E. **Noncooperation and Disqualification**

1. **Refusal to comply during the Pre-TANF Program for presumed TANF eligible**

To receive payments through the Pre-TANF Program, JOBS-eligible participants, when appropriate, must work with the Department of Human Services (DHS) in developing and cooperating with a case plan for employment and self-sufficiency activities.

Start the re-engagement process immediately when concerns arise related to participation in Pre-TANF Program case plan activities.

In the re-engagement process, DHS will work to re-engage the participant by identifying and addressing any problems that may be impacting participation.

- The re-engagement process can include modifying the case plan based on mutual agreement between DHS and the participant;
- Offering additional resources to address barriers to participation;
- Consulting with community partners and offering appropriate referrals;
- Reviewing the results of any assessments or screenings that have been conducted;
- Offering the opportunity for additional screenings, including learning needs, domestic violence, alcohol and drug, mental health and physical health if those screenings have not been completed;
- Waiving or modifying program requirements if they put the participant at risk for domestic violence; and
- Making a determination to end the Pre-TANF program based on the participant’s inability to benefit from the program.

SEE **TF-M.12**, “WHAT IS RE-ENGAGEMENT?” FOR DETAILS RELATED TO THE RE-ENGAGEMENT PROCESS.
NOTE

If the re-engagement process is not completed prior to eligibility determination, open the TANF grant without a disqualification and complete the re-engagement process.

Prior to applying a disqualification, a review process must be completed as outlined in detail in Section M of the TANF chapter (TF-M).

A local disqualification review team will confirm:

- That all five of the screenings have been offered in order to identify potentially hidden barriers to participation;
- Review the Service Level to ensure the determination was accurate;
- That prior screenings, assessments or formal evaluations have been reviewed to determine if the participant’s refusal to participate in agreed-upon activities could have been as a result of a previously identified barrier;
- That imposing the disqualification will not impact child safety. Child Welfare must be consulted to determine if there are any risks to children in closing the grant. Documentation in TRACS with each potential disqualification as well as when cash is ended in the case is critical.

If the review team makes a determination that the participant has refused to participate in agreed-upon activities and the disqualification is appropriate, apply the disqualification.

A basic decision notice is needed when disqualifying the participant for refusing to comply with assigned activities during the Pre-TANF Program. The notice must be sent to the participant before the effective date of disqualification.

If the participant is eligible for TANF, open the TANF grant at that point and impose disqualifications as follows:

- Participants determined to be JOBS-eligible will be disqualified per OAR 461-130-0330;
- Participants who are JOBS-exempt and JOBS disqualification, but required to participate in substance abuse or mental health treatment will be disqualified per OAR 461-135-0085;
• Begin disqualification with the effective date for opening the TANF cash grant and start at the level one first month of disqualification (DQ1) if the participant has no prior existing months of JOBS disqualification;

• If the participant already has two countable months at the first level of JOBS disqualification (DQ2), start the disqualification at DQ3;

• If the participant has three countable months at the first level of JOBS disqualification (DQ3), start the disqualification at DQ4;

• If the participant is already at four month of JOBS disqualification (DQ4), the case “opens” with no cash (if the DQ process has been completed). The case will open as a P2/MAA case with a DQ4 N/R and C/D code for one month. The participant must begin the two-week cooperation period before the end of the month or they lose TANF eligibility for two consecutive months (see OAR 461-130-0330);

• If TANF opens on a disqualification of DQ1, DQ2 or DQ3, the participant will be required to participate for two consecutive weeks before the disqualification penalty can be lifted.

SEE SECTION M (TF-M) OF THE TANF CHAPTER FOR MORE INFORMATION ABOUT CONCILIATION AND DISQUALIFICATIONS.

Disqualifications; Pre-TANF, REF, SNAP, TANF Rule
461-130-0330 — Disqualifications; Pre-TANF, REF, SNAP, TANF

Removing Disqualifications and Effect on Benefits Rule
461-130-0335 — Removing Disqualifications and Effect on Benefits

Specific Requirements; Pre-TANF Program Rule
461-135-0475 — Specific Requirements; Pre-TANF Program

Notice Situation; Disqualification Rule
461-175-0220 — Notice Situation; Disqualification

Re-engagement; JOBS, Pre-TANF, REF, SFPSS, TA-DVS Rule
461-190-0231 — Re-engagement; JOBS, Pre-TANF, REF, SFPSS, TA-DVS

2. Noncompliance where TANF eligibility is in question

Do not open TANF with a disqualification for applicants who do any of the following:

• Did not complete the TANF application process;
- Do not return pended eligibility items that were listed on the *Notice of Pending Status* (*DHS 210*) form;

- Withdraw their TANF application.

These applicants’ TANF application is denied (or withdrawn) on the 30\textsuperscript{th} day after they applied.

| ✓ | SEE SECTION F ([PRT-F](#)) OF THIS CHAPTER, *ENDING THE PRE-TANF PROGRAM*, FOR MORE INFORMATION. |
| ✓ | SEE SECTION B OF THE TANF CHAPTER ([TF-B](#)) FOR MORE INFORMATION ABOUT THE APPLICATION PROCESS. |

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**Notice Situation; Voluntary Action Rule**

| 461-175-0340 — Notice Situation; Voluntary Action |

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**Effective Dates; Denial of Benefits Rule**

| 461-180-0060 — Effective Dates; Denial of Benefits |