

Policy Clarifications - Employment & Training - Policy/Procedure EPP-16610-135

Submitted:06/13

Agency: CAOs

TR No. 16610

Citations:

Subject: Compliance with RESET requirements for one week and thereafter

The Sanction Desk Guide indicates that sanction or ineligibility continues "until the individual has demonstrated and maintained compliance for at least one-week AND THEREAFTER".

The [AMR attachment](#) provided in [OPS 12-12-02](#) and the sanction notice attachments indicate disqualification "until you demonstrate and maintain compliance for a period of at least one week".

We have a DS 21 sanctioned individual who worked for one week during her minimum durational sanction period, but then immediately stopped. She is now requesting, two weeks later (after her minimum durational period has been served), for the sanction to be ended, but has not offered or provided good cause for stopping work. Should the sanction continue (and earnings be adjusted to benefits) since compliance was not maintained after the one week?

Response By: Barbara Deppen

Date:06/13

Yes, the sanction should continue and earnings be adjusted to benefits. However, the earnings would not be adjusted against the benefits on an ongoing basis because this appears to be a voluntary job quit (CAH 135.7), not a reduction of employment hours (CAH 135.721). If compliance is demonstrated during the minimum sanction period, the minimum sanction period (30 days for DS 21; 60 days for DS 22) must still be served nonetheless. The sanction can only be lifted after the minimum sanction period has been served and the client demonstrates and maintains compliance for one week and thereafter.

Example:

1. Ms. Jones' DS 21 sanction started 2/15/2013. Her 30-day minimum sanction period will end on 3/16/2013. On 3/01/2013, Ms. Jones provides documentation that she is meeting her 20 hours a week. On 3/18/2013 she contacts the CAO to have her sanction lifted. She provides documentation to the CAO that she has continued to meet her required hours up to and including 3/18/13. Her sanction should be lifted.
2. Ms. Smith's DS 21 sanction started 2/15/2013. Her 30-day minimum sanction period will end on 3/16/2013. On 3/01/2013, Ms. Smith provides documentation that she is meeting her 20 hours a week. On 3/18/2013 she contacts the CAO to have her sanction lifted. She only met compliance for one week: 2/25/13 – 3/1/13. Exemptions and good cause were discussed; however, none applied. Because she did not meet compliance for one week and thereafter, and did not have good cause, her sanction should not be lifted. The CAO should advise her that if she does not demonstrate and maintain compliance for one week and thereafter by 5/15/2013, her sanction will escalate to a full-family sanction.

In the CAO's scenario, if the client had demonstrated and maintained compliance for one week right after serving the minimum sanction period, the sanction could have been ended. However, the following week, when she stopped working, unless she had good cause or met an exemption, the compliance review process would start all over again and if non-compliance was found, she would be subject to a DS 22 individual sanction. .

Please use the AMR addendum found in [OPS 121202](#). It has been updated to include the "and thereafter" language.