

CHAMPAIGN COUNTY, ILLINOIS
COMMITTEE MINUTES

PUBLIC AID APPEALS COMMITTEE

Tuesday, May 8, 2007

Brookens Administrative Center, Meeting Room 3

1776 E. Washington St., Urbana

9:00 a.m.

MEMBERS PRESENT: Arnold (Alternate), Babb, Burnison, Weibel

MEMBERS ABSENT: Starwalt

OTHERS PRESENT: Kat Bork (Recording Secretary), Carol Elliott (Cunningham Township Supervisor), Fred Grosser (Cunningham Township Attorney), Deana Landess (Cunningham Township Case Worker), Susan McGrath (Senior Assistant State's Attorney), Emma Shen (Intern at Cunningham Township Office), Appellant #02.54, Ericka Frazier (Friend of Appellant #02.54)

CALL TO ORDER

Weibel called the meeting to order at 9:03 a.m.

ROLL CALL

The Recording Secretary called the roll. Arnold, Babb, Burnison, and Weibel were present at the time of the roll call. Starwalt has previously informed the committee of his inability to attend the meeting, so Arnold served in his capacity as the committee alternate.

APPROVAL OF AGENDA/ADDENDUM

MOTION by Burnison to approve the agenda for the meeting; seconded by Arnold. **Motion carried.**

APPROVAL OF MINUTES

MOTION by Babb to approve the Public Aid Appeals Committee regular session minutes of January 9, 2007; seconded by Burnison. **Motion carried.**

DATE/TIME OF NEXT REGULAR MEETING

The next Public Aid Appeals Committee meeting is scheduled for June 12, 2007 at 9:00 a.m.

PUBLIC PARTICIPATION

There was no public participation.

COMMUNICATIONS

Weibel announced he is working on getting another regular member for the committee and thanked Arnold for attending the meeting.

PUBLIC AID APPEAL FROM CUNNINGHAM TOWNSHIP REGARDING APPELLANT #02.54
Receipt of Evidence from Appellant and Township

Weibel asked if either party had any evidence in addition to the documents included in the agenda packet, which consisted of the notice of appeal filed by Appellant #02.54, the letter from the Cunningham Township Office sent to Appellant #02.54 confirming the receipt of the appeal and setting the date of the pre-hearing conference, and the statements of facts provided by the Cunningham Township Office. Grosser, speaking on behalf of the township, stated he had exhibits and witnesses to present to the committee. Appellant #02.54 stated she did not have any further evidence to present. Weibel asked the township to proceed.

McGrath sworn in Elliott and Landess as witnesses. Grosser questioned Deana Landess (formerly Deana Wilson) as the Cunningham Township Case Worker who was involved in this case. She described her duties and her work with Appellant #02.54, whose most recent application for township assistance began in 2005. Grosser presented Township Exhibit #1, which Landess identified as the application for general assistance that Appellant #02.54 filled out. When the appellant submitted this application, the township sent a packet with an appointment date/time. Appellant #02.54 attended the appointment and provided the information that was needed. The township opened a case and approved the appellant for benefits. Grosser presented Township Exhibit #2, which Landess identified as a notice of general assistance that approved recipients receive. The notice was sent to Appellant #02.54 in August 2005. Grosser presented Township Exhibit #3, which Landess identified as a Workfare assignment from 2005. Appellant #02.54 was assigned to report to Homeworks, the resale shop for Habitat for Humanity. Grosser asked about Appellant #02.54's duties at Homeworks. Landess explained the public aid recipients at Homeworks perform some pricing, cleaning, shelf work, and some general customer service. Grosser presented Township Exhibit #4, which Landess identified as a notice from 2006 about the change in the level of general assistance because the grant amount was increased. Recipients were notified they would be required to complete two additional workfare hours a month because of the increased assistance level. Grosser presented Township Exhibit #5, which Landess identified as a doctor's note provided by Appellant #02.54 stating the appellant was limited to four hours day, no lifting, no prolonged standing, and okay to sit with breaks. Appellant #02.54 was still able to participate in the workfare program. Grosser asked if Appellant #02.54's workfare assignment was made in accordance with the doctor's note. Landess said it was not going to be an issue at Homeworks. Grosser presented Township Exhibit #6, which Landess identified as a revised assignment mailed to Appellant #02.54 indicating the required number of workfare hours per month had increased by two hours. The revised assignment was to continue at Homeworks and complete thirty-four hours a month. Grosser asked if there was any problem with Appellant #02.54 performing the workfare assignment. Landess said Appellant #02.54 indicated she would prefer to stay at the lower grant amount because she felt completing two extra hours a month was the township trying to keep people off of township assistance when the revised assignment was received. Grosser asked if that was a choice the township could offer. Landess said they could not offer that option. Grosser presented Township Exhibit #7, which Landess identified as a termination noticed dated February 15, 2007 that was mailed to Appellant #02.54 when the township did its midmonth workfare check. The township learned Appellant #02.54 has not completed any hours at Homeworks in February. The notice informed the appellant of the termination effective February 28, 2007 with a sanction until June 1, 2007 because no workfare hours had been completed at that time. Grosser asked what occurred in response to this termination notice. Landess said Appellant #02.54 was advised if she wanted to complete the 34 workfare hours in February, then she could do so and provide proof of this to the township. The township could then look at re-opening her case. Appellant #02.54 brought in proof of workfare hours. The timesheet was questionable, but the township did re-open her case and sent her to a new workfare assignment at the Job Club. The change in assignment was because of the questionable timesheet. Grosser presented Township Exhibit #8, which Landess identified as a letter from March 2, 2007 sent to Appellant #02.54 re-opening her case and informing her of the new workfare assignment. Grosser presented Township Exhibit #9, which Landess identified as the revised workfare assignment that was sent with the letter reinstating Appellant #02.54 to township assistance, indicating that the appellant needed to attend Job Club starting in March 2007. Grosser asked what occurred in response to this assignment. Landess said the township

office received several phone calls from Appellant #02.54 because she was not happy about being reassigned. The township office also received calls from an advocate on behalf of Appellant #02.54. The township explained this is the action they had to take. Appellant #02.54 never went to Job Club and called to cancel her update appointment. Appellant #02.54 informed the township that she did not want to go to Job Club and would not be going. Grosser inquired about the questionable Homeworks timesheet. Landess stated Appellant #02.54 had come into the township office on February 28, 2007 at 3:00 p.m. There were several people in the office that witnessed Appellant #02.54 providing signed timesheets. When Appellant #02.54 provided the timesheets she stated the workfare supervisor was not there that day though the signature of the workfare supervisor was on the timesheet as well as that day's date. Appellant #02.54 was in the township office at 3:00 p.m. and the timesheet stated Appellant #02.54 had worked until 3:00 p.m. Landess had called the workfare coordinator who stated she had signed the timesheet a couple of days earlier. The workfare coordinator should not have done this. Landess could not completely verify Appellant #02.54's workfare hours. Grosser presented Township Exhibit #10, which Landess identified as a letter that Appellant #02.54 wrote to Carol Elliott, the Cunningham Township Supervisor, dated March 6, 2007. In the letter, Appellant #02.54 indicated she felt her workfare assignment should not have been switched. Grosser presented Township Exhibit #11, which Landess identified as the termination notice effective March 31, 2007 for not attending Job Club. Landess said Appellant #02.54 never completed any hours at Job Club. Grosser presented Township Exhibit #12, which Landess identified as a letter dated March 19, 2007 written by Elliott in response to Appellant #02.54's letter. Elliott's letter explained who is required to participate in workfare and included some policy pages. Grosser presented Township Exhibit #13, which Landess identified as the appeal filed by Appellant #02.54. Grosser stated he did not have any further questions for this witness. Weibel asked if Appellant #02.54 had any questions for Landess on what was presented. Appellant #02.54 said she would like to be able to speak her side of the story. Weibel indicated the appellant would be given the opportunity to do so.

Grosser questioned Carol Elliott, Cunningham Township Supervisor. Elliott confirmed her responsibilities include administering the township's general assistance program and that the township program includes a workfare program. Elliott described the workfare program, also called the Community Work & Training Program. The program is a requirement of townships to be part of the eligibility requirements under the Public Aid Code. It was instituted in the early 1980's that able-bodied public aid recipients are required to participate in the program to receive township assistance. The program can be applied numerous ways. If a public aid recipient does not comply with this requirement without good reason then aid is terminated and a three-month sanction is applied. During the three-month sanction, the individual is not eligible for township assistance unless the individual becomes unable to work and a doctor provides written verification that the individual is unable to work at all. Public aid recipients who have doctor's statements on file indicating they cannot work at all are exempt from the workfare requirement. Adjustments are made for recipients who have doctor's statements on file concerning partial limitations. Grosser asked who has the authority to decide where a person is assigned to work. Elliott answered both the Case Worker and the Township Supervisor have that authority. Grosser handed Elliott Township Exhibit #12, which Landess had previously identified as a letter from Elliott to Appellant #02.54. Grosser asked Elliott to tell the committee about the letter. Elliott stated she wrote the letter in response to a letter received from Appellant #02.54 stating the appellant was not happy about the change in the assigned workfare location and mentioning her limitations for health reasons. Appellant #02.54 also expressed concerns that she was not given a timely notice about the assignment change. Elliott's response explained that the township was in its rights to take the action it did. Elliott copied all of the doctor's notes that she could find in Appellant #02.54's file and sent them to the appellant to indicate that the township had nothing on file that said the appellant could not work at all. Elliott also copied the relevant General Assistance Manual pages regarding workfare requirements and a page from the Public Aid Code which indicated the township only has to give twenty-four hours notice in reassignments. These were sent with the letter to Appellant #02.54. Grosser asked how much time Appellant #02.54 had been given. Elliott noted the appellant had a month to complete the assignment. Grosser presented Township Exhibit #13, which Elliott identified as the appeal filed by Appellant #02.54 appealing the termination decision on the grounds of changing her workfare assignment and giving her less than twenty-four hours notice. The appeal stated Appellant #02.54

would not have enough time to complete the workfare hours. The appeal was filed in the township office on April 12, 2007. Grosser asked if Appellant #02.54 was indeed given weeks to complete the workfare assignment, which was more than twenty-four hours notice. Elliott confirmed Appellant #02.54 had weeks to complete the workfare hours. Grosser asked how the township office handles an appeal. Elliott explained the appeal was forwarded to the County Board Office and an informal pre-hearing conference (required under the Public Aid Code and the General Assistance Manual) was scheduled. The purpose of the informal pre-hearing conference is to meet in the township office with the case worker and the appellant to discuss what happened. The appellant can produce additional information at that time to support his/her case and the township further explains their rules. An appeal can be resolved at this level. The informal conference is usually scheduled within a week. Grosser presented Township Exhibit #14, which Elliott identified as the letter sent to Appellant #02.54 informing her the appeal had been received and scheduling the informal conference. Grosser presented Township Exhibit #15, which Elliott identified as a letter she wrote dated April 13, 2007 informing Appellant #02.54 that since she filed an appeal in a timely manner, general assistance would continue until the appeal was heard. A general assistance check for April 2007 and a medical card were sent with this letter. Elliott's letter also explained that if the appeal was decided in favor of Appellant #02.54, then the general assistance amount for April 2007 would not need to be returned. If the appeal is decided in favor of the township, then the April 2007 check would be considered an overpayment and Appellant #02.54 would have to repay the township. Grosser asked if the township has adopted the rules and regulations of the Illinois Department of Human Services in its General Assistance Manual. Elliott answered affirmatively. Grosser presented Township Exhibit #16, which Elliott identified as a notice published in the legal section *News-Gazette* indicating that Cunningham Township follows the procedures set forth by the Department of Human Services and any amendments made in the local office. Grosser presented Township Exhibit #17, which Elliott identified as the part of the General Assistance Manual that addresses the Community Work & Training Program requirements indicating that non-exempt clients must accept assignments and cooperate with the Work & Training Program as a condition of eligibility. If a person does not cooperate or accept an assignment, then a sanction is issued along with the termination. Grosser presented Township Exhibit #18, which Elliott identified as the part of the General Assistance Manual that addresses participation requirements and elaborates on how a client would be exempt. Grosser presented Township Exhibit #19, which Elliott identified as a different section of the General Assistance Manual that goes into more detail about exempting a client from searching for work, being available for work, and participating in the Community Work & Training Program. The manual states medical verification from a physician or psychologist is required for any exemption. Grosser asked if the township determined that Appellant #02.54 was required to do the workfare requirements. Elliott answered affirmatively. Grosser asked if Appellant #02.54 ever provided documentation from a doctor stating that she could not work. Elliott said the appellant did not do so. Grosser asked if the Cunningham Township Office followed all its normal procedures and the requirements of the state manual. Elliott stated they did. Grosser had no further questions for this witness and offered Township Exhibits #1 to #19 into evidence. Weibel asked if the appellant had any questions for the witness. Appellant #02.54 had no questions. Grosser stated the township was finished presenting its evidence. The committee accepted Township Exhibits #1 to #19 into evidence.

The committee requested to ask questions of the township's witnesses. Burnison asked if the policy of increasing the required workfare hours because of the increased general assistance amount applied to all clients. Elliott said it did and confirmed the clients did not have the option of continuing to receive assistance at the lesser amount. Elliott stated if someone indicates that they do not want additional money, then the township would question why they do not need the additional money because the township is allowed by the General Assistance Manual to question how someone supports himself/herself. Burnison asked if one workfare assignment was more physically demanding than the other. Elliott said the initial job at Homeworks was more physically demanding than the reassignment to Job Club. Appellant #02.54 asked if she was allowed to ask a question. Weibel said she would have that opportunity later. Weibel requested Elliott describe Job Club. Elliott expressed that Job Club is part of a state agency, the Illinois Employment & Training Center. The purpose of Job Club is to help people who do not have jobs to meet together and try to get support in finding jobs. Landess elaborated that Job Club participants sit in a classroom type environment to learn resume and

interview skills. Participants do mock interviews that are taped and critiqued. Participants are taught how to fill out applications. Job Club also hosts job fairs.

Weibel offered Appellant #02.54 the opportunity to ask questions and present her side. Appellant #02.54 stated that the township has been a blessing for her. She applied for SSI in June 2005 and is still appealing the decision, so township assistance is her only source of money. Appellant #02.54 stated she worked at Homeworks resale store for over a year and a half with no problems. Appellant #02.54 felt she was suddenly under suspicion for faulty time. She stated she has never cheated or fudged her timesheet in any way. Appellant #02.54 said there was proof that she did not cheat on her timesheet, but it was her word. Appellant #02.54 stated Ericka Frazier, who was present, was the individual who drove her to the township office the day in question. Appellant #02.54 claimed the letter switching her workfare assignment was written on the March 2, 2007, but she did not receive it until March 5, 2007. She stated Job Club is Tuesdays, Wednesdays, and Thursdays at 2½ hour days. She said she received the letter on a Monday afternoon and it was less than twenty-four hours notice. Appellant #02.54 objected to being reassigned. She expressed that she understood there are rules, but she felt it was unfair and had a problem being questioned about her work at Homeworks. Appellant #02.54 stated she did not go to Job Club because she felt the reassignment was unjustified based on suspicion.

Babb asked if the appellant was so upset about having the assignment switched that she decided not to go to the new assignment and if she knew that decision would cause her to lose her only income. Appellant #02.54 said she absolutely did and she has no income. Babb asked if the appellant was concerned that she would not be physically able to perform the new assignment. Appellant #02.54 stated she knew that she could not function at Job Club because she has arthritis in her hands. Appellant #02.54 said if she wanted to lie down on a couch and take a break at Homeworks, she was able to do so. At Job Club she would be sitting at a computer and she has no computer skills. Appellant #02.54 said she cannot get a job because then she will lose her appeal for SSI. She stated she understood the protocol and she has been doing that, however, she can't take a job or she is going to blow almost two years that she has worked for SSI. Appellant #02.54 said she cannot sit for very long without being able to stand and felt this would disrupt a class at Job Club. Appellant #02.54 said the principle was that her workfare assignment was switched unfairly.

Arnold asked if the appellant ever talked to Eileen Morris. Appellant #02.54 said she spoke to Morris on the 5th. Morris told her the hours and that Job Club has classes on Mondays and Fridays at 8:00 AM-9:00 AM. Morris offered to help the appellant get the necessary hours done. Appellant #02.54 claimed Landess has called her a liar about the snowstorm. She does not know what the problem is between her and Landess, but there definitely is one. Landess said she never said the appellant was a liar. Appellant #02.54 said Landess never called her a liar, but that she knew the appellant could get to the bus. Weibel asked if Eileen Morris offered to work with Appellant #02.54 to get the necessary hours. Appellant #02.54 answered affirmatively. Arnold asked if there was a conflict between attending Job Club and applying for SSI. Appellant #02.54 said she never thought about it and she would not think so. Burnison stated a number of people on township assistance are in the process of applying for SSI or appealing a decision. A person can apply for Social Security while attending Job Club as a requirement of township assistance. Appellant #02.54 said a person could not get employment until the final decision on SSI is issued. Elliott explained a number of applicants and recipients of township assistance have applied for Social Security Disability and Supplemental Security Income, which are both disability programs. The township keeps track of who has applied or appealed a Social Security decision. The township also tries to separately document a person's disability because the disability application may or may not have evidence of what someone's limitations are. The township requires a separate document if it needs more information concerning a disability. Elliott said if the township has a doctor's statement on file that indicates someone is able to do something, then this is the document the township goes by. Clients have the opportunity to present other medical evidence on whether or not they can do something.

Burnison asked the appellant if it was correct that her decision was to do nothing and not attempt the new assignment in defiance. Appellant #02.54 did not know if it would be called defiance, she sees it as a

principle. She said if she had received a little more notice, she would have taken the new assignment because she needs the money. Burnison pointed out that the appellant has had time to attend Job Club. Appellant #02.54 said when she was terminated from assistance she had no transportation or bus fare. Burnison explained the informal pre-hearing conference was an opportunity to settle the issues of the appeal. Appellant #02.54 said she did not have enough notice. Appellant #02.54 said township was been great and she does not question that they have rules; she just does not see the purpose of changing her assignment. The reassignment notice did not allow her enough time to get reorganized with her schedule. It was a shock to her and she does not deal with changes very well.

Grosser asked if Elliott could address some points the appellant made. Elliott explained the township provides two bus tokens to ride the C-U Mass Transit District for each day the person has to attend a workfare assignment. Elliott noted Appellant #02.54 was reinstated to township assistance. Appellant #02.54 said the township office was closed at 4:00 p.m. on Monday. Elliott stated the township office does not close until 5:00 p.m. and a person can come in at any time to get tokens for the week. A person is not assigned to a location that cannot be reached by bus. Elliott explained that this issue was discussed during the informal conference and Elliott reminded Appellant #02.54 that she could have come to the office to get tokens. Weibel asked how far the appellant has to walk from her house to get to the bus. Appellant #02.54 said the distance was probably about two blocks and it is pretty accessible.

Weibel asked if Appellant #02.54 wished for the person accompanying her to make a statement. McGrath swore in Ericka Frazier. Frazier said she would like to express where this started to go wrong. In her opinion, everything started to crumble when she drove Appellant #02.54 from the Homeworks resale shop to the township office. She stated Appellant #02.54 is not a lazy person. Frazier said she picked up Appellant #02.54 at Homeworks several minutes after 3:00 p.m. It takes six minutes to drive to the township office from Homeworks. Frazier felt Appellant #02.54 was suddenly under suspicion about her timesheets. Frazier said township assistance was working very nicely for Appellant #02.54. She further stated that the appellant has arthritis even though the doctors do not test for it. She said learning new things and typing is very difficult for the appellant. She understands the appellant is stressed out. Frazier said the whole situation is unjustified and Appellant #02.54 does not lie. She should like the committee to look at this whole situation from Appellant #02.54's position. Frazier asked Elliott if the manual says Appellant #02.54 can work in any position, something other than typing and learning new skills. Elliott said she described the Work & Training Program to Appellant #02.54 and the different types of programs within it that an assistance recipient maybe assigned to. Elliott did not believe that she said the appellant could choose her workfare assignment. Appellant #02.54 said in the beginning she was given a choice by another Case Worker on her assignment. She claimed she is not trying to choose her job; she just wants to be able to go into something where she can do it well.

Weibel asked Elliott if general assistance recipients can request to be given a different workfare assignment. Elliott said they can make the request, but it is the decision of the township whether this occurs. Job Club is not a long-term assignment.

Babb asked for the correlation between the timesheet problem and the Job Club assignment. Elliott said the township disputed the timesheet from Homeworks. If there is an issue where the township cannot get the correct amount of hours from a worksite for any reason, then the township can terminate assistance. The possible solutions in this case were to either let the termination stand or allow Appellant #02.54 to be reinstated to assistance and assigned to a different workfare site. The township chose the second option and reinstated Appellant #02.54. The appellant was terminated from general assistance a second time because she refused to complete any workfare hours at the new assignment. The choice of workfare sites for this individual was limited because of her medical limitations.

Landess stated the Homeworks site supervisor confirmed that she had signed Appellant #02.54's timesheet two days early. The termination that this appeal is urging be overturned is not because of the

timesheet. Appellant #02.54 was terminated because she did not attend Job Club and thereby was not complying with the assistance requirements.

Burnison asked if this appeal has any effect upon Appellant #02.54's for SSI. Elliott said SSI is a totally separate process. If the appellant is approved for SSI is that the township will be reimbursed for any overpayment of assistance.

Closed Session Pursuant to 5 ILCS 120/2(c)(4) to Consider Evidence or Testimony Presented in Open Hearing to This Quasi – Adjudicative Body

MOTION by Burnison to enter into closed session pursuant to 5 ILCS 120/2(c)(4) to consider evidence or testimony presented in open hearing to this quasi – adjudicative body. He further moved that the following individuals remain present: the Public Aid Appeals Committee members, the County's legal counsel, and the Recording Secretary. Motion seconded by Arnold. Roll was called. **Motion carried with a vote of 4 to 0.** Arnold, Babb, Burnison, and Weibel voted in favor of the motion. All participants except those specifically mentioned in the motion exited the meeting room. The committee entered into closed session at 9:55 a.m.

The committee resumed open session at 10:09 a.m. All parties returned to the meeting room.

Announcement of Decision

Burnison summarized the committee's deliberation and the decision to find in favor of the township. He commented that Appellant #02.54 refused the workfare assignment with the knowledge that by doing so she would lose the general assistance. The committee saw this as a strong expression of the appellant's opinion of the principles involved. Both the township office and Job Club supervisor, Eileen Morris, were willing to work with the appellant, but she chose not to work with them. Concerning Appellant #02.54's statement that she could not work at Job Club due to arthritis, the opportunity was given to provide a doctor's statement verifying this condition and it was not provided. Cunningham Township did operate within their rules and the law.

MOTION by Arnold to uphold the decision of the township regarding Appellant #02.54; seconded by Babb. Roll was called **Motion carried with a vote of 4 to 0.** Arnold, Babb, Burnison, and Weibel voted in favor of the motion.

APPROVAL OF FINAL DECISION REGARDING APPEAL FROM THE JANUARY 9, 2007 APPEAL HEARING

MOTION by Burnison to approve the final decision regarding Appellant #02.51 from Cunningham Township; seconded by Arnold. **Motion carried.**

The decision was distributed for the committee's signatures.

APPROVAL OF CLOSED SESSION MINUTES

MOTION by Burnison to approve the closed session minutes for January 9, 2007; seconded by Babb. **Motion carried.**

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The meeting was adjourned at 10:15 a.m.

Respectfully submitted,

Kat Bork
Recording Secretary

Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.