

.07 RCA DCSS Noncompliance

Disqualify a participant when either DCSS or FAA determines both of the following:

- The required participant refuses or fails to cooperate. (See [RCA Deprivation Requirements](#))
- A claim of [good cause](#) is not pending or has been denied.

When disqualifying a participant, the following procedures apply:

- Pending Applications
- Active cases
- RCA EBT Representative
- Compliance and Ending Disqualifications

When the participant refuses or fails to cooperate by the time of approval, do not include that participant in the budgetary unit's needs. Do not include the participant effective the date of the application.

Remove the disqualified participant's needs from the budgetary unit effective the first month possible allowing for [NOAA](#).

Count the participant's income and resources in full when determining eligibility and benefit amount. Review the disqualified participant for possible MA eligibility.

When a participant is disqualified for failure to turn in child support, complete the following:

- Budget the child support for the proper benefit month, when possible.
- An overpayment must be written for all months in which the participant failed to turn in child support.

When a participant fails to keep any DCSS appointment, the local office is advised by DCSS via a DCSS Notice of Noncooperation (CS-203). Complete the following:

- Disqualify the participant and remove them the month after the CS-203 is received allowing for NOAA. When there is not enough time for an NOAA, remove the participant no later than the second month. No overpayment results from the delayed notification. Document the [case file\(g\)](#) regarding why the action was taken for the second month.

- Advise the participants to contact [DCSS Customer Service](#) when one of the following applies:

The participant indicates a willingness to cooperate and requests another legal appointment.

The participant requests to cancel a legal counsel appointment.

NOTE Neither the EI nor the participant can contact the legal counsel offices directly.

- The local office may receive a CS-221 indicating the participant has kept a rescheduled appointment. When this occurs, cancel the proposed disqualification when time permits. When there is a lapse in time between the request and the appointment date, supplements may be requested from the date the appointment was requested.
- When, for any reason, the legal counsel does not grant a second appointment, DCSS notifies the local office. Do not continue to disqualify a participant when a legal counsel appointment cannot be made. In such a situation, compliance is impossible.

The RCA benefit reduction must not result in an increase to NA. AZTECS continues to count the gross amount of RCA before the reduction when there is a noncompliant participant. AZTECS displays the following on UNIN:

- The actual RCA payment amount as AF income next to the PI.
- The reduction amount as SA income next to the noncompliant participant. (See [SA Income](#))

DCSS advises the local office via the Compliance Notice (CS-221) that the disqualified participant has cooperated.

When a participant complies with DCSS before the effective date of the disqualification, do not take the action. Do not take action even when proper notification has already been given. A disqualified participant may comply with DCSS on or after the effective date of the disqualification. In this situation, when the local office receives notification of compliance, complete the following:

- Determine whether the disqualification has been in effect for at least one month. Once in effect, the disqualification must last for at least one full month. Add the eligible participant effective the month following the disqualification month.
- Contact DCSS to verify the status of child support collected for the budget month before completing a budget for any supplement that may be due.
- Authorize supplements for any underpayments caused by the delayed notification of cooperation. When adding the participant to the budgetary unit, remove the [RCA EBT Representative](#) name.