

Item 03-04-01A -- When a Welfare to Work Sanction is Treated as a Second Sanction
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Facts

A claimant received a Welfare to Work notice of action dated May 24, 2002 proposing to sanction the claimant effective July 1, 2002 for noncooperation in WTW unless he established good cause or agreed to a compliance plan by June 14. The claimant did not contact the county by June 14. He did contact the county on June 25 and signed a WTW plan at that time. He then failed to comply with the new plan.

The county sent a new notice of action proposing to impose a WTW sanction effective September 1, 2002. The notice of action indicated that the sanction was a second sanction and that the claimant would have at least a three-month period of ineligibility.

The county contended that the first sanction was the proposed sanction that was to take effect on July 1, 2002 but was never imposed because the claimant agreed to cooperate before the July sanction was to take effect.

Law

MPP § 42-721.27 states:

The county shall rescind the notice of action if the individual attends the appointment or contacts the county by telephone within the 20- calendar-day period and the county determines that the individual had good cause for not complying or the individual agrees to a compliance plan to correct the noncompliance.

Analysis

The county correctly determined that the September 1 sanction was a second sanction. Per §42-721.27 above, if the claimant had contacted the county within the 20-calendar-day period that ended on June 14 and agreed to cooperate, the county would have been required to rescind the May 24 notice of action. The notice of action proposing a sanction effective September 1 would then become a first sanction.

In this case, the claimant did not contact the county until after June 14. Thus §42-721.27 does not apply. Even though the county never imposed the proposed sanction effective July 2002, the proposed action addressed in the notice of action is treated as a first sanction that the claimant cured by agreeing to cooperate. When the claimant did not comply with that agreement, the noncompliance was a second instance of noncompliance. The county thus properly proposed to impose a three-month period of ineligibility.