

Article 8
Eligibility and Payment Manual

Part IV
General Assistance Program

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§1841. Introduction. The purpose of this manual is to provide the Bureau of Economic Security (BES) staff with requirements and procedures for determining eligibility and authorizing assistance in the administration of the General Assistance Program.

(1) **Guam Laws.** General Assistance Program is authorized under 10 GCA §2601.

(2) **Background.** On a national basis, “General Assistance” is a generic term used to describe programs of emergency (non-continuing) income assistance funded solely by the local agency. General Assistance program is an important component of the income assistance system in the Territory of Guam, serving as the ultimate safety net for low-income persons not eligible for federally funded programs such as Aid for Families with Dependent Children (AFDC) and the Adult Programs (OAA, AB, APTD). It provides for short term or emergency assistance pending determination of eligibility for other programs or the realization of self support. The program is based on financial need only. Benefit levels are provided based on the need standards for all PA programs.

(3) **Program Coordination.** The Bureau of Economic Security (BES) requires close cooperation and coordination with the Bureau of Management Support’s Investigation and Recovery Office (IRO), Bureau of Health Care Financing, Bureau of Social Services Administration and other related sections within the Department of Public Health and Social Services, and other agencies in order to assure proper program coordination.

§1842. The Application Process. (a) Request for Application for Assistance.

(1) **Right to Apply.** Each individual shall have the opportunity apply for assistance and receive an application form without delay. An applicant may be assisted by other individuals in the various aspects of the application process. These individuals may serve as the authorized representative on behalf of the application.

(2) **Reapplication.** Terminated for denied cases must file a new application to reapply for assistance.

(3) **Reinstatements.** Assistance shall be reinstated without a new application when eligibility can be re-established on the basis of information provided by the recipient before the effective date of termination. A new application is needed if the information is provided after the effective date of termination.

In case of agency error or directed by a fair hearing or court decision, aid shall be reinstated.

(4) **Distinction Between Application and Inquiry.** A request for General Assistance is considered an inquiry until a signed application with applicant's name and address is received by the Bureau of Economic Security.

(b) Steps in the Application Process.

(1) **Initial Contact with the Agency.** When an individual first contacts the agency for assistance, the Eligibility Specialist (ES) provides Part I application form for completion to pre-screen and determine the urgency of the applicant's situation.

If the application is determined to be in urgent need of assistance, the applicant shall be interviewed immediately.

If the applicant is determined not to be in urgent need of assistance, he/she will be scheduled for a mass screening orientation within two (2) weeks following the date of application. The applicant shall be provided with a list of required documents (document checklist) necessary for the interview.

Factors used in determining urgency of need are:

- (i) No income/resource;

(ii) Renting and there is possibility of eviction because payment of rent is behind.

(iii) Utilities to be discontinued because of outstanding bills.

(2) **Persons Who May Sign Applications.** the adult applicant, the designated authorized representative, or other responsible relatives acting on behalf of an incapacitated adult may sign the application. In the case of couples who do not qualify for AFDC, both parties must sign the application.

When there is a change in grantee-relative and the new grantee-relative is a person who has not signed the current application, a new application must be completed and signed by the new grantee-relative.

If the new grantee-relative is the spouse of the former grantee-relative and signed the current application, no new application is needed.

(3) **Applicant's Rights.** Applicants for and recipients of General Assistance have certain rights which are protected by Federal and Local Policy.

Informing individuals of their rights, and interpreting them as necessary, is a basic part of the application process and each review of eligibility. these include

- (i) Right to apply;
- (ii) Right to a fair hearing;
- (iii) Right to confidentiality;
- (iv) Civil rights.

(4) **Applicant's Responsibilities.** The applicant or a protective payee is responsible to the extent permitted by his physical and mental condition for providing documentation to establish eligibility. Some applicant responsibilities include:

- (i) Verification of applicant's identify and age;
- (ii) Verification of applicant's present address and living arrangement;
- (iii) Verification of the family composition and relationships of persons in the household.
- (iv) Verification of his financial need and eligibility for assistance.

(v) Provision of Social Security Numbers for every member in the assistance unit.

When additional is needed to establish eligibility, the applicant shall be given specific written instructions at the time of interview regarding any information that the applicant is responsible for providing within 5 days from the date of the written request for additional information (APS-77 FORM).

(c) **Delay of Information.** Any time beyond the five days written notice shall be considered a delay on the part of the application. The delay shall be the basis for denial of the application when it appears the applicant is not cooperating in establishing eligibility. The specific reason for the denial shall be clearly stated in the case record and in the notice of denial sent to the applicant.

(d) **Worker's Role.** The Eligibility Speciality (ES) represents the agency in dealing with inquiries, applicants and recipients. The ES must:

(1) Explain the choice of assistance programs available and recommend the program most appropriate to meet the needs of applicant such as Aid to Families with Dependent Children (AFDC), Old Age Assistance (OAA), Aid to the Permanently and Totally Disabled (APTD), Aid to the Blind (AB), General Assistance (GA), Medicaid and Food Stamps.

(2) Assist the applicant to complete and file his/her application within agency policy.

(3) Inform the individual that the agency will reach a decision within thirty (30) days with respect to the eligibility based on the information presented on the application form and that the applicant/recipient is expected to furnish complete and accurate information on all areas covered by the form.

(4) Explain that some factors of eligibility must be verified and explain what the applicant/recipient is expected to provide in the way of verification.

(5) Explain that if assistance is granted, the client must assume the responsibility of notifying the agency of any change which would affect eligibility or the amount of payment within 10 days of the change.

(6) Explain that a number of persons receiving public assistance, as well as a number of rejected applications and terminated cases will be investigated

by the Quality Control staff for an extensive review and verification of data provided in the case record. In signing the application or review the individual agrees to cooperate fully in such an investigation if the individual's name is selected; also, in signing the form, the individual assumes responsibility for accuracy of the information contained.

(7) Explain the necessity for contacting the absent parent to enlist aid in providing support for the children and that income from relatives on a regular basis, whether in the form of cash or income-in-kind, whenever available to a client shall be taken into consideration in determining the amount of assistance.

(8) Discuss certain factors involved in determining eligibility; such as treatment of income, registration with JOBS program, Social Security numbers, and assignment of Child Support. The ES will also discuss additional benefits that may be available to them, such as medical coverage (retroactive also), food stamps and social services.

(9) Furnish information pertaining to the client's right to receive a ten (10) day advance notice on adverse actions and the right to appeal the decisions of the Department of Public Health and Social Services.

(e) **Prudent Person Concept.** The ES shall follow the prudent person concept in determining eligibility whenever consistent with the procedures set forth in the manual.

The prudent person concept refers to the capability of the ES for reviewing and analyzing information provided by an applicant/recipient and accurately deciding that such information is sufficient for making an eligibility determination or that further inquiry in the client's circumstances is indicated. Proper execution of this concept is of critical importance to the successful administration of all programs. By definition, the prudent person must be vigilant, cautious, perceptive and governed by generally sound judgment.

(f) **Duplicate Assistance.** Applicants may apply for assistance from any of the public assistance low income programs, but may receive cash assistance from only one. Anyone receiving GA cash assistance from another state is ineligible for GA assistance from Guam, as long as assistance from that state continues.

(g) **Right to Appeal.** An explanation of the right to appeal any action or failure to act by the Division will be given to each applicant. (See Chapter IV, Section 400, Fair Hearing).

(h) **Cooperation with Investigation and Recovery Office (BMS), Child Support Enforcement Unit (SEU).** Applicants will be advised that the ES must refer the case to the Office of Child Support Enforcement upon approval, and that cooperation of the applicant with the Office of Child Support Enforcement is a requirement for continuing eligibility. Clients will not be required to cooperate when a determination of good cause for non-cooperation is pending or established. The client must submit a written request for a good cause determination to the ES and provide requested verification.

(i) **Client's Responsibility.** It is the applicant's/client's responsibility to report any of the following changes in household within 10 days after the change occurred:

- (i) New address or change in mailing address;
- (ii) New rental amount (increase/decrease);
- (iii) The number of people in the household (if someone moves in or out of the home)
- (iv) Changes in resources;
- (v) Changes in household's income if it increases, decreases or ceases;
- (vi) Changes in utilities or dependent care.

(j) **Non-Discrimination.** No person will be subjected to discrimination (such as race, sex, color, national origin, handicap, age, etc.) for any reason under any program of the Guam Public Welfare Division according to the Federal Rules and Regulations.

The eligibility Specialist must inform applicants and recipients of their right to file a complaint with the Division, the Federal Agency, or both, if they believe discrimination is being practiced.

(k) **Securing Essential Information.** Before approval and at each redetermination, all verifications necessary to determine eligibility must be completed.

Applicants and/or recipients are the primary source of information. If a client is unable to obtain information the ES will assist.

If a third party refuses to supply information without an individual's permission, an Authorization to Release of Information (APS Form) must be signed by the applicant/recipient. Lack of third party cooperation must be verified/documentated.

(l) **Time Limits on Processing.** Applicants must be determined eligible or ineligible within 30 days (no later than 45 days) from the date of application. The applicant must be notified via mail, Notice of Approval or Denial, whichever is appropriate.

(m) **Disposition of Application.**

(1) **Denial.** Applications are denied when:

(i) Ineligibility is established by the department;

(ii) Applicant fails to provide information essential to determine eligibility; and

(iii) The agency loses contact with the applicant before eligibility is determined. Documentation in the case file is necessary.

(2) **Withdrawal.** Applications are withdrawn when the client initiates a voluntary request. The reason for withdrawal must be documented in the casefile.

(3) **Approval.** When eligibility requirements are met, assistance is approved.

§1843. Eligibility Criteria. An individual shall be considered for General Assistance after he/she has applied for the federally funded Public Assistance programs and has been determined to be ineligible.

(a) **Citizenship Requirements.** A recipient must be a U.S. citizen or an Alien lawfully admitted for permanent residence or otherwise permanently residing in the U.S. under color of law (PRUCOL).

The agency shall allow the applicant thirty (30) days to obtain proof of citizenship. After the thirty (30) days and the applicant has not provided the agency with proofs of citizenship the agency shall take action to deny the applicant application for General Assistance.

Verification (Any of the following is acceptable)

(1) Certified copy of birth certificate (U.S. or its possessions)

- (2) Passport
- (3) Certificate of citizenship with official seal
- (4) Certificate of identify
- (5) Voter's registration card
- (6) Naturalization papers
- (7) Vital statistics records from off-island

The agency shall assist the applicant by:

- (i) Providing the applicant with the name and address of the appropriate vital statistics office.
- (ii) Informing the applicant of the fee(s) charged to obtain a copy of the birth record.

The name, address and fees for vial statistics offices may be obtained from the "Where to Write for Vital Records" handout issued by the Department of Health and Human Services. A copy of this handout is on file with certification case managers and district supervisors.

The applicant shall be responsible for mailing the request and appropriate fee(s) to the Vital Statistics office.

(b) **Residency Requirements.** To be eligible for assistance, applicants must be living in Guam with the intention of making Guam their home. applicants must provide verification of residence. Any of the following is acceptable:

Verifications:

- (1) Rent/mortgage receipt
- (2) Landlord Statement
- (3) Guam Driver's License
- (4) Guam Vehicle Registration
- (5) Voter Registration
- (6) Utility Bills/Receipts
- (7) Employer's Statement
- (8) Village Mayor's Statement
- (9) School Records

Applicants must furnish the agency with their Social Security Numbers. The ES shall assist an applicant without

Social Security Number to apply for one at the Social Security Administration.

(c) **Age Requirement.** Applicants must be 18 years of age or older, or an emancipated minor. Any one of the following is acceptable verification:

(1) A birth certificate from Vital Statistics, or from the hospital;

(2) A statement from school records showing the date of birth;

(3) Naturalization Record. The worker should note the naturalization number(s) and the names and birth date(s) of the child(ren) and parents.

(4) Immigration Papers or Government Record of Immigration.

(5) Passport. Record the date issued, full name, and age of the client.

(6) Adoption Decree;

(7) Newspaper Notices. A newspaper clipping is acceptable if it gives the name of the child and parents along with the date of birth.

(8) Marriage certificate;

(9) Court documents verifying emancipation rights.

(d) **Income Requirement.** Applicants must have no income at all to qualify for General Assistance. Income, generally, is any benefit in cash or in kind which is currently available to the individual or is received by him as a result of current or past labor or services, business activities, interests in real or personal property, or as a contribution from persons, organizations or assistance agencies.

(e) **Resource Requirement.** To qualify for General Assistance, applicants must have no resources other than those specifically excluded in Section 300.80 of this manual.

Resources, personal and real properties are counted toward the resource reserve limit for all persons included in the assistance unit. Property of the natural, legally liable, or an adoptive parent, with whom the children are living, is also included in the assistance unit's property reserve. Properties are evaluated at market value less

encumbrances. the following are considered real property: land, houses, mobile homes, and immovable property attached to the land; personal property is all assets other than real property. When the reserve limits are exceeded, the assistance unit is ineligible.

Client is representative payee or legal guardian for managing someone else's funds. These funds are not included in the client's personal property reserve when they are kept in an account separate and apart from the client's monies and can be identified as being received and designated for someone other than the client.

(f) Types of Personal Property.

(1) Cash on hand

(2) Stocks, bonds, notes, mortgages and deed of trust. Evaluate at current retail market value less encumbrances.

Verifications:

Stock report

Copy of bond or maturity schedule

Copies of receipt

Copy of the note, mortgage or deed

(3) Checking and/or Savings Accounts. Any amount in the accounts is considered a resource.

Verifications

Copy of current bank statement

Copy of bank passbook/checkbook.

(4) Life Insurance. If client is the owner of a policy, the cash value is applied to the property reserve.

Verifications

Insurance policy

Written statement from the insurance company

(5) Vehicles. Applicants are allowed on vehicle regardless of the value. The equity value of any additional vehicle is counted as available resource.

Verifications

Client's statement regarding the number of vehicles owned, ownership status and availability is acceptable.

Possible sources of verification are:

Kelly Blue Book

Copy of Bill of Sale

Copy of vehicle registration

Estimate from auto dealer

Cars not in the Kelly blue Book, worker's assessments.

Transportation Records Management System (TRIMS)

(6) **Farm Machinery/Equipment.** the wholesale value of machinery and equipment is placed in the property reserve.

Verification

Written dealer's estimate

Written estimate from agricultural agent

(7) Trust Funds. Trust funds are referred to the Attorney General's Office for a decision on availability.

(8) Individual Family Grant (IFG)

(9) Income Tax Refunds

(10) Other Real Property. Any property, other than that where the family resides will be considered a resource.

Verifications:

Signed and dated statement from a licensed real estate broker.

Tax lists.

Copy of mortgage papers

Copy of deed

Certificate of Title.

(11) Lump Sum Income (Earned and Unearned)

(i) Payment in the nature of a windfall, such as, but not limited to, lottery winnings, inheritances, poker winnings, etc.

(ii) Personal injury awards, workman's compensation awards (to the extent it is not earmarked and used for the purpose for which it is paid, i.e. monies for back medical bills).

(iii) Social Security retroactive payments, and other retroactive monthly benefits.

(g) Excluded Property.

(1) Clothing, personal items, furniture, household equipment, food for personal use.

(2) One vehicle, regardless of value, is excluded as a resource. Any additional vehicle is counted as available resource.

(3) One burial plot and one funeral agreement per family member.

(3) Real Property is excluded when the property is a home, including any surrounding land in which a client lives and owns. Land is contiguous to the home when not separated by property owned by another person.

(h) **Transfer of Resources.** The applicant/recipient shall not have transferred property with intent to qualify for assistance.

(i) **Job Search Requirement.** GA recipients between the ages of 18 and 54 who are able bodied and not receiving food stamp benefits shall be required to comply with the Job Search requirements.

(1) **Initial Application.** Upon initial application, applicant must show proof that he/she had satisfied the following requirements

(i) Applicant shall be registered with the Department of labor and,

(ii) He/she has sought employment from a minimum of three prospective places of employment immediately prior to scheduled interview.

(2) **On-Going.** In order to satisfy the requirement of seeking work, an eligible individual in the GA program shall furnish to the Department, a minimum of one written statement per week from prospective employers substantiating his/her attempts to obtain employment. In addition, each eligible individual shall be required to visit the Department of Labor on a

monthly basis to inquire into employment opportunities and to maintain active employment registration status.

Applicants/Recipients may be permitted to obtain verification of employment search through use of Department's form. However, other valid written statements from the prospective employer substantiating the recipient's effort to obtain employment, may be acceptable in lieu of the Department's form.

A client shall be afforded a grace period up to two (2) work days in the week following in which to submit Job Search verifications for any given week.

(h) Job Search Exemptions.

(1) 55 years and over and has need for assistance.

(2) Mentally or physically impaired whether temporarily or permanently as medically verified.

(3) GETP participants.

(i) **Non-compliance with Job Search.** A refusal or failure to accept and pursue a referral for employment from the Department of Labor or Department of Public Health and Social Services shall disqualify the individual or in the case a family, the individual and all other members of the assistance household from General Assistance.

(j) Definition of *Good Cause* for refusing job offer or leaving employment/work training.

(1) It is the responsibility of the individual to provide the necessary verification to establish his good cause for refusing or leaving his employment/work training. The Department may contact the applicant/recipient's last employer or prospective employer to corroborate good cause.

(2) Good cause for refusing or leaving employment/work training, when substantiated with written verification or documentation exists when:

(A) The applicant has filed a charge of discrimination against the employer based upon age, race, sex, handicap, religious belief, national origin, or political affiliation, with the appropriate state or federal agencies administering equal employment opportunity practices.

(B) Conditions of employment or training violated health and safety laws or regulations. Such violation must cause actual detriment to the individual's health or safety.

(C) The wages offered were less than or reduced to below the prevailing minimum wage in Guam, or in occupations where set minimum wage has been established.

(D) The applicant has filed a charge with the Department of Labor stating that the conditions or demands of employment violate applicable laws, rules or regulations; and the Department of Public Health and Social Services determines that such charge is valid.

(E) The individual left his job to accept a definite and firm offer of employment elsewhere, as evidence by letter of confirmation, and such employment does not materialize because of circumstances beyond his control. The letter of confirmation must specify the following:

(i) Name of employer and or representative of employer who made the offer.

(ii) Address and/or telephone number of employer.

(iii) Statement of actual job offer.

(F) The resignation of the individual is recognized by the employer as retirement.

(G) The employment of training is beyond the individual's mental or physical capacity, as mutually determined by the employer and individual. If the individual was determined as physically capable of doing the work by the employer, but the individual disagrees, he must provide documentation to verify his physical inability to do the job.

(H) There is severe illness in the individual's immediate family (spouse and children) which requires his presence at home and no other care arrangements were feasible. The existence of such illness subject to the verification of a medical doctor or physician.

§1844. Work Registration. GA recipients between the age 18 and 54 who are able bodied and are receiving food Stamp benefits must work register and participate in the Guam Employment and Training Program.

(a) **Guam Employment and Training Program (GETP)** The Department of Public Health and Social Services, Bureau of Economic Security Administration (BES) implements the Guam Employment and Training Program in conjunction with GES, the Agency for Human Resources Development (AHRD), and Guam Community College (GCC). The program provides employment and training opportunities to recipients who are not exempted from the work registration requirements of subsection (b). The program also provides employment and training opportunities to those recipients who are exempted from work registration volunteering to participate in the program.

(b) **Exemptions from Work Registration.** The following persons are exempt from the work registration requirement:

(1) 55 years or older, has no means of income or resource, and has a need for cash assistance.

(2) **Incapacitated.** A person physically or mentally unfit for employment. If a mental or physical unfitness is claimed and the unfitness is not evident to the ES, verification from a certified physician shall be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist.

(3) **Caretaker.** A parent or other household member who is responsible for the care of a dependent child under age (6) or an incapacitated person. If the child has its 6th birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement by the next scheduled recertification, unless the individual qualifies for another exemption.

(4) **Drug Addicts or Alcoholics.** A regular participant in a drug addition or alcoholic treatment and rehabilitation program.

(5) The GETP may exempt certain work registered individuals to undergo the GETP when one of the following conditions exists:

(6) **Temporary physical/mental disabilities.** Statement from licensed psychiatrist or physician stating the extent and duration of disability at each recertification of disability whichever is earlier.

(7) Pregnancies from the 7th month/high risk pregnancies.

(8) Status changes which become exempt pursuant to 7CFR(b)(1) during participation in component activities. Individual exemptions shall be evaluated at each recertification and exemptions granted to participants should be reviewed annually to determine whether they should be reviewed annually to determine whether they remain valid. However, participants having been determined by a licensed physician or psychiatrist or temporarily exempts shall be reevaluated upon the cessation of such status and be work registered.

(9) With the consent of GETP Coordinator, the ES may exempt from participation individual household members for whom participation is impractical because of personal circumstances such as:

- (i) Lack of job readiness;
- (ii) The remote location of work opportunities;
- (iii) Physical condition; and
- (iv) The unavailability of child care. If a person who is assigned to a component, does commence the component and is determined to have good cause, shall be considered exempted if the reason for good cause will last for 60 days or longer. When the reason for the exemption is not applicable, the person may be placed in a component.

(c) **Agency's responsibilities.** The ES shall register for work each non-exempt household member. Upon reaching a determination that an applicant or a member of the applicant's household is required to register, the ES shall explain to the applicant or household member the pertinent work requirements, the rights and responsibilities of work registered household members,

and the consequences of failure to comply. The ES shall provide a written statement of the above to each work registrant in the household. A notice shall also be provided when a previously exempt member or new household member becomes subject to a work requirement, and at certification. The ES shall permit the applicant to complete a record or form for each household member required to register for employment. Household members are considered to have registered when the registration form is completed and submitted to the ES within 10 calendar days from the date the form is handed to the applicant or household member.

When a person is not exempted from Work Registration requirement, the ES shall be responsible for referring him or her to the Program Compliance and Coordination Unit (PCCU) for referral and placement into the Guam Employment and Training Program.

Upon reaching a determination that an applicant or a member of the applicant's household is require to register, the ES shall explain to the applicant the work registration and Guam Employment and Training Program (GETP) requirements, his or her rights and responsibilities, and the consequences of failure to comply. The ES shall provide work registration forms to the applicant for each household member required to register for employment, and permit the applicant to complete the form for those member. Household members are considered to have registered when an identifiable work registration form is submitted to the ES. An identifiable form shall contain those items necessary for entry into the GETP. The necessary information include: applicant's name, address, phone number, GA benefit amount, village, social security number (or some other identifying number when a social security number is not available), the expiration date of the household's certification period, and indication of exemption from GETP and other information agreed upon by the Agency and GES in their operation agreements. The Agency and GES must agree before any information in the last category can be specifically required. The Agency shall not forward work registration forms to GES until the household is certified, so that GES will not have to expend unnecessary efforts on applicants who are subsequently denied rather than certified for GA program. The ES shall forward completed EW-511 to the GETP Coordinator within 24 hours of the time the household has been certified as eligible for benefits, for referral to GES.

The ES shall be responsible for notifying the GETP Coordinator of those work registrants who become exempt from the work registration requirement subsequent to registration, are no longer certified for participation in the Program, or move from the area. Such notification shall be provided to the GES office within a reasonable timeframe established and agreed on by both agencies, but not to exceed 30 days from the date the change becomes known to the Agency. The Agency shall also notify GES promptly of a change in address if the ES becomes aware that a work registrant has moved from one location to another within the same jurisdiction.

(d) Work Registrant Requirements.

(1) Registrants shall participate in an Employment and Training Program is assigned;

(2) Respond to a request from the Agency for supplemental information regarding employment status or availability for work;

(3) Report to an employer to whom referred by the GETP if the potential employment meets the suitability requirements described in Section 406;

(4) Accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable Local or Federal minimum wage.

(5) Additional work registration requirements. Work registrants shall also:

(i) Report for an interview upon the reasonable request of GES.

(ii) Respond to a request from GES for supplemental information regarding employment status or availability for work;

(iii) Report to an employer to whom referred by GES if the potential employment meets the suitability requirements of Section 406;

(iv) Accept a bona fide offer of suitable employment to which referred by the Employment Service Office; and

(v) Continue suitable employment to which referred by GES. Household members shall continue such employment until it is no longer considered suitable, until they are terminated from employment due to circumstances beyond

their control, or until they become exempt from the work registration requirement as provided in Section 402.

(e) **Guam Employment Service (GES) Review.** If a work registrant believes that a GES determination is improper, review of the determination may be obtained from a designated GES official not involved in the original determination. For example, if the work registrant believes he or she has been improperly assigned to a component category or assigned an improper number of job search contacts, or that an action which should have been counted as a contact was not, a review may be obtained.

(f) **Sanctions.** Persons required to register for work shall be subject to the GETP requirements. Failure to comply with the Work Registration or GETP. Program Requirements shall result in disqualification to receive GA benefits for a period of two (2) months.

If the GETP Coordinator determines that an individual other than the head of household has refused or failed without good cause to comply with the requirements imposed by the GETP and by the Good Stamp Work Registration requirements, that individual shall be ineligible to participate in the GA program for a period of two months and is treated as an ineligible household member.

If the Head of household fails to comply, the entire household is ineligible to receive GA benefits.

Ineligibility shall continue either until the member who caused the violation complies with the requirement, leaves the household, becomes exempt from work registration through Section 402 other than through the exemptions of Section 402.12 or the two months disqualification period had been served, whichever occurs earlier.

In a household with no principal wage earner, the individual designated as head of household at the time of work program violation continues to be considered head of household, rather than letting the household make a redesignation after the violation occurred.

A household determined to be ineligible due to failure to comply with the provisions of work registration or the GETP may reestablish eligibility if a new and eligible person joins the household as its head of household.

If any household member who failed to comply joins another household as head of the household, that entire new household is ineligible for the remainder of the disqualification period. If the member who failed to comply joins another household where he/she is not head of household, the individual shall be considered an ineligible household member.

The Agency should determine whether good cause for the non-compliance exists. Within 10 days of the GETP determination that the noncompliance was without good cause, the individual or household shall be provided with a Notice of Adverse Action.

The Notice of Adverse Action notification shall contain (a) the particular act of noncompliance committed, (b) the proposed period of disqualification and (c) specify that the individual or household may reapply at the end of the disqualification. Information shall also be included on or with the notice describing the action which can be taken to end or avoid the sanction.

The disqualification period shall begin on the first month following the service of the adverse notice period, unless a fair hearing is requested.

The GETP Coordinator shall be responsible for taking appropriate sanction action within ten working days should the individual not comply.

The GETP Coordinator must ensure that GES notifies the Agency within 10 days if an GETP mandatory participant fails to comply with the requirements of the program.

(g) **Ending Disqualification.** Following the end of the 2 month disqualification period for noncompliance with the work registration or GETP requirements, participation may resume if a disqualified individual or household applies again and is determined eligible; or

If a person is disqualified because of refusal to register to the Work Registration of the household member has complied with the requirement.

When disqualification is due to refusal to respond to request from the agency or GES requiring supplemental information on employment status or evaluation for work, disqualification terminates when household complies with request.

When disqualification is due to refusal to report to an employer to whom referred, such disqualification terminates when household reports to an employer and work is still available or reports to another employer to whom referred.

When disqualification is due to refusal to report to an employer to whom referred, such disqualification terminates when household reports to an employer and work is still available to reports to another employer to whom referred or securing any other employment of at least 30 hours per week but with weekly earnings equal to the federal minimum wage multiplied by 30 hours.

When such disqualification is due to persons failing to comply initially with GETP requirements, such disqualification terminates when the household complies at the second opportunity. If the work registrant fails to comply on the second opportunity, without good cause, and such failure results in disqualification, the disqualification of the household containing the work registrant maybe ended only if the person who caused the disqualification becomes exempt from the registration and the GETP requirements or is no longer a member of the household (although any new household containing this person shall be subject to disqualification for the remainder of the disqualification period), or at the end of two months, whichever occurs earlier. This means, for example, that if the noncomplying household member secures full-time employment and thereby becomes exempt from the work registration requirement before the two month disqualification period is over, the disqualification would end at that point.

(g) **Fair Hearings.** Each individual or household had a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status, or determination of failure to comply with the work registration or the GETP requirements. Individuals or households may appeal the agency's actions such as exemption status, the type of requirement imposed, or agency refusal to make a finding of good cause, if the individual or household believes that a finding of failure to comply has resulted from improper decisions on these matters.

(h) **Participant Reimbursement.** Under the Food Stamp rule:

GA recipients participating in GETP will be allowed to receive a payment for anticipated transpiration costs of \$25.00 for each month during the period of component participation.

Reimbursement assistance for approved dependent care expenses at \$160.00 per dependent per month for each month or component participation will be allowed if such expenses are incurred.

§1845. Recoupment and Correction of Payments.

Recoupment of overpayment and correction of underpayments are applied uniformly throughout the Territory of Guam. The recovery of an overpayment can be waived when it can be reasonably assumed that the cost to collect will exceed the amount owed. Except in fraud cases, the amount of less than \$35.00 will be waived from recoupment to former recipients. In fraud cases the amount will be collected.

(a) **Recoupment of Overpayments.** Overpayment is the amount of difference between what the assistance unit received and what it should have received.

All attempts must be made to recoup all overpayments regardless if the overpayment is a result of IPV or non-IPV.

Recoupment will be made in such a way that available income, resources, and the assistance payment equal to 90 percent of the amount payable to an assistance unit of the same composition with no other income. If recoupment is made from current assistance payment only, 90% of the payment will be made available to client.

Where a former recipient with an outstanding overpayment reapplies and is found to be eligible, the agency must recover the overpayment considering the current income, resources, and assistance payment of the recipient in determining the monthly recovery amount.

All terminated cases with an overpayment must be referred to Investigation and Recovery Unit for collection. The EW shall determine the amount of overpayment and the period the overpayment existed.

All other recoupment cases must be reported to Investigation and Recovery Office (IRO).

For cases in which overpayments resulted due to Intentional Program Violation, refer to Chapter VII, Section 707.12 of this Manual.

(b) **Corrected Payments of Under payments.** Payment of under payments is not considered as income or resources in the month paid nor in the following months.

All under payments must be paid to current recipients.

If an assistance unit has both an outstanding overpayment and an underpayment, the agency may offset one against the other before adjusting the incorrect payment.