4.

One requirement for continued eligibility for TANF was that Petitioner cooperate with DHS' Division of Child Support Services ("DCSS"). On February 1, 2023, DCSS sent an electronic notice to DFCS that Petitioner failed to cooperate with the child support eligibility and enforcement process, and that her child support case would be terminated in 60 days. A written copy of this was mailed to Petitioner on February 2, 2023. (Testimony of Lisa McLaughlin; "60 Day Advance Notice of Case Closure" Notice ("60 Day Notice"), admitted as DFCS Exhibit 1).

5.

DFCS immediately terminated Petitioner's TANF benefits upon receipt of DCSS' 60 Day Notice. A formal "Notice of Decision" was issued and mailed to Petitioner on February 1, 2023. Petitioner was notified that her family's Food Stamps case was not affected, but that her TANF

would be terminated effective March 1, 2023 as she “failed to cooperate with Child Support enforcement requirements.” Petitioner requested a Fair Hearing on February 10, 2023. (Testimony of Lisa McLaughlin; “Notice of Decision,” admitted as DFCS Exhibit 2; “Fair Hearing Request,” admitted as DFCS Exhibit 3).

6.

DCSS notified DFCS on March 3, 2023 that Petitioner had cooperated with its policies, but by that time Petitioner’s TANF case was already closed. Although Petitioner’s TANF appeal had not yet been heard, Petitioner reapplied for TANF on March 16, 2023. Petitioner reasserted that she was not able to work or perform employment services, but DFCS had not received a completed disability verification form from her physician by the time her new application for TANF was being processed. For this reason, DFCS determined that Petitioner was no longer exempt from employment services and had to complete the “TANF Family Service Plan” Form 196 and engage in a job search. (Testimony of Lisa McLaughlin).

7.

Petitioner did not return the Form 196 to DFCS by the April 18, 2023 due date DFCS imposed, and Petitioner’s TANF application was denied. By this time, Petitioner had not returned a completed disability verification form to DFCS. Her appeal was not affected by the denial of the March 16, 2023 application, however, and her hearing was scheduled and held on May 18, 2023. A partially completed disability verification form was tendered to DFCS at that hearing, but it was not fully finished as Petitioner’s physician did not specify which types of work or work-related activities could not be performed. The disability verification form could be completed and returned to DFCS, even though Petitioner no longer had an active TANF case. (Testimony of Lisa McLaughlin).

III. CONCLUSIONS OF LAW

1.

DFCS bears the burden of proof regarding the correctness of the termination of her TANF case effective March 1, 2023. Petitioner bears the burden of proof for all issues regarding the denial of her TANF application filed March 16, 2023. Ga. Comp. R. & Regs. 616-1-2-.07(1)(d). The standard of proof is by a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).

2.

“TANF is a block grant program in which the federal government provides states with funds to assist needy families with short term financial assistance and with finding employment.” Lebron v. Sec’y, Fla. Dep’t of Children & Families, 710 F.3d 1202, 1205 (11th Cir. 2013); see also 42 U.S.C. § 601; 45 C.F.R. § 260.20. In Georgia, TANF “provide[s] necessary assistance to needy families with children on a temporary basis and . . . provide[s] parents, legal guardians, or other caretaker relatives of children with the necessary support services to enable such parents, legal guardians, or caretaker relatives to become self-sufficient and leave the program as soon as possible.” O.C.G.A. § 49-4-182(a); Ga. Comp. R. & Regs. 290-2-28-.01(1). DFCS is the entity that administers TANF benefits in Georgia. Ga. Comp. R. & Regs. 290-2-28-.03(1); see also O.C.G.A. § 49-4-183(a). DFCS has issued guidelines for the program in its TANF Program Manual, Volume I (“TANF Manual”).²

² The TANF Manual is available under the DFCS tab at <https://odis.dhs.ga.gov/General> (last checked July 6, 2023).

3.

The first question for the Court is whether DFCS properly terminated Petitioner's TANF case effective March 1, 2023 based on her failure to cooperate with DCSS. To receive TANF benefits, the recipient must meet *and continue to meet* eligibility requirements for the program. TANF Manual, 1105, 1710-1. Renewals of eligibility are required at least every 12 months, though they may be completed at other times due to a change in the recipient's circumstances. TANF Manual, 1710-1.

4.

One eligibility requirement calls for TANF recipients to cooperate with child support recovery authorities unless they have good cause for not cooperating. 42 U.S.C. § 602(a)(2) (calling for TANF state plan to include a child support enforcement program); 42 U.S.C. § 608(a)(2) (reducing or eliminating a recipient's cash assistance for noncooperation in establishing paternity or obtaining child support without good cause). Specifically, Georgia law states that a "recipient shall no longer be eligible for assistance" if she "does not cooperate with [DFCS] in establishing paternity, . . . or in establishing, modifying, or enforcing a support order," absent a good-cause exception.³ O.C.G.A. § 49-4-184(a)(2); see also Ga. Comp. R. & Regs. 290-2-28-.14(b).

5.

DCSS must notify DFCS when a TANF recipient fails to cooperate. TANF Manual, 1320-10. Here, the controlling law is clear that a TANF recipient must continue to meet eligibility

³ "Good cause" can be established if one of the following circumstances exists: (a) cooperation with DCSS may result in physical or emotional harm to the child, the grantee relative or the minor parent; (b) the child was conceived as the result of rape or incest; (c) legal proceedings for the adoption of the child are pending before a court; or (d) the parent is being assisted by a public or licensed social service agency to resolve the issue of whether to keep the child or release him/her for adoption and the discussions have not pended for more than three months. TANF Manual, 1320-3, -4.

standards to continue receiving benefits. And eligibility depends, in part, on whether the Petitioner cooperates with DCSS in establishing paternity, establishing a support order, or enforcing a support order on behalf of her child. See O.C.G.A. § 49-4-184(a)(2)⁴; see also Ga. Comp. R. & Regs. 290-2-28-.14(b). Because Petitioner did not cooperate with DCSS, DFCS did not have the option to extend Petitioner’s TANF eligibility beyond February 1, 2023, which meant that her benefits expired as of March 1, 2023.

6.

The next question for the Court is whether DFCS properly denied Petitioner’s application filed March 16, 2023. According to TANF Manual 1800:

Every client who is subject to personal responsibilities and/or mandatory work requirements must develop, along with the case manager, all applicable sections of the TANF Family Service Plan (TFSP). These sections must be developed specifically for the client. The client must comply with the requirements of the service plan.

The TFSP (DFCS Form 196) is developed by the TANF applicant / recipient with the help and input from the DFCS case manager, and most of the TFSP requires direct and significant assistance from the case manager to complete. There are several sections, however, that can be completed by an applicant / recipient without DFCS help, including Section A titled “Personal Responsibilities) and reading and understanding Section B titled “Work Requirements.”

7.

In this case, Petitioner was given through April 18, 2023 to complete and return the TFSP to DFCS. There is no indication in the record that this requirement was accomplished. Therefore, DFCS could deny Petitioner’s reapplication of March 16, 2023 for this reason alone.


⁴ This statutory provision makes explicit that participation with DCSS continues to be required even after an applicant is approved, stating that “a *recipient* shall *no longer* be eligible” for TANF if she does not cooperate with DCSS. O.C.G.A. § 49-4-184(a)(2).

IV. DECISION

For the foregoing reasons, **IT IS HEREBY ORDERED** that the Respondent's decision to terminate the Petitioner's TANF benefits effective March 1, 2023 and to deny her application filed March 16, 2023 is **AFFIRMED**.

Respondent is encouraged to reapply for TANF, if she has not already done so. If she wishes to assert that she is exempt from the work requirement, then she must provide DFCS with a fully completed disability verification form from her physician.

SO ORDERED, this 7th day of July 2023.



Patrick Woodard
Administrative Law Judge

