# QUINNAULT INDIAN NATION

NEW OPPORTUNITIES PROGRAM
GENERAL ASSISTANCE

POLICY AND PROCEDURE MANUAL

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I. Program Overview

The general welfare of Indian children, families and communities are best promoted when appropriate state, local and other programs provide necessary social services or available funds to Indian individuals for provision of services or assistance on the same basis as it does to others. To achieve this policy, tribal social service programs will encourage cooperative relationships with federal, state and local programs.

When assistance or services are not available or not being provided by state, local or other agencies, the Quinault Indian Nation New Opportunities Program may be provided to Indian individuals subject to funding availability. A determination will be made by the Coordinator as to what parts of these necessary services or assistance are not available through other resources. Services will be provided in a manner designed to promote personal and family unity, economic and social stability and working toward the attainment of self-sufficiency and self-determination.

The Quinault Indian Nation New Opportunities Program was reviewed, authorized and instituted by the Business Committee on August 28, 1995.

II. Program Purpose, Goal and Authority

a. Purpose

The New Opportunities Program is intended to administer federal and state funding purposes that meet certain specified unmet essential needs of eligible Indians. This program includes direct payment to meet prescribed essential needs to individuals, payment of certain costs directly related to care for adults and provisions of the contractual Joint Training Program Act (JTPA) and/or Western Washington Indian Employment and Training Program (WWIEP).

Unmet essential need is determined by reviewing with each applicant his/her situation, including a determination of the size of the household, income or resources available and the applicable state public assistance requirements for meeting financial need. The basic money amount required to meet certain specified need varies from state to state. Each state has established minimum money amounts for food, clothing, shelter, household supplies, utilities, personal needs and other essential or special living requirements. Payments are intended to meet the cost of basic need items as defined by the standard of assistance for the state in which the applicant or participant resides.

b. Goal

The goal of the New Opportunities Program is to increase self-sufficiency. Each participant must work with the Coordinator to develop and sign an Individual Service Plan (ISP). The plan must outline the specific steps the individual will take to increase independence by meeting the goal of employment. ^25 CFR § 20.301

c. Authority

The “Act of Congress” 25 USC § 13, otherwise known as the “Snyder Act”, passed on November 2, 1921 authorizes the Quinault Indian Nation to provide services and to request the required information.

III. Eligibility

a. Certificate of Indian Blood

All participants must be enrolled members of a federally recognized band of Indians. The documentation must be as evidenced by the following: Tribal Identification Card, Certification of Degree of Indian Blood or written statement from the Tribal Enrollment Office. ^25 CFR § 20.300(a)
b. Residency
The New Opportunities Program is limited to otherwise eligible applicants who reside on the Quinault Indian Reservation, or are enrolled Quinault members who reside within Grays Harbor or Jefferson Counties.  

   i. Each eligibility determination should include a written statement of home visit by the Coordinator, a statement from landlord, a rent receipt or a statement from a neighbor or responsible person in the community with personal knowledge of residency of the applicant or participant.

c. Income and/or Resources
The New Opportunities Program is limited to those applicants who do not have sufficient resources to meet essential needs as defined.  

25 CFR § 203.00(b)

d. Social Security Number
Each applicant must provide a copy of their social security card or documentation showing that an application for a replacement social security card has been made. Once the participant receives the card, a signed copy must be submitted to the program office within 30 days of the application date. Failure to provide the copy within 30 days will result in the application being deemed incomplete and the case closed.

e. Unemployment Insurance
All applicants must apply for unemployment benefits and provide proof of ineligibility.

f. Ineligibility
Any applicant who cannot satisfy the aforementioned eligibility requirements will not be eligible for assistance through the New Opportunities Program, as well as those who:

   i. Are receiving Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI) payments in their own right or whose needs are included in such payments are not eligible for assistance from the New Opportunities Program.  

   25 CFR § 20.109 (c)

   ii. Do not seek and accept available local and seasonal employment, or quit a job without good cause. Applicants, for whom this applies, cannot receive New Opportunities assistance for a period of 60 days after refusing or quitting a job.  

   25 CFR § 20.316 (b), 20.317 (a)

IV. Responsibilities

a. Coordinator Responsibilities
In working with the applicant and/or participant, the Coordinator must:

   i. Advise the applicant of the eligibility requirements and the process for determining need, and should provide a clear explanation of the information that is necessary to establish a basis for eligibility determination.

   ii. Verify eligibility from the documents provided by the applicant. If no determination can be made, the Coordinator shall request that the applicant sign a release of information, which clearly identifies the sources that will be contacted and the reasons for obtaining information from those sources.
iii. Ensure that the applicant is advised of his/her rights under the Privacy Act (5 U.S.C. 552a), the responsibility to immediately report all facts and/or changes in circumstances which may affect eligibility and the penalty for failure to do so.

iv. Recognize expressed or implied needs, other than the request for financial assistance. Further, the Coordinator must be knowledgeable of other services, tribal programs and other community resources, which the applicant may be referred to in an attempt at resolving particular problems. 25 CFR § 20.318 (d)

v. Refer the applicant for professional mental health and/or substance abuse, vocational and educational evaluations if it has been determined that there may be potential barriers.

vi. Reassess the need for continued financial assistance every 90 days. The redetermination shall include a home visit, an estimate of income and resources, living circumstances and household composition and any other appropriate revisions. 25 CFR § 20.305 (a) (b) (c)

vii. Work with participants to maintain contact and to monitor progress. Contact can/may be done through phone, email, office visits, or at the participant’s home. All activities and paperwork will be maintained in a case file. 25 CFR § 20.318 (e)

viii. Treat all participants courteously and in a fair and equal manner.

b. Participant’s Responsibilities
   In working with the Coordinator, the participant must:

   i. Call and make an appointment prior to coming to the office.

   ii. Report all changes of circumstances immediately. Such changes may include, but are not limited to:

       1. Address
       2. Household composition
       3. Employment status
       4. Marital status
       5. Any and all income to household
       6. Other federal, state, or tribal assistance obtained
       7. Medical condition
       8. Court hearing or ruling
       9. Incarceration

   iii. Seek training to become employed

   iv. Attend classes offered by the New Opportunities Program when not currently working or a full-time student (i.e. enrolled in a 12-credit curriculum)

   v. Ensure attendance of required meetings, such as home visits and review of the Individual Service Plan.

   vi. Actively participate in the development of the Individual Service Plan (ISP), any work activity, job readiness workshops, treatment or counseling recommendations, apply for other services, and any other activities as listed in the ISP. 25 CFR § 20.319 (a) (b) (c)
vii. Participate in evaluations of job readiness and/or any other testing required for employment purposes. 25 CFR § 20.318 (d)

viii. Accept available employment for which they are able and qualified to perform. The coordinator will ultimately determine whether the participant is meeting this particular eligibility requirement.

ix. Submit written proof of having actively sought employment in places that are actively hiring. Written proof will be in the form of a Work Activity Log (WAL), due on the 20th of each month. 25 CFR § 20.318 (e)

x. Ensure that all required documents are submitted along with the Work Activity Log (WAL) by the 20th of each month. Required documents may include, attendance verification forms, class schedules, grades and income verifications.

xi. Submit all requested documents within the timeframe stated in the Letter of Notification (LON).

xii. Contact the Coordinator regarding grant checks; participants are not allowed to contact the Quinault Indian Nation Finance Department for any reason.

xiii. Behave in an appropriate manner toward staff and other participants and while participating in any sponsored activities, refraining from physical or verbal harassment, or intimidation. Participants who exhibit such behavior may be required to attend counseling to address the behavior, and the ISP shall be revised to include those counseling activities. (The participant shall be asked to vacate the premises or if necessary will be removed by local law enforcement officials. The Coordinator will complete an incident report when such incidents occur and future entrance to the Program’s offices may be terminated).

xiv. Refrain from intoxication or the use of alcohol, illegal substances, or controlled substances that may affect the client’s ability to make legally binding decisions and representations while meeting with program staff, attending sponsored activities, or participating in work activities. (If this rule is violated, participant will be referred to drug and alcohol counseling and the ISP will be revised to include such counseling.)

V. Requirements

a. Monthly Contact
All participants must maintain contact, on a monthly basis, with the Coordinator. Contact may be via phone, email, office visit, a visit at the participant’s home or submission of documents.

b. Individual Service Plan
   i. An Individual Service Plan (ISP) will be developed by the participant and the Coordinator, with consideration for the participant’s circumstances and contain realistic goals and time frames for completion. This plan will be developed to:

   1. Assess employability and assist the participant in a plan that will help them in becoming self-sufficient 25 CFR § 20.318 (a) (b)
   2. Identify any barriers that may exist and how to rectify those barriers
   3. Identify education, training and employment goals CFR § 30.303 (b)
4. ISP’s will be signed by participant and Coordinator. 25 CFR § 20.318 (f)

   ii. All participants must adhere to the requirements set forth in their ISP.

   iii. If changes need to be made to accommodate the participant’s situation, the ISP may be reviewed to assist in compliance.

c. Home Visit
A home visit will be completed by the Coordinator to establish residency. The Home Visit Statement form will be completed and on file. 25 CFR § 20.105

   i. A home visit will be made within 30 days of initial eligibility determination and at the time of redetermination thereafter. A home visit may also be made if a participant relocates. 25 CFR 20.304 (a), § 20.105 (a)

d. Redetermination
All participants must have a redetermination of their eligibility completed every 90 days, or whenever there is a change in status that affects a participant’s eligibility or amount of assistance. 25 CFR § 20.304 (a) (c)

Redetermination will include the following: an estimate of income, living circumstances and household composition, a home visit and a review of their ISP. 25 CFR § 20.305 (a) (b) (c)

e. GED/Basic Education
Participants who are not engaged in high school, that do not have a high school diploma or GED, must attend GED classes for no less than four hours per week. A GED attendance verification form is to be submitted with the monthly Work Activity Log (WAL).

   i. Failure to submit verification of four hours per week of GED attendance will result in a grant not being calculated. If a class day is missed, proof of employment, medical note, court date or statement of explanation must be provided.

   ii. Those persons over 55 or who have a note from a licensed professional attesting that the participant cannot obtain a GED are exempt from this requirement.

f. Work Activity Logs
All participants, unless exempted, must submit a Work Activity Log (WAL) by the 20th of each month. The WAL is designed as a way for the participant to report their monthly activities in accordance with the Individual Service Plan (ISP). 25 CFR § 20.316 (a)

   i. Failure to submit the WAL, and other required documents, by the 20th of each month, will result in a late grant being issued.

g. Proof of Shelter Cost
All participants must submit proof of shelter costs on a monthly basis along with their Work Activity Log (WAL). Proof of shelter costs may be in the form of a lease agreement, rent receipt or statement from the landlord. Failure to submit the proof may result in the grant being adjusted to deduct the shelter cost (25% of grant).

   i. Participants who have been deemed head of household, and have already had their grant adjusted to deduct the shelter cost, do not have to provide proof of shelter costs.
h. Application for Assistance from other Governmental Programs

   i. All participants who are deemed eligible or potentially eligible for assistance from other programs, including Unemployment, TANF or SSI programs shall be required to concurrently apply for that assistance unless good cause exists, such as physical isolation with sporadic access to transportation, or the intermittent availability of state eligibility specialists, temporarily prevents concurrent application. The Coordinator shall verify that such an application has been made and shall document all action taken by the TANF or SSI office on their determination of eligibility. 25 CFR § 20.302 - 303(b) (c)

   ii. Assistance may be approved only to meet the participant’s needs until other assistance is actually received. If necessary, the applicant should be assisted to apply and meet eligibility requirements for other assistance programs.

i. Failure to Comply

The Program is dedicated to assisting participants to reach the ultimate goal of self-sufficiency, however, disregard for the program requirements is a serious matter and shows a participant is unwilling to commit to change. Failure to comply with any of the above responsibilities shall be sufficient cause to suspend or terminate services, including cash grant payments. The program will adhere to the suspension process as outlined in this policy.

VI. Application and Intake Process

a. Right to Apply

All persons who believe that they may meet the eligibility requirements have a right to make an application for assistance. The applicant shall be provided an opportunity to do so and shall have an eligibility determination completed. Under all circumstances, the applicant’s right to privacy will be a prime consideration in the application process. The Coordinator will have the responsibility for giving prompt attention to all requests or referrals for financial assistance and for taking appropriate action to prevent any unnecessary hardship for the applicant.

b. Method of Application

An application for financial assistance may be made orally, by correspondence or if the applicant is physically or mentally unable to represent himself/herself, by an authorized representative. A simple inquiry about the New Opportunities Program or its eligibility criteria does not constitute an application for assistance.

c. Application Form

All requests, however received, shall ultimately be properly recorded on an application form and signed by the applicant. In situations where it is difficult to obtain a written application on a prescribed form, the Coordinator shall mail the official application form to the applicant at the earliest possible date. No decision will be made until a signed application is received. Written application for services and/or assistance shall consist of no less than the following:

   i. Full legal name and date of birth for all persons within the household
   ii. Applicant’s relationship to the head of household
   iii. Education/Training/Skills
   iv. Social Security number
   v. Marital status
   vi. Tribal affiliation and enrollment number
   vii. Location of residence
   viii. Mailing address
   ix. Availability of resources and income
x. Employability Status
xi. Reason for exemption from participating in work like activities
xii. Cursory of brief initial plan of action
xiii. Person with authority to act on behalf of person
xiv. Application for or referral to state or other programs
xv. Statement of need and signature of applicant
xvi. Date of application
xvii. Eligibility determination/Program signature/Date
xviii. Signed Eligibility and Reporting Requirements Notice
xix. Signed statement regarding the Federal Law Governing Fraud
xx. Signed Authorization to Release Confidential Information
xxi. Signed Privacy Act Statement
xxii. Appeals Statement

d. Reapplication
i. The process for re-applying after suspension or termination will require submissions of a new and complete application. In regards to additional documentation, if the interim has been less than 90 days, the applicant must provide updated information as follows:

1. Residence Statement
2. Unemployment Insurance Eligibility
3. Medical Coverage

ii. If the interim has been more than 90 days, the applicant must provide a completed application and all required documents.

iii. If the applicant was previously terminated from the program, they will not be eligible to reapply for a period of 60 days from the date of termination.

e. Receipt of Application
Applications for assistance may be made at any one of the Program offices, to include the following locations:

- 701 Cuitan Street in Taholah
- QIN Administration building in Queets
- 2700 Simpson Avenue in Aberdeen

i. The applicant must be notified in writing, regarding the status of their application, within 7 days from the date that the application was received and provide reasons for delayed approval or denial.

ii. Pending applications shall not be held beyond 30 days from the date that the application was received.

iii. Financial assistance will be effective from the date that the applicant is deemed eligible.

f. Letter of Notification / Approval

i. Once the application has been reviewed, the applicant will be sent either a Letter of Notification (LON) or Letter of Approval (LOA). The letter will be mailed directly
to the participant. The LON or LOA will state the approval, approval pending further information or denial of services. A LON will be used for all future notifications of adverse program decisions and will be sent certified mail. All LONs will include a copy of the appeal form and information regarding the right to appeal the decision.

ii. Eligible applicants will be notified in the LOA of their monthly payment standard and initial payment amount (if a prorated payment is established for the first month). In the LOA, the applicant will also be requested to schedule an appointment time for orientation which must be conducted prior to the receipt of the first check. The LOA will include a list of any information that the participant must bring with them to orientation, which may include:

1. Proof of High School Diploma or GED
2. A note from a physician requesting an exemption from work like activities and/or GED class (if mentally and/or physically disabled)
3. Proof of enrollment in a college/vocational school, class schedule and funding source (if full-time college student).

iii. If an applicant does not submit the required documentation at the time of orientation, the application will be considered incomplete and no grants will be processed pending receipt.

1. The applicant will be afforded an additional 30 days, from the date of orientation, to provide the required documentation. Failure to do so will result in the application being deemed incomplete and the case closed.

**g. Orientation**

Once the applicant has been deemed eligible he/she will meet with the Coordinator for orientation to include the completion and/or review of the following:

i. Program brochure  
ii. Program & Participant Responsibilities  
iii. Frequently Asked Questions  
iv. Income tax information (Form 4506-T)  
v. Medical Fax form  
vi. Monthly Expense Worksheet  
vii. Food Stamp Application  
viii. Referral to WWIETP/TERO  
ix. Referral to SSA to apply for benefits  
x. Referral for SASSI Assessment  
xi. Individual Service Plan (ISP)  
xii. Home Visit Appointment  

**h. Referrals**

Referral will be made for further services if assessments indicate the need and will be reflected in the Individual Service Plan.
VII. Resources and Income

a. Resources
In determining eligibility, the program shall consider all types of income other liquid assets available for support and maintenance. All earned or unearned income will be counted as income in the month received and as a liquid asset thereafter. Resources are considered available both when actually available and when the applicant or participant has legal interest in a liquidated sum. Liquid assets are those properties in the form of cash or other financial instruments which can be converted to cash, such as savings or checking accounts, promissory notes, mortgages and similar properties. 25 CFR § 20.307 (a) (b)

b. Earned Income
Cash or in kind income earned by an individual through the receipt of wages, salary, commission or profit from activities in which he/she is engaged as a self-employed individual or an employee. Earned income includes earnings over a period of time for which settlement is made at one given time, as in the instance of the sale of fireworks, minor forest products, farm crops, etc. With respect to self-employment, “earned income” means total profit from business enterprise, i.e., gross receipt after subtracting business expenses directly related to producing the goods or services and without which the goods or services could not be produced. Business expenses do not include items such as depreciation, personal business and entertainment expenses, personal transportation, and purchase of capital equipment and payments on the principal on loans for capital or durable goods. 25 CFR § 20.308 (a) (b)

c. Unearned Income
Income from interest; oil and gas and other mineral royalties; rental property, cash contributions such as child support and alimony; retirement, disability and unemployment benefits; per-capita payments not excluded by federal statute; sale of trust land and real or personal property which is not set aside for the purpose of reinvestment in trust land or a primary residence, or if set aside, has not been reinvested in trust land or a primary residence at the end of one year from the date that the income was received. All of the above shall be counted to the extent that they are disregarded by federal statute. 25 CFR § 20.309 (a) (b) (c) (d)

i. Income in-kind contributions occur when shelter and utilities are provided at no cost to the individual or household. In establishing the amount of the in kind contribution, the tribe shall use the amount for shelter and utilities included in the standard, if identifiable, are 25 percent of the standard unless there is evidence provided that the value of free shelter and utilities is less; and CFR § 20.309 (e) (f)

1. The assistance is provided by a state, county or local agency.
2. The reimbursements are received from Housing of Urban Development.
3. The adjustments are made by the Housing Authority.

d. Prorating of Income/Disregards
The program shall prorate income in the following instances:

i. Over a 12 month period recurring annual income received by individuals, such as teachers whose regular employment does not engage them in a year round basis. 25 CFR § 20.310 (a)

ii. Income received by individuals employed on a contractual basis over the period of the contract. 25 CFR § 20.310 (b)

iii. Intermittent income received quarterly, semiannually or yearly over the period covered by the income. The program shall prorate the income unless there is
e. Disregards
The program shall disregard the following from the gross amount of earned income:

i. Federal, State and local taxes
   - 25 CFR § 20.311 (a) (1)

ii. Social Security (FICA)
    - 25 CFR § 20.311 (a) (2)

iii. Health Insurance
    - 25 CFR § 20.311 (a) (3)

iv. Work related expenses, including reasonable transportation costs
    - 25 CFR § 20.311 (a) (4)

v. Child care costs, for children under the age of 6, except where the other parent in the home is not working or is not disabled
    - 25 CFR § 20.311 (a) (5)

vi. The cost of special clothing, tools and equipment directly related to the individual’s employment. All of the above, as appropriate, will be disregarded from self-employment income after deducting costs doing business
    - 25 CFR § 20.311 (a) (6)

vii. The costs of conducting business, for self employed individuals
    - 25 CFR § 20.311 (a) (6)

f. Other Disregards
The program shall disregard the following as income or other liquid assets:

i. The first $2,000 or the state allowable amount of liquid resources available to the household, whichever is less
   - 25 CFR § 20.312 (a)

ii. Any home produce from a garden, livestock, and poultry used for consumption.
    - 25 CFR § 20.312 (b)

iii. Resources specifically excluded by Federal statute.
    - 25 CFR § 20.312 (c)

iv. Funds held in trust, per P.L. 98-64, and distributed as judgment payments per individual per payment. This provision will occur unless the finds are specifically excluded by other Federal status.

VIII. Cash Benefits

a. Standard of Assistance
The state public assistance (Temporary Assistance for Needy Families) standard governing basis conception and special need items which is currently in effect in the state where a New Opportunity Program assistance participant lives will be the basis for exploration and assessment of his/her need
    - 25 CFR § 20.306 (a)
b. Determining and Calculating Payment Amounts

The amount of the monthly assistance payment (unmet essential need) is determined by deducting the household’s net countable income from the total “need” of the budget. After all countable income and resources are considered an assistance payment will be made to the participant in an amount necessary to meet the cost of basic welfare agency of the state in which the participant resides. The program is required to use the state standards in determining the amount of financial assistance in all cases.

Monthly assistance payments will be calculated by the Coordinator by doing the following:

i. Subtracting from all resources

ii. Subtracting the ratable reduction or maximum payment level used by the state

iii. Subtracting an amount for shelter

iv. Rounding the result down to the nearest dollar

v. Calculate a shelter amount as follows

1. The shelter amount must not exceed the amount for shelter in the state TANF standard

2. If the state TANF does not specify an amount for shelter, the Coordinator must calculate the amount as 25 percent of the total state TANF payment

3. If there is more than one household in a dwelling, the Coordinator must prorate the actual cost

4. The Coordinator must make a determination to include the needs of the participant within their household after a careful analysis of the current living arrangement.

5. During the course of analyzing the current living arrangement of the participant, a determination must be made to designate a head of household for payment purposes. The head of household shall be the individual who is responsible for shelter costs and shall be based on verification acquired by the Coordinator through the examination of rent or utility receipts, a home visit, a landlord contact, or tribal housing authority verification. The narrative must explain the method by which the head of household was determined.

6. During the course of analyzing the current living arrangement of the participant, the arrangement is considered to be one of multiple households, the Coordinator is required to prorate the common expenses of shelter, utilities, and household expenses to provide a grant or grants not to exceed state allowance for those shared expenses are less than the state allowances, proration shall be based on the actual amounts.

7. When one or more of the family groups receive TANF, the proration rule shall be applied when computing the New Opportunities assistance grant.
Income from SSI received into a multi-family household, however, shall be exempt from the proration requirement.

8. Unless there is clear evidence to the contrary, the Coordinator will not assume that a non-legal responsible individual(s) residing within the New Opportunities assistance household is contributing to the support of any member of the household included in the assistance payment. The legal relationships between husband and wife, parent and minor child, and guardian and ward will be considered as relationships in which support is implied. The state definitions of emancipation and age of majority will also be used to assess whether a legal relationship exists between household members.

c. Initial Grant Payment
The initial grant payment will be prorated from the date that the applicant is deemed eligible. In prorating this payment, the eligible grant amount for the month shall be divided by the days per month, and then multiplied by the number of eligible days in the initial payment period.

d. Monthly Payment Schedule
The program initiates the grant payment by submitting a check request. The check will be mailed to the participant, unless extraordinary circumstances require pick up of the check and prior arrangements are made. All grant payments will be calculated on a monthly basis for the period specified in the WAL. The processing of all paperwork received by the 20th will begin on the next business day thereafter. Grants processed at this time will be mailed by the last day of the month. The processing of all paperwork received after the 20th will be processed on the 5th of the following month or the next working day thereafter. Grants processed at this time will be mailed by the 15th of the month.

e. Adjustment of Incorrect Payments
When the Coordinator finds that an incorrect payment of financial assistance has been made to a participant, proper adjustment or recovery shall be required, based upon individual need as appropriate to the circumstances that resulted in an incorrect payment. However, prior to adjustment or recovery by the New Opportunities Program, the participant shall be notified of the proposal to correct the payment and given an informal opportunity to resolve the matter. If an informal resolution cannot be attained, the participant is entitled to a written notice of the decision and an opportunity for appeal, if requested. Unless an appeal is requested, the proposed decision shall become final within 20 days after written notice is mailed or delivered to the participant. The Tribe may seek all forms of recourse allowed by law, including garnishment, etc.

i. If an incorrect payment amount is the fault of the participant, or if the determination was made because misleading or incorrect statements pertaining to the application, the funds thus distributed shall be paid back in full before any further assistance will be available to that participant.

ii. If an incorrect payment amount is the result of an administrator error, the funds thus distributed shall be paid back by deducting no more than 25 percent from the participant’s grant each month until the overpayment has been satisfied.

1. In the event that a participant becomes inactive before the amount is paid back, the remaining balance will need to be paid in full before any further assistance will be available.
f. Underpayment
Underpayments may occur as a result of an administrative error or a change in participant circumstances and shall be corrected by payment of the unpaid amount retroactive to the date that the error or change in circumstances occurred. Written notification will be given once an underpayment is detected. An emergency grant may be authorized by the coordinator.

g. Overpayment
Adjustments will be made for recovery when an overpayment becomes apparent. Notice will be sent to the participant. The participant will have the opportunity to discuss the matter and resolve it before adjustments are made.

i. Overpayments are to be corrected by adjustments of the grant payments. Measures will be taken to recover the overpayment in full, going back to the date of the overpayment. The participant will not be eligible for a grant until the overpayment is paid in full.

ii. Should an overpayment be detected after a participant no longer receives grant payments, an agreement will be made for the participant to repay the overpayment directly. In the event the participant fails to enter into such agreement or fails to comply with the terms of such an agreement, the matter will be referred to the Quinault Indian Nation Prosecuting Attorney.

h. Retroactive Payments
In no case shall the program provide retroactive payments for any period prior to the date of application for assistance. 25 CFR § 20.313 (c)

i. Non-Receipt of Grant Check
Payments may be authorized if a participant does not receive a check due to an administrative error. If the check is mailed and is not received, a stop-payment form and a request for a new check will be submitted to the Finance Department. An emergency grant in an amount authorized by the Coordinator may be made to the participant who has not received payment and the amount of the grant deducted from the payment to the participant. If, after receipt of the emergency grant, the participant receives the original, they must contact the Coordinator immediately. Further, if it is discovered that the participant fraudulently reported non-receipt of payment, the participant will be denied benefits until the amount is paid in full and suspended for a minimum of 90 days. The matter may also be referred for prosecution.

j. Assistance While in a Residential Treatment Program

i. The New Opportunities Program will provide for limited assistance payments for participants on a pre-arranged basis, while they are participating in a bona fide state-certified residential alcohol/drug treatment center.

ii. The recommendation for treatment and/or admission into such a facility must be prescribed as part of the Individual Service Plan between the participant and the program.

iii. Participants must complete their treatment successfully as prescribed in the Individual Service Plan, or repay any assistance received while in the treatment center. Limited financial assistance will be allowed up to maximum allowable standards, set by the treatment facility, only under the following circumstances:
1. If the participant has proof of need, they will be allowed to utilize funds only for expenses necessary to maintain the household until his/her completion of treatment, to include:

   a. Rent or lease payment, payable to the landlord, as specified in the rent or lease agreement, or
   b. Mortgage Payment, as specified in mortgage contract, or
   c. Utilities, payable to PUD, or other utility company, or
   d. Water, sewer, garbage, payable to city, tribal or other municipality, as appropriate.

   iv. The Coordinator may exercise the right to make payment(s) of the above household expenses on behalf of the participant, with substantiation (e.g. invoice or utility bill). The Coordinator shall determine who shall handle payments on a case-by-case basis. Adequate accounting will be maintained for all expenses incurred and paid on behalf of a participant.

   v. Participants in a valid residential treatment program, as outlined above, are eligible for a monthly stipend of $50.00 for basic personal needs, if permissible by the treatment facility. Stipend checks will be mailed directly to the treatment facility, in care of the participant, and calculated based upon the participant’s total need, if eligible, and will be deducted accordingly, not to exceed the monthly standard.

k. Assistance While Incarcerated
Applicants and/or participants will not be eligible to receive assistance while incarcerated in any jail or correctional facility and all benefits will be suspended after 30 days of incarceration.

IX. Employment
Participants must provide evidence of efforts to obtain employment. All employable participants are required to seek and accept available employment. Participants will be expected to enroll immediately in local training programs for which he/she might be eligible and be actively involved in planning, developing and implementing a plan designed to promote self-sufficiency and employment. To remain eligible, the participant must provide evidence of satisfactory progress toward searching for and/or attaining employment, attending in training and/or educational programs. A participant who does not comply will not be eligible for assistance.

a. Exemptions from Requirements
The following individuals may be exempt from the above requirements and are considered “unemployable” if one or more of the following criteria are documented in the case record:

   i. Persons under the age of 16 years  
   ii. Full-time students, who are attending an elementary school, secondary school, vocational/technical school or college and are making satisfactory progress.
   iii. Students enrolled at least half time, who are making satisfactory progress and were active participants for at least three months prior to determination/redetermination.
   iv. Persons suffering from an illness, when it is determined on medical evidence or in other sound basis that the illness or injury is serious enough to temporarily prevent employment.
1. If the illness exceeds three months, the participant must be referred to SSA.

\[25 \text{ CFR} \ § 20.315 \ (d)\]

v. Incapacitated persons, when verified by a physician or licensed/certified psychologist, who has a physical or mental impairment which by itself or in conjunction with age prevents the individual from engaging in employment. Assessment must be documentable in the case file.

\[25 \text{ CFR} \ § 20.315 \ (e)\]

1. He/she must be referred to SSA if the disability status exceeds three months.

\[25 \text{ CFR} \ § 20.315 \ (e)\]

vi. Pending examination by a physician or other appropriate professional, persons who, upon documented assessment, are deemed incapacitated because of age, physical disability or mental impairment;

\[25 \text{ CFR} \ § 20.315 \ (e)\]

vii. Caretakers who are responsible for a person in their home who has a verified physical or mental impairment that requires the caretaker to be a household member available to assist.

\[25 \text{ CFR} \ § 20.315 \ (f)\]

1. Documents must be on file that the condition requires the caretaker to be home on a virtually continuous basis and there is no other appropriate household member available to provide this care.

\[25 \text{ CFR} \ § 20.315 \ (f)\]

viii. A parent or other individual who does not have access to child care and he/she personally provided full-time care to a child under the age of 6. Documentation must be on file stating that there is no other daycare option.

\[25 \text{ CFR} \ § 20.315 \ (g)\]

ix. Persons for whom employment is not accessible in a commuting time that is reasonable and comparable with others in similar circumstances (a minimum commuting time of one hour each way).

\[25 \text{ CFR} \ § 20.315 \ (h)\]

X. Education/Training Programs

a. Conditions of Continued Eligibility
The Coordinator shall not disqualify from continued receipt of assistance, a participant who has received assistance for three full consecutive months because the participant is:

i. Attending an institution of higher education that is located outside of the service area, and

1. Participants must provide proof that their domicile is within the service area.

2. If the participant discontinues attendance at an institution of higher education that is located outside of the service area and does not relocate to a residence within the service area they will not be eligible for the program.

ii. Is enrolled in courses, (at least twelve credits) in a study or training program, and

iii. Is making satisfactory progress toward completion, by maintaining at a minimum, a 2.0 GPA, and

1. If the 2.0 GPA is not met for one quarter, the participant will receive a grant on a probationary status for the following quarter.
a. If the 2.0 GPA is not met during the probationary period, then the participant will no longer be exempt from work like activities.

b. The participant can be reinstated under student status once they have completed a quarter on their own, achieving a minimum of a 2.0 GPA, without receiving general assistance.

c. In order to continue receiving assistance, the participant will need to satisfy all aforementioned eligibility requirements.

iv. The program or training can reasonably be expected to lead to gainful employment.

v. The following two educational or training programs are to be automatically exempt from judgments concerning whether or not a course of study is likely to lead to gainful employment:

1. An institution of higher education (as defined for purposes of any program of assistance to students under the Higher Education Act of 1965);

2. A vocational school (as defined for purposes of any programs of assistance to students under the Higher Education Act of 1965).

b. Factors not to be considered

In determining the amount of provided, the Coordinator shall not include consideration of the following:

i. All needs other than those defined as essential including those directly related to the applicant’s status as a student shall not be factors in computing the payment amount. The payment will continue to take only essential needs into consideration.

ii. The amount of any financial assistance received by the individual as a student or trainee. Therefore, all standard forms of student financial aid, including any that may be provided for subsistence are to be disregarded when assistance eligibility is determined.

c. No effect on other eligibility requirements

This section relating to education/training programs does not alter any eligibility requirements for assistance. The eligibility criteria requirement for Indian blood and residency remain intact.

XI. Suspension Process

a. Grounds for Suspension

To remain eligible, the participant must remain in compliance with the agreed upon terms of their Individual Service Plan (ISP) and must provide evidence of their monthly activities. If the participant fails to adhere to their ISP, a Letter of Notification (LON) will be sent, notifying them of the issues that must be corrected within 30 days.

i. Reduction of Suspension

The suspension period may be reduced by 30 days when the participant shows that they have become compliant with the terms of their Individual Service Plan (ISP).
b. **Notification of Suspension**  
Failure to correct the issues within the 30 day period will result in a Notification of Suspension being sent to the participant via certified mail.

c. **Length of Suspension**  
The suspension period will be a minimum of 30 days but no longer than 90 days. The suspension period(s) will be assigned out as follows:

i. A minimum of 30 days for the 1st compliance issue

ii. A minimum of 60 days for the 2nd compliance issue

d. **Termination**  
If the participant does not become compliant with the terms of their Individual Service Plan (ISP), after 90 days of non-compliance the case will be closed. A LON will be sent notifying the participant that the case has been closed. An appeal can be requested (see Section XIII, Appeal Process).

XII. **Frauds**

a. At the time of the application, the applicant must sign an acknowledgment that they have been informed of the Federal Law Governing Fraud, which states:

> “Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willingly falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or documents, knowing the same to contain false, fictitious, or fraudulent statements or entry, shall be fined not more than $10,000.00 or imprisoned for not more than five years or both.”

b. By signing the statement, the applicant agrees to supply information regarding resources and income, notify of any changes in their situation, and allow the program to obtain information necessary to establish eligibility for assistance.

c. Once the fraud has been discovered and the overpayment calculated, a LON will be sent to the participant informing them that they will no longer be eligible for assistance pending repayment of the funds that they were ineligible to receive.

d. The participant must respond within 10 working days in order to make arrangements for repayment of the funds.

e. Failure to respond and make arrangements for repayment will result in the matter being referred for prosecution.

XIII. **Appeal Process**

a. **Right to Appeal**  
The Quinault Indian Nation has an interest in assuring its program is administered, implemented and enforced non-discriminatorily and consistent with basic principles or justice and fairness. To that end, all applicants, or recipients of assistance, have the right to appeal all decisions made by the program that affect services or assistance provided to the applicant or participant.
b. Ineligibility for Services, Assistance or Adverse Decisions
When the program determines that an applicant is not eligible for assistance or a decision has been made that directly affects the services provided to a participant, the program shall provide the applicant or participant with a Letter of Notification (LON). The LON shall be mailed to the participant’s last known address within 10 working days from the date of the decision. The LON shall also inform the participant of their right to appeal and shall contain an appeal form.

c. Appeal to Program Manager
   i. If the applicant or participant disagrees with the program’s decision they may request an administrative review of the decision by the Program Manager.

   The request must be addressed to the Program Manager, in writing and must be made within 10 working days from the date of the LON. The written request shall be signed and dated and contain the following information:
   1. The nature of the decision; and
   2. Why the person adversely affected by the decision disagrees with the decision, action or finding;

   ii. Upon receipt of the written request for review, the Program Manager will review the case and render a decision. The applicant/participant will be notified in writing and advised of their right to administrative review by the QIN Court, if they disagree with the decision.

d. Appeal to QIN Court
The decision of the Quinault Indian Nation Court shall be final and not subject to further review by the Business Committee or any other agency or person unless further review is authorized by Federal law.

XIV. Confidentiality

a. The program will restrict the use and disclosure of information and records about participants receiving benefits. All information obtained regarding a participant will be held in the strictest confidence. Except where provided by law, administrative rule, as ordered by a court of competent jurisdiction or under the program’s plan, information about the participant may not be disclosed to an outside person or agency. Such information and records include, but are not limited to, any information that contains the client’s name or any identifying symbol.

b. Information or records may be released if:
   i. Requested by the participant or disclosure is made with the participant’s prior written consent.
   ii. Requested by another agency for a purpose compatible with the purpose for which the information was collected. (For example, dual eligibility).
   iii. Requested by formal action of the Quinault Indian Nation’s Business Committee.
   iv. Where a person petitions for review of the Program Manager’s adverse decision.
   v. To a requesting person or agent upon a showing of compelling circumstances affecting the safety of an individual participant, if upon disclosure, notification is transmitted to the last known address of the participant.
   vi. The program staff suspects or has knowledge of child abuse, as required by Law.
DEFINITIONS

Appeal means a written request for correction of an action or decision of a specific program decision.

Applicant means an Indian individual by or on whose behalf an application for financial assistance and/or social services has been made.

Application means the written or oral process through which a request is made for financial assistance.

Authorized Representative means a parent or other caretaker relative, conservator, legal guardian, foster parent, attorney, paralegal acting under the supervision of an attorney, friend or other spokesperson duly authorized and acting on behalf or representing the applicant or participant.

Case means a single type of assistance and/or service provided to an individual or household in response to an identified need which requires intervention by social services.

Domicile means somebody’s place of residence: somebody’s true, fixed, and legally recognized place of residence, especially in cases of prolonged absence that require them to prove a continuing and significant connection with the place.

Employable means an eligible Indian person who is physically and mentally able to obtain employment.

Essential Needs means shelter, food, clothing and utilities.

General Assistance means financial assistance payment to an eligible Indian for essential needs.

Head of household means a person in the household that has primary responsibility and/or obligation for the financial support of others in the household.

Household means person living together who may or may not be related to the “head of household”.

Indian means any person who is a member of an Indian tribe.

Indian tribe means an Indian of Alaska Native tribe, band, nation, pueblo, village, or community which is recognized as eligible for the special programs and services provided by the United States because their status as Indians.

Individual Self-sufficiency Plan (ISP) means a plan designed to meet the goal of employment through specific action steps and is incorporated within the case plan for the general assistance participant. The plan is jointly developed and signed by the participant and Coordinator.

Need means the deficit after consideration of income and other resources necessary to meet the cost of essential and special need items.

Recipient means an eligible Indian receiving financial assistance or social services under this part.

Resources means income, both earned and unearned, and other liquid assets available to an Indian person or household to meet current living costs, unless otherwise specifically excluded by federal statute. Liquid assets are those properties in the form of cash, such as savings or checking accounts, promissory notes, mortgages and similar properties, and retirements and annuities.
Service area means a geographic area where financial assistance and social services programs are provided. Such a geographic area can include a reservation, near reservation, or other geographic location.

Temporary Assistance for Needy Families (TANF) means one of the programs of financial assistance provided under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

Unemployable means an eligible Indian person who is physically and/or mentally unable to obtain employment.