THE BASICS ABOUT SANCTIONS

A sanction is a penalty or punishment that results in the loss of cash assistance for a period of time. A sanction can happen when your caseworker determines you are not following your Employment First (EF) self-sufficiency contract or you have not followed other EF rules.

What happens if I am sanctioned?

When you are sanctioned, your family will lose your full ADC check, your EF supportive services (such as child care or transportation), and your SNAP may be reduced or closed. But, you and your children will not lose Medicaid.

How long does a sanction last?

The first time your family is sanctioned, it will last 1 month, the second time you are sanctioned it will last 3 months, and the third time you are sanctioned it will last for 12 months. After a family has been sanctioned three times, any future sanctions will each last for 12 months. After the sanction period ends, you must do an agreed upon activity for one week before your benefits can start again.

The only exception to these time frames is if you become work “exempt” after being sanctioned. If you become exempt, you can ask to have the sanction lifted. Exemptions are discussed further in the following section.

When can I be sanctioned?

Sanctions can happen when a person fails to follow the terms of their contract or when a person does not follow program rules, such as by missing an appointment or quitting a job. You cannot be sanctioned if you have not signed a self-sufficiency contract, which means you cannot be sanctioned before you have established your contract as long as you are negotiating fairly and going to your appointments. For example, you cannot be sanctioned during the time you might ask to have education or job search included in your contract.

What can happen if I do not have a contract?

Although you cannot be sanctioned without a signed contract, your caseworker can close your case during the negotiation period. This could happen if you fail to provide necessary documents, fail to complete and return paperwork, or fail to negotiate fairly. If this happens, you can reapply at any time, start the negotiation process again, and provide the necessary information.

How does a sanction affect my ADC time limit?

You are able to receive an ADC grant for up to 60 months in a lifetime. The months that you are sanctioned are not counted in your 60 months of eligibility. For example, if you are on ADC for 10 months and you are sanctioned for 3 of those months you would still have 53 months left. You do not have to use all of your 60 months in a row. You can go on and off the program until you have used all 60 months.

PREVENTING A SANCTION

What can I do to keep from being sanctioned?

Make sure you understand and follow your self-sufficiency contract. Tell your caseworker right away if you are not able to do one or more of the activities in your contract at any point. If possible, tell your caseworker in advance when you must miss an appointment or work activity. If there is a good reason for your absence (such as illness or a family crisis) ask your caseworker how you can show “good cause.”

What does it mean to have “good cause?”

Good cause means that you have a good reason you did not do the activity. Examples of things that might be considered good cause include sickness, injury, getting arrested, going to court, bad weather, a family crisis, domestic violence, problems with transportation or child care, or being physically or mentally unable to participate. Note that there may be other good cause reasons for nonparticipation not listed here.

The caseworker must give you a chance to establish good cause, but they might not always use the term “good cause.” They may just ask you why you did not do something. Take this opportunity seriously and provide the caseworker with a reason and any documentation or evidence you have to show you have a good reason. Ask your caseworker if this will be enough for good cause.

What if I have a problem that will keep me from doing my work activities for a period of time?

Depending on the specific problem, you may have several options, including renegotiating your contract, asking for an exemption, or “waiving” your ADC grant.

Renegotiating your Contract: This can be a good option if you can do some work activities but not others. For instance, if you have a physical limitation that keeps you from being on your feet, but you can still do seated work, you can ask your caseworker about changing the activities in your contract.

This is also an option if you believe your caseworker is requiring you to do something that is not in your best interest. You can renegotiate your contract at any time. If something changes and you have a plan that will help you move to self-sufficiency, your caseworker must work with you to include the new goals and activities.

Asking for an exemption: If you are having trouble doing your work activity you may be exempt, meaning you can get your ADC check without doing a work activity. Some exemptions include physical or mental incapacity, being needed in the home to care for a disabled family member, or being a victim of domestic violence. If you are unable to do your work activities, ask your caseworker what you must do to be considered for an exemption.

Waiving your grant: If you are not exempt but you know ahead of time that you will not be able to meet the work requirements for a period of time, you have the option of “waiving” your ADC grant for one or more months. Waiving your grant means you will not receive your cash assistance for that time period, you will not be required to participate in work activities, and that month will not count toward your 60-month lifetime limit on ADC.

NOTE: You must ask for a waiver before you receive a check for the month and before your participation becomes a problem. You will need to meet with your caseworker and sign a waiver form. You can choose to begin receiving ADC cash assistance again at any point.

THE SANCTION PROCESS

What must happen before I can be sanctioned?

Your caseworker must:

• Review the activities in your contract to make sure they are appropriate and that you are physically and mentally able to do them.

• Work with you to help correct any problems that keep you from doing the activities in your contract. You have the opportunity to resolve any problems through mediation before you are sanctioned.

• Talk with you to determine if you have good cause or a good reason you could not do the EF activities.

If the caseworker follows these steps and you do not solve the problem or have good cause, they will try to get approval from their supervisor to impose a sanction. If the sanction is approved, you must be notified.
Nebraska Appleseed is a nonprofit organization that fights for justice and opportunity for all Nebraskans. We take a systemic approach to complex issues – such as child welfare, immigration policy, affordable healthcare and poverty – and we take our work wherever we believe we can do the most good, whether that’s at the courthouse, in the statehouse or in the community.

When and how will I be notified of a sanction?
Before you get sanctioned, you must get a notice or letter saying that you are being sanctioned, the reason for the sanction, the rule you violated, the benefits you will lose, when the sanction will end, and what you have to do to have the sanction lifted. This notice must be dated at least ten days before the sanction goes into effect.

Will I receive other EF services while I am sanctioned?
You will not receive other services until the sanction period ends and you and your caseworker agree on the activities that you will do. At that point, you will get any supportive services you need to do the work activity. For example you may get help with child care, transportation, or purchasing a job uniform if you need those things to work.

IF YOU’VE BEEN SANCTIONED
What if I disagree with the reason I am being sanctioned?
You have the right to ask for mediation and/or appeal. You have 90 days from the date of the notice in which to request mediation or appeal, and if you do so within 10 days you may choose to keep your benefits until the mediation or appeal is over. For more information about these options, please see Nebraska Appleseed’s brochure: Basic Questions and Answers about Administrative Appeals.

I was sanctioned in the past and my case closed. Can I reapply?
You may reapply for benefits at any time, as long as the period of the sanction is over. If your case has been closed for less than six months, you will need to lift the sanction before you will start getting ADC cash assistance. You may still get Medicaid for you and your children, no matter what your EF sanction status is.

If my sanction is lifted or my case is reopened, do I still have to do what my caseworker was requiring in the past?
No. You and your caseworker should look at what your needs and goals are now and make a self-sufficiency contract that fits with those needs and goals. For more information, refer to Nebraska Appleseed’s brochure: Basic Questions & Answers about Negotiating Your Employment First Contract.