

**Subpart E. VERIFICATION PROCESS**

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**CHAPTER 201. GENERAL VERIFICATION PROVISIONS**

**GENERAL PROVISIONS**

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**GENERAL PROVISIONS**

**§ 201.1. Policy.**

*Client as the primary source of information.* Regulations concerning the client as the primary source of information are as follows:

- (1) The client will be the primary source of information in establishing eligibility for financial assistance. As a condition of eligibility the client will be required, to the extent that he is able, to substantiate the information he has provided by documentary evidence or other means as may serve to establish the truth of his statements.
- (2) The worker should keep in mind that, because of age, physical or mental disabilities, language difficulties, and other factors, individuals will have differing capacities for assisting with the establishment of eligibility. The client will always be informed that the help of the worker will be available to him to the extent that it is needed at any point.

**Notes of Decisions**

Parents of an infant and not the infant are required to comply with this section's requirement to supply income information. *Stanley v. Department of Public Welfare*, 535 A.2d 674, 678 (Pa. Cmwlth. 1987).

Petitioner was not entitled to an interim award of medical assistance because she did not comply with the County Assistance Office's verification attempt. *Stanley v. Department of Public Welfare*, 535 A.2d 674, 678 (Pa. Commw. 1987).

It was appropriate for the County Assistance Office to turn down applicant's Medical Assistance application when her husband refused to substantiate information about his income. *Stanley v. Department of Public Welfare*, 535 A.2d 674, 677 (Pa. Commw. 1987).

When the record did not reflect whether the claimant did or did not actually receive the verification request, the court was unable to address the merits of claimant's argument that it was incumbent

upon the CAO to obtain the necessary information from collateral sources since the claimant was unable to verify the information. *Yarbrough v. Department of Public Welfare*, 478 A.2d 956, 957 (Pa. Cmwlth. 1984).

A recipient's failure to provide documentary evidence that her husband did not reside with her does not disqualify her from receiving benefits since 55 Pa. Code § 201.1(1) only requires her to provide such evidence "as she was able" to verify his absence. *Augelli v. Department of Public Welfare*, 79 Pa. Commw. 34, 36, 468 A.2d 524, 525 (1983).

The DPW followed the proper procedures in redetermining a recipient's eligibility since it attempted to communicate with her but was unsuccessful, she did not contact the county assistance office to provide the requested information, and she was given ample opportunity to present her case at a hearing. *Wilson v. Department of Public Welfare*, 409 A.2d 1213, 1214 (Pa. Cmwlth. 1980).

The Executive Director did not abuse his discretion in deciding that the claimant's witnesses and testimony and the lack of documentary evidence were insufficient to provide "other means" for substantiating her claim, and his decision was not a denial of due process. *Burks v. Department of Public Welfare*, 408 A.2d 912, 914 (Pa. Cmwlth. 1979).

Since the duty to demonstrate eligibility is on the claimant, the denial of assistance is proper if the claimant fails to return the information forms concerning the income available to her legally responsible relatives. *Dempsey v. Department of Public Welfare*, 404 A.2d 1373, 1375 (1979).

This regulation is not unreasonable, and the fact that a recipient chose to participate in a program for which she received additional payments that must be accounted for does not change its reasonableness. *Williams v. Department of Public Welfare*, 399 A.2d 1150, 1152 (Pa. Cmwlth. 1979).

#### Cross References

This section cited in 55 Pa. Code § 299.36 (relating to eligibility requirements for SSP-only).

### § 201.3. Requirements.

Conditions of eligibility will be verified at the application interview, and at the time of a redetermination, complete or partial, as specified in § 133.23 (relating to requirements). If the applicant has cooperated in the verification attempt, authorization of assistance will not be delayed more than 15-calendar days from the date of receipt of the application. If the recipient has cooperated in the verification attempt, assistance will continue, as specified in § 133.23(a)(3).

#### Authority

The provisions of this § 201.3 issued under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

#### Source

The provisions of this § 201.3 amended June 11, 1982, effective June 12, 1982, 12 Pa.B. 1820; amended October 4, 1991, effective October 5, 1991, apply retroactively to November 1, 1991, 21 Pa.B. 4643. Immediately preceding text appears at serial pages (128238) to (128239).

### § 201.4. Procedures.

*Eligibility verification.* Eligibility verification will be as follows:

- (1) *Initial contacts.* Requirements concerning initial contacts are as follows:

(i) If the client is unable to obtain the necessary evidence to verify eligibility, the CAO will obtain it from public records, collateral sources and the like. When the collateral contact requires the written consent of the client for release of the desired information, a copy of the authorization to release information form will be used. The authorization to release information form may be used to obtain information from more than one collateral source as required to establish eligibility for assistance and to verify information any time after initial eligibility is established. The written consent of the client, secured on an authorization to release information form, shall be effective to empower any third party to release information requested by the CAO. However, banks and employers are required by section 487 of the Public Welfare Code to provide certain information without client consent upon the request of the CAO.

(ii) The authorization to release information form will only be used in those specific instances when the client is unable to provide the evidence to establish eligibility. The client must consent to the disclosure of information as a condition of eligibility.

(iii) In certain situations, it may be impossible to secure valid substantiation beyond the statement of the applicant on certain eligibility factors. The worker will then make a reasonable decision based on the worker's judgment of the available evidence, that is, the credibility of the person, and the validity of other supporting or conflicting evidence. Initial authorization of assistance will not be delayed more than 15-calendar days from the date of receipt of the application for purposes of verification of eligibility, if the applicant has cooperated in the verification attempt.

(iv) When the evidence a client supplies is inadequate, or is incomplete, inconsistent, or indeterminate in view of other evidence, the worker will inform the client that additional evidence will be required. Together, the worker and client will determine acceptable sources for further evidence. If the evidence provided by the client is still unacceptable, the worker will consult a collateral source of information using a copy of the authorization to release information form when required.

(2) *Collateral contacts.* Use of collateral contacts will be as follows:

(i) Public records, that is, courthouse records, vital statistics, motor vehicle registration and the like and employers and banks for certain information specified in section 487 of the Public Welfare Code may be consulted without requesting or receiving the consent of the client.

(ii) To consult other sources of information, the agency will need the blanket consent of the client (a copy of the authorization to release information form when the collateral contact requires it), whether with social agencies, doctors, hospitals and similar resources, or with relatives or other individuals. It shall be a condition of eligibility for assistance that an applicant or recipient sign an authorization to release information form consenting to

the disclosure of information about the age, residence, citizenship, employment, applications for employment, income and resources of the applicant or recipient which is in the possession of third parties as follows:

(A) The following persons shall sign an authorization to release information form at the times specified:

(I) The applicant, regardless of age, at the application interview.

(II) An individual applied for who is 18 years of age or older and an emancipated minor 17 years of age or younger, at the application interview or within 30-calendar days of the authorization date.

(III) The person, regardless of age, who is the payment name, during the reapplication interview.

(IV) A recipient who is 18 years of age or older and an emancipated minor 17 years of age or younger, during the reapplication interview or within 15-working days of the interview date.

(V) A mandatory budget group member added to an existing budget who is 18 years of age or older and an emancipated minor 17 years of age or younger, within 15-working days of the authorization date.

(B) The information obtained shall be used only in the administration of the PA Program, in accordance with § 105.1(c)(1) (relating to policy).

(C) The person who is the payment name shall sign a form within 15-working days of a payment name change or a name change or after an intercounty transfer is completed.

(D) The form, when signed, becomes a permanent part of the case record, until replaced by a more recently signed form.

(iii) Except in cases of suspected fraud, the CAO shall attempt to notify the applicant or recipient prior to contacting a third party for information about that applicant or recipient.

#### Authority

The provisions of this § 201.4 issued under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

#### Source

The provisions of this § 201.4 amended through April 8, 1983, effective April 9, 1983, 13 Pa.B. 1259; amended October 4, 1991, effective October 5, 1991, apply retroactively to November 1, 1991, 21 Pa.B. 4643. Immediately preceding text appears at serial pages (128239) to (128242).

#### Notes of Decisions

When it is impossible to secure valid substantiation of an eligibility criterion beyond the client's statement, the worker must make a reasonable decision based on the credibility of the client and the validity of other supporting or conflicting evidence. *Fisher v. Department of Public Welfare*, 475 A.2d 873, 877 (1984); reversed 501 A.2d 617 (Pa. 1985).

Where claimant was unable to obtain documentation substantiating his entire work history, but testified to sufficient employment to meet the 48 month requirement of 62 P. S. § 432(3)(i)(H), the Hearing Officer could not deny "chronically needy" status without considering, and making a factual

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determination with regard to the claimant's credibility as required by subsection (a)(1)(iii). *Chatham v. Department of Public Welfare*, 494 A.2d 18, 22 (Pa. Cmwlth. 1985).

**Cross References**

This section cited in 55 Pa. Code § 125.1 (relating to policy); 55 Pa. Code § 133.23 (relating to requirements); and 55 Pa. Code § 167.43 (relating to requirements); and 55 Pa. Code § 299.36 (relating to eligibility requirements for SSP-only).

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