



## MFIP & FSS Employment Sanctions

### What is a sanction?

When you are sanctioned, all or part of your MFIP or FSS is taken away. Your employment counselor can sanction you if you don't do something you are supposed to. Like following your employment plan (EP), turning in papers they ask for, missing meetings, or not going to school if you are under 18.

When you get an employment sanction, your MFIP or FSS is cut by 10%, 30%, or 100%.

This fact sheet gives information about employment sanctions. But you can get sanctions 2 other ways:

- You have to go to an MFIP orientation when you start getting MFIP. If you don't go, your county can sanction you.
- Your child support worker can sanction you if you are not cooperating. Your sanction starts at 30%, and your Medical Assistance (MA) closes.



For more information or help with a sanction call Legal Aid.

### How does an employment sanction happen?

You get a Notice of Intent to Sanction (NOITS) from your job counselor. This means they are warning you that you might be sanctioned. The NOITS tells you what you need to do to avoid a sanction. If you don't do these things within 10 days, your job counselor tells the county to sanction you.

Then the county sends you a notice called a Notice of Adverse Action. This tells you the date your sanction starts and how much money they are taking away.

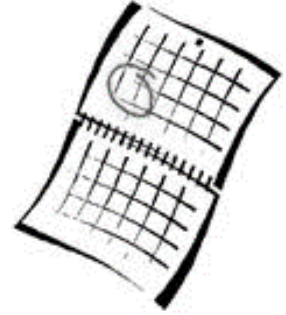
If you qualify for FSS, the county can't send the Notice of Adverse Action unless your job counselor has a current letter from a medical or mental health professional saying that you are able to follow your plan. The job counselor has to try to meet with you face to face before the county can send the Notice of Adverse Action. If you can't meet, the job counselor or someone designated by your job counselor has to try to visit you at home at least once.

### How long does a sanction last?

It depends on when you do the things that your job counselor wants you to do. If you wait until the last 10 days of the month, your MFIP is cut for an extra month.

If you do the things done that your job counselor wants you to do **before** the last 10 days of the month, you should get your normal MFIP on the first of the next month.

If you are in a 2-parent household and both parents are in sanction, the grant won't go back to normal until both parents have done what the job counselor asks.



### **What should I do when I get a NOITS? Can I avoid the sanction?**

The NOITS should tell you what the problem is and how to fix it before you are sanctioned. You should have at least 10 days. If the NOITS is not clear about what you have to do or doesn't give you 10 days to fix things, appeal right away and call Legal Aid. Appeal instructions should be attached to the NOITS. See our fact sheet [Benefits Appeals to DHS](#).

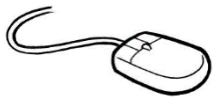
### **Is there anything else I can do?**

You have the right to meet with your job counselor before you are sanctioned. This is called a conciliation conference. Send something in writing to your job counselor asking for a conciliation conference.

If your job counselor doesn't get back to you, call Legal Aid.

**Your deadline to appeal does not change while you are waiting for a conciliation conference.** You can try to fix things at the conciliation conference, but you should get your appeal in too.

You can [fill out a form and submit your appeal](#) online. Go to: <https://mn.gov/dhs/>.



- Click on the "How do I" box towards top of page
- Under "Find" click on "edocs and forms"
- Click your language
- Type 0033 in the search bar

There are instructions also if you want to read those. Read the form carefully, fill it out completely and click "Submit" on the bottom right. It is a good idea to print a copy for yourself.

### **I can't fix this in 10 days. Now what?**

Appeal right away. Appeal within 10 days of getting the Notice of Adverse Action from your county, or before the first of the month you are scheduled to lose benefits. If you appeal within this time, AND ask to not be sanctioned, the judge won't sanction while they are deciding your case. You also have to ask that they don't lower your benefits while you are waiting for an appeal hearing. If you lose your appeal, you have to pay back the sanction amount.

You can appeal within 30 days after the Notice of Adverse Action, but if you appeal after the sanction starts, you won't get your money back unless you win. The NOITS has appeal information attached to it.

## **I can't fix this because I can't do what my job counselor is telling me to do.**

If you can't do the activities on your plan because there is something going on in your life which makes it impossible, tell your job counselor, appeal and call Legal Aid. There are many reasons why you may not be able to follow a regular employment plan. Your job counselor can work around these.

Some of these reasons are:

- you or a household member is disabled
- you or a household member is a victim of family violence
- you have court-ordered activities you have to do
- you are constantly going to your child's school because of your child's health or behavior
- you have a learning disability which makes it hard to find or keep a job
- you are homeless, living in a shelter, have had a utility shut off, have a shut off notice, or are being evicted.
- There are also common-sense reasons, called "good cause." These are things like you lost your childcare or transportation or you had a family emergency.



For more details see our fact sheet [Family Stabilization Services \(FSS\)](#).

**If you are already sanctioned** but had good cause for not doing what your job counselor wanted, talk to your counselor about how to prove your good cause. You should get your full MFIP all the way back to the first month in which your good cause existed. If the county won't pay this, call Legal Aid.

If your job counselor doesn't agree that you have a good reason for not doing all the things in your Employment Plan, call Legal Aid.

## **What happens if I have 7 months of sanctions?**

7 months of sanctions could be one sanction that lasts for 7 months or 7 different sanctions lasting one month each. When you get to 7, these things happen:

- Your MFIP case closes.
- You have to contact your job counselor and figure out how to make things right.
- Your case stays closed for at least 1 month or until you fix things, whichever comes last.
- You have to reapply for MFIP.

Before putting you in 100% sanction, your job counselor must follow certain procedures, including trying to meet with you. They must also go back and look at your other sanctions and make sure all the sanctions were for a good reason. Even if you missed your appeal deadline back then.

## What if there are 2 parents in the home?

If you are in a 2-parent household and both parents are in sanction, you don't get 2 sanctions per month. But if both parents are sanctioned at different times, they can be added together to get you to a 7-month sanction. You won't get your full benefits back until both parents cooperate or show good cause.

## Can a sanction keep me from getting benefits beyond 5 years?

There is a 60-month limit for MFIP. If you have certain things going on in your life you might be able to get MFIP for more than 60 months. See our fact sheet [Getting MFIP After the 5 Year Limit](#).

**Beware:** If you are in sanction during your 60th month of MFIP, you will not be able to get any extensions unless you can convince your job counselor to erase that last sanction. This is very hard to do.



**Fact Sheets are legal information NOT legal advice. See a lawyer for advice.**

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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