Rhode Island

Department of Human Services

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

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Rules and Regulations

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1000 GENERAL INFORMATION

1000.01 Introduction

The Federal Food, Conservation and Energy Act of 2008 changed the name of the federal Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP). As a result, the name of the Food Stamp Program in Rhode Island has been changed to the Supplemental Nutrition Assistance Program (SNAP). Any references in the Rhode Island General Laws or the Department of Human Services Code of Rules to the Food Stamp Program or Food Stamps shall be a reference to and deemed to be applicable to the Supplemental Nutrition Assistance Program (SNAP).

Rhode Island's SNAP Program help low-income residents and families buy the food they need for good health. Benefits are provided on an Electronic Benefit Card (EBT) that is used like an ATM card and accepted at most grocery stores.

1000.05 *(7 CFR 271.2)* GENERAL USES FOR SNAP BENEFITS

SNAP benefits are designed for use by participants to purchase eligible foods. "Eligible foods" mean (1) any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption, and (2) seeds and plants to grow foods for the personal consumption of eligible households.

Another person may be designated by the household to purchase the food.

Households are not required to have cooking facilities or access to cooking facilities to participate in the program.

1000.10 *(7 CFR 271.2)* SPECIAL USES FOR SNAP BENEFITS

Although SNAP benefits were originally intended for use by eligible households to purchase food for home consumption, certain households have been authorized to use their SNAP benefits to obtain prepared meals or to facilitate their obtaining food. These authorized special uses for SNAP benefits are delineated in Sections 1000.10.05 through 1000.10.35.

1000.10.05 *(7 CFR 271.2)* Communal Dining

Eligible Household Members

Eligible household members 60 years of age or over, or Supplemental Security Income (SSI) recipients, and their spouses may use all or any part of the SNAP benefits issued to them to purchase meals prepared especially for them at communal dining facilities authorized by the Food and Nutrition Service (FNS) for that purpose.
Types of Facilities

Communal dining facilities include senior citizens centers, apartment buildings occupied primarily by elderly persons or SSI households, public or private non-profit establishments (eating or otherwise) that feed elderly persons or SSI recipients, and federally subsidized housing for the

elderly. It also includes private establishments which contract with an appropriate state or local agency to offer meals at concession prices to elderly persons or SSI recipients, and their spouses.

1000.10.10 *(7 CFR 271.2)* **Meals on Wheels**

Eligible household members 60 years of age or over and their spouses, and household members living with a disability, and their spouses to the extent that they are unable to adequately prepare all their meals may use all or part of the SNAP benefits issued to them to purchase meals from a non-profit meal delivery service which is authorized by FNS as a retailer or which has a contract with the State agency.

1000.10.15 *(7 CFR 271.2)* **Addicts and Alcoholics in Treatment Programs**

Members of eligible households who are narcotic addicts or alcoholics, and who regularly participate in a drug or alcoholic treatment and rehabilitation program, may use all or part of the SNAP benefits issued to them to purchase meals prepared for them during the course of such programs by a private non- profit organization or institution or a publicly operated community mental health center.

1000.10.20 *(7 CFR 271.2)* **Residents of Group Living Facilities**

Residents of authorized group living arrangement facilities who are blind or disabled as defined in Section 1010.30.05 may use all or part of the food assistance issued to them to purchase their own food, as well as to purchase meals prepared and served for them by such facilities.

"Group living arrangement" means a public or private non-profit residential setting serving no more than sixteen (16) residents which is certified by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH), under regulations issued in Sec. 1616(e) of the Social Security Act.

1000.10.25 *(7 CFR 271.2)* **Residents of Shelters for Battered Persons**

Eligible residents of shelters for battered persons and children may use all or part of their SNAP benefits to purchase meals prepared and served by a shelter which is authorized by FNS to redeem at wholesalers, or which redeems at retailers as the authorized representative of participating households. "Shelter for battered persons and children" means a public or private non-profit residential facility which serves battered persons and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered persons and children.

1000.10.30 *(7 CFR 271.2)* **Homeless SNAP Households**

Homeless SNAP households may use all or part of their SNAP benefits to purchase meals prepared for and/or served by an authorized public or private non-profit establishment (e.g., a soup kitchen or a temporary shelter), approved by the Department of Human Services, that feeds homeless persons.

Refer to Section 1014.60 for definitions, policy and procedures.

Homeless SNAP households may also use all or part of their benefits to purchase meals prepared for and served by private establishments that contract with the Department of Human Services to offer meals for such individuals at concessional prices.

1000.10.35 *(7 CFR 271.2)* **Elderly and Disabled Households**

Eligible household members 60 years of age or over, or who receive supplemental security income benefits or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act, and their spouses may use all or any part of the SNAP benefits issued to them to purchase meals prepared by and served in private establishments that contract with the Department of Human Services to offer meals for such persons at concessional prices.

1000.15 *(7 CFR 272.4)* **PERSONNEL STANDARDS**

Agency personnel used in the certification process are employed in accordance with the current standards for the merit system of personnel administration. Agency employees meeting the above requirements perform the interviews required in Section 1002.55.

Volunteers and other non-agency employees cannot conduct certification interviews or certify SNAP applicants.

Individuals and organizations who are parties to a strike or lockout and their facilities may not be used in the certification process except as a source of verification of information supplied by an applicant. Only authorized employees of the Department of Human Services (DHS) involved in the administration of the Supplemental Nutrition Assistance Program are allowed to issue Electronic Benefit Transfer (EBT) cards and Personal Identification Numbers (PIN).

When required, the agency provides bilingual staff and materials to meet Federal regulations.

In accordance with the requirement of the Food and Nutrition Service (FNS), the agency has a continuing training program for eligibility technicians, social caseworkers, supervisory staff, the appeals officers, performance reporting system reviewers and individuals involved in pre-screening activities.

1000.20 *(7 CFR 272.1)* **RECORDS AND REPORTS**

Required records must be kept and reports and other information submitted as may be required. All program records must be retained in an orderly fashion for audit and review purposes for a period of three (3) years from the month of origin for each record.

Paper case files that relate to SNAP households who no longer receive benefits should be retained in the appropriate District Office for two years, plus the current year, after the date the benefit was discontinued. All case records closed longer than that period should be cataloged and boxed and sent to the Record Center.

1000.20.05 *(7 CFR 272.1)* **Certification Records**

The agency must retain certification records. Certification records include both a paper case file and the computer file. Such records include, but are not limited to, the following:

* applications for certification or recertification;
* required FNS or agency forms;
* worksheets used in the computation of income for eligibility and the basis of issuance;
* documentation including verification techniques employed by the agency representative;
* copies of forms sent to the issuance unit authorizing or changing participation or basis of issuance;
* copies of notices of adverse action and other notices sent to the household and responses thereto;
* actions related to the hearing process.

Each SNAP household shall have a computer file which accurately reflects the household composition, income, resources and other pertinent information. The computer case file includes the case log, authorization information and notices sent to the household. Entries in the case log are summaries of the contacts between the agency and the household. Staff is required to maintain a case log on all SNAP applicant/recipient households.

1000.20.10 *(7 CFR 272.1)* **Fiscal Records**

The agency must retain fiscal records and accountable documents for three years from the date of fiscal or administrative closure. Such records include, but are not limited to, claims and documentation of lost benefits.

1000.20.15 Case Record Organization

Paper case records in the Supplemental Nutrition Assistance Program are organized by subject matter in the following manner:

Case Chronology (Older case files)

Chronology of case activity should be recorded with electronic case notes. The case chronology should be retained during the lifetime of the record.

Vital Statistics

Copies of essential information, e.g., birth certificates, baptismal certificates, and other documentation required for the determination of eligibility not subject to change should be duplicated where possible on 8" x 11" size paper and retained inside the rear cover during the lifetime of the record.

Other Record Material

Beginning at the front of the case record all other record material should be maintained in the case record as follows:

* Applications (DHS-2) packaged in chronological order with the latest application on top;
* All documents and forms required in the determination of eligibility for SNAP packaged as above;
* All documents and forms pertaining to the hearing process, claims collection process, disqualification process and the restoration of lost benefits; and
* All notices to clients and any miscellaneous forms and correspondence.

All material contained in the SNAP case record must be retained for a period of three (3) years plus the current year unless otherwise indicated.

Staff is required to review the organization of the case record at every recertification, transfer, transmittal to quality control, and closing.

Computer File

Each SNAP household shall have a computer file which accurately reflects the household composition, income, resources and other pertinent information. The computer case file includes the case log which is also the case chronology. Entries in the case log are summaries of contacts between the agency representative and the household. Staff is required to maintain a case log on all SNAP applicant/participant households.

The computer file also contains a history of benefits issued and all notices sent to the household.

1000.25 *(7 CFR 272.1)* **AVAILABILITY OF INFORMATION**

Federal regulations and Federal procedures embodied in Food and Nutrition Service notices and policy memos, the State Plan of Operation and the Corrective Action Plan must be available upon request for examination by members of the public during office hours at the DHS Central Office as well as the Food and Nutrition Service Regional and National Office. A State SNAP Manual must be available for examination upon request at each local certification office as well as at the DHS Central Office and the Food and Nutrition Service Regional and National Offices.

1000.25.05 *(7 CFR 272.5)* **Program Informational Activities**

"Program informational activities" are those activities which convey information about the program, including household rights and responsibilities, through means such as publications, a telephone hotline, and face-to-face contacts.

Minimum Requirements

The agency must comply with the following minimum information requirements for applicant

and recipient households:

Nutrition Information

FNS will supply the agency with posters and pamphlets containing information regarding foods with substantial amounts of the recommended daily allowances of protein, minerals, and vitamins; menus making use of these foods; and, the relationship between health and diet.

FNS will supply the agency with printed materials such as posters, fliers, and pamphlets that explain the Special Supplemental Food Program for Women, Infants and Children (WIC).

The agency must display the posters and make the pamphlets available at all SNAP and public assistance offices.

Rights and Responsibilities

The agency must inform participant and applicant households of their program rights and responsibilities verbally at time of application and recertification, by providing clearly written information such as brochures and pamphlets, and by including appropriate language on official forms and notices.

All program informational material must be available in languages other than English as required by Federal regulation and should include a statement that the program is available without discrimination, in accordance with Section 1000.35.

1000.30*(7 CFR 272.1)* **DISCLOSURE OF INFORMATION**

The agency must restrict the use or disclosure of information obtained from SNAP applicant households to the following persons:

- Persons directly connected with the administration or enforcement of the Food and Nutrition Act or regulations, other Federal assistance programs, federally assisted State programs providing assistance on a means-tested basis to low income individuals, or general assistance programs which are subject to the joint processing requirements described in Section 1016.30;
- Persons directly connected with the administration or enforcement of the programs which are required to participate in the Income and Eligibility Verification System (IEVS) as specified in Section 1082 to the extent the SNAP information is useful in establishing or verifying eligibility or benefit amounts under those programs;
- Persons directly connected with the verification of immigration status of aliens applying for SNAP benefits, through the Systematic Alien Verification for Entitlements (SAVE) program, to the extent the information is necessary to identify the individual for verification purposes.
- Persons directly connected with the administration of the Child Support Enforcement program under Part D, Title IV of the Social Security Act in order to assist in the administration of that program, and employees of the Secretary of Health and Human

Services as necessary to assist in establishing or verifying eligibility or benefits under Titles II and XVI of the Social Security Act;

- Employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and
- Local, State, or Federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food and Nutrition Act or regulations. The written request must include the identity of the individual requesting the information, his/her authority to do so, the violation being investigated and the identity of the person on whom the information is requested.
- Notwithstanding any other provision of law, the address, social security number, and if available, any photograph of any member of any household shall be made available, upon written request, to any Federal, State, or local law enforcement officer if the officer furnishes the State agency with the name of the member and notifies the agency that the member is:
    - Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or an attempt to commit a crime) that is a felony under the law of the place from which the individual is fleeing or which, in the case of New Jersey, is a high misdemeanor under the State of New Jersey; or violating a condition of probation or parole imposed under a Federal or State law; or
    - Has information that is necessary for the officer to conduct an official duty related the above;
    - Locating or apprehending the member is an official duty; and
    - The request is being made in the proper exercise of an official duty.

1000.30.05 *(7 CFR 272.1)* **Protection of Released Information**

Recipients of information released under Section 1000.30., must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in this section. In addition, information received through the IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider. Information released to the agency pursuant to Section 6103 (1) of the Internal Revenue Code of 1954 is subject to the safeguards established by the Secretary of the Treasury in Section 6103 (1) of the Internal Revenue Code and implemented by the Internal Revenue Service in its publication, Tax Information and Security Guidelines.

1000.30.10 *(7 CFR 272.1)* **The Household's Access to its Case Record**

If there is a written request by a responsible member of the household, its currently authorized representative, or a person acting in its behalf to review materials contained in its case record, the material and information contained in the case record pertaining to SNAP benefits are made available for inspection during normal business hours. However, the agency must withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecutions.

1000.35 *(7 CFR 272.6)* **NON-DISCRIMINATION**

The agency is committed to the impartial and equitable treatment of all individuals in the administration of the Supplemental Nutrition Assistance Program. The following notice, which is posted in all offices which issue SNAP benefits, reflects the agency's recognition of its responsibility to insure that SNAP benefits are rendered to residents of the State of Rhode Island in compliance with all applicable federal and state laws. The non-discrimination statement of the Supplemental Nutrition Assistance Program is:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

1000.35.05 *(7 CFR 272.6)* **Discrimination Complaint Procedure**

Individuals who believe that they have been subject to discrimination may file a complaint with the Secretary of Agriculture or the Administrator of FNS, Washington, DC 20250, and/or with the Director of the Department of Human Services (DHS) or her designee. A complaint must be filed no later than 180 days from the date of the alleged discrimination. However, the time for filing may be extended by the Secretary. The agency must accept all complaints of discrimination, written or verbal, and if requested to do so, forward them promptly to the Secretary or the Administrator of FNS; otherwise, civil rights complaints should be forwarded to the Community Relations Liaison Office at 57 Howard Avenue, Cranston, R.I. 02920.

Information Needed

In the event an individual verbally alleges that a discriminatory act has been committed, but the individual refuses, or is reluctant to put it in writing, the person receiving the complaint must document the complaint in writing. The following information should be obtained:

- The name, address and telephone number or other means of contacting the complainant.
- The location and name of the organization or office which is accused of the discriminatory practice.
- The nature of the incident or action which led the complainant to allege discrimination, or an example of the aspect of program administration which is alleged to harm potential participants, participants or the individual making the complaint.
- The basis on which the individual feels discrimination exists (race, color, national origin, disability, sex, age, religion, or sexual orientation).
- The names, titles (if appropriate) and addresses of persons who may have knowledge of the discriminatory acts.
- The date or dates on which the alleged discriminatory actions occurred.

Written complaints are accepted by the Secretary of Agriculture or the Administrator of FNS or the Director of DHS even if the above information is not complete. Persons who file written complaints are encouraged to provide this information to facilitate investigation. Investigations are conducted only if the information in the first three items is known.

1000.35.10 *(7 CFR 272.6)* **Agency Discrimination Complaint Requirements**

Any person who believes that they have been subject to discrimination may file a complaint with the Director of DHS or her designee, in addition to, or in place of, the one filed with the Secretary of Agriculture or the Administrator of FNS. The information, if available, as outlined in Section 1000.35.05., above, is forwarded to the appropriate official. The agency must submit to FNS a

report on each discrimination complaint processed at the State level. The report should contain as much information as is available to the agency, the findings of any investigation, and, if appropriate, the corrective action planned or taken.

1000.35.15*(7 CFR 272.6)* **Public Notification**

The agency:

- Publicizes the procedure for handling civil rights complaints.
- Ensures that all offices involved in administering the program and which also serve the public, display the nondiscrimination poster provided by FNS.
- Ensures that participants and other low-income households have access to information regarding nondiscrimination status and policies, complaint procedures and the rights of participants within ten (10) days of the date of their request.

1000.35.20 *(7 CFR 272.6)* **Racial/Ethnic Data Collection**

The agency obtains data on households by racial/ethnic category. The racial/ethnic categories are as follows:

Ethnicity:
Hispanic or Latino. A person is Hispanic or Latino if they are of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term Spanish origin can be used in addition to Hispanic or Latino.

Racial Categories:
For collection of racial information, the mandatory designations (options) are:

1. American Indian or Alaskan Native;
2. Asian;
3. Black or African American
4. Native Hawaiian or Other Pacific Islander; and
5. White.

The agency requests applicants to voluntarily identify their race or ethnicity on the application form. If the data is not obtained in this manner, the agency representative should determine the data by observation during the interview and record this on the authorizing documents. Failure of an applicant to report this information does not affect eligibility for benefits.

Reports

The agency must report the racial/ethnic data on participating households on forms provided by FNS.

1000.40 DIVISION OF STAFF RESPONSIBILITIES

The responsibility for eligibility determinations and maintenance of a case file and a computer file shall rest with the eligibility technician assigned to the case. Only Department of Human Services (DHS) staff is involved in the administration of the Supplemental Nutrition Assistance Program.

Staff who determine household eligibility for SNAP benefits will not issue Electronic Benefit Transfer (EBT) cards or issue Personal Identification Numbers (PIN).

1000.45 *(7 CFR 271.6)* COMPLAINTS NOT RELATING TO DISCRMINATION

The agency has a responsibility to provide equitable and courteous treatment to all applicants and recipients.

Expressions of dissatisfaction may arise in the administration of the program for a variety of reasons, and the agency provides a method of dealing with these complaints.

1000.45.05 *(7 CFR 271.6)* Definition of a Complaint

A complaint is any oral or written expression of dissatisfaction made to staff, either in the field or to Central Office personnel or department officials, by a member of the community questioning such issues as delays in processing or general services to participants. Such complaints may be filed by participants, potential participants or other concerned individuals or groups. They do not include complaints alleging discrimination on the basis of race, sex, age, religion, creed, national origin, political beliefs or handicaps. Such complaints are handled in accordance with 1000.35.05. Nor do these complaints include ones pursued through the fair hearing process or complaints that can be immediately resolved, or resolved by the close of the next business day.

Inquiries are not considered complaints. An inquiry is when an applicant or recipient seeks the answer to a question such as where can I receive an application, when will I receive my benefits, when will my application be approved, etc.

1000.45.10 *(7 CFR 271.6)* Method of Processing a Complaint

Whenever a complaint is received by staff and cannot be immediately resolved or resolved by the close of the next business day, an SNAP-81 (Complaint Form) must be filled out by the person receiving said complaint.

The following information should be obtained:

- The name, address and telephone number or other means or contacting the complainant.
- The location and name of the office or the individual cited in the complaint.
- The category and description of the complaint.

- The date of the alleged action which resulted in the complaint.
- The action taken to resolve the complaint.

The agency must follow up on all complaints, resolve complaints, take corrective action where warranted, and respond to the complainant on the disposition of the complaint.

Non-Assistance Households

Complaints received by SNAP staff must be forwarded to the appropriate supervisor. Every attempt must be made to resolve the complaint by staff. All resolved and unresolved complaints must then be sent to the Chief Casework Supervisor, Providence DHS Office, 206 Elmwood Avenue, Providence, RI 02907. The Chief Casework Supervisor ensures that all complaints are resolved and that the completed forms are kept on file.

RIW and GPA Households

Complaints received by staff in Assistance Payments offices are resolved by staff and forwarded, through the appropriate supervisor, to the Regional Manager. The Regional Manager ensures that all complaints are resolved and files the completed forms.

Log of Complaints

The Chief Casework Supervisor SNAP and the Regional Manager in each region must keep a log of all complaints which should include the date of the complaint, the complainant's name and address, a brief description of the complaint and the date of resolution. These logs are reviewed semi-annually to assess whether patterns of problems may be present in local offices, or throughout the state. The results of this review, along with a corrective action plan, must be submitted to the Corrective Action Specialist every June 30 and December 31 for inclusion in the State Corrective Action Plan.

Posters must be placed in all agency offices to explain the complaint process to applicants and recipients.

1000.50 EQUAL ACCESS TO JUSTICE

The purpose of 42-92-1 of the General Laws of Rhode Island, 1985, is to provide equal access to justice for small businesses and individuals.

Scope: The rules and regulations of this law govern the application and award of reasonable litigation expenses to qualified parties in fair hearing and administrative disqualification hearing proceedings conducted by the Department of Human Services (DHS) for the Supplemental Nutrition Assistance Program.

Authority: The rules and regulations herein contained are promulgated pursuant to Chapters 35 and 92 of Title 42 of the Rhode Island General Laws. They are applicable to all agencies currently administered under the auspices of the DHS.

1000.50.05 Agency Policy

The official policy of the DHS is that individuals should be encouraged to contest unjust administrative actions in order to further the public interest, and toward that end, such parties should be entitled to state reimbursement of reasonable litigation expenses when they prevail in contesting an agency action which is, in fact, unfair and unjust.

1000.50.10 Definitions

"Adjudicative Officer" means the presiding officer or deciding official of any adversary adjudicatory proceeding of the DHS, without regard to whether the official is designated as an administrative law judge, hearing officer, examiner, or otherwise.

"Adversary Adjudicatory Proceeding" means any proceeding conducted by or on behalf of the DHS, whether administratively or quasi-judicially, which may result in the loss of benefits, the imposition of a fine, or which may result in the compulsion or restrictions of the activities of a party.

"Agency" means the DHS, including any board, commission, or officer of the department.

"Party" means any individual whose net worth is less than two hundred and fifty thousand dollars ($250,000) at the time the adversary adjudicatory proceeding was first initiated.

"Reasonable Litigation Expenses" means those expenses which were reasonably incurred by a party in adversary adjudicatory proceedings, including but not limited to, attorney's fees, witness fees of all necessary witnesses, and other such costs and expenses as were reasonably incurred with the following limits:

- The award of attorney's fees may not exceed seventy-five dollars ($75) per hour.
- No expert witness may be compensated at a rate in excess of the highest rate or compensation for experts paid by this state.

"Substantial Justification" means that the initial position of the agency, as well as the agency's position in the proceeding, has a reasonable basis in law and fact.

1000.50.15 Applying for Litigation Expenses

All claims for an award of reasonable litigation expenses shall be made on an application form to be supplied by the agency and shall be filed with the hearing office within thirty (30) days of the date of the conclusion of the adjudicatory proceeding which gives rise to the right to recover such an award. The proceeding shall be deemed to be concluded when the agency or adjudicative officer renders a ruling or decision.

The adjudicative officer may, at his or her discretion, permit a party to file a claim out of time upon a showing of proof and finding by such officer that good and sufficient cause exists for allowing a claim to be so filed.

All claims are filed on form DHS-121-D which is obtained from the hearing office. All claims must be postmarked or delivered to the hearing office no later than thirty (30) days from the date of the conclusion of the adjudicatory proceeding. These claims must contain:

- A summary of the legal and factual basis for filing the claim;
- A list of witnesses, if any, that the claimant expects to be called to substantiate the claim if a separate hearing on said claim is conducted by the agency;
- A detailed breakdown of the reasonable litigation expenses incurred by the party in the adjudicatory proceedings, including copies of invoices, bills, affidavits, or other documents, all of which may be supplemented or modified at any time prior to the issuance of a final decision on the claim by the adjudicative officer;
- A notarized statement swearing to the accuracy and truthfulness of the statements and information contained in the claim, and/or filed in support thereof.

1000.50.20 Allowance of Awards

Whenever a party which has provided the agency with timely notice of the intention to seek an award of litigation expenses as provided in these rules, prevails in contesting an agency action, and the adjudicative officer finds that the agency was not substantially justified in: (1) the actions leading to the proceeding; and (2) in the proceeding itself, an award is made of reasonable litigation expenses actually incurred.

The decision of the adjudicative officer to make an award must be made a part of the record, and should include written findings and conclusions with respect to the award. The decision is sent to the claimant, unless the same is represented by an attorney, in which case the decision is sent to the attorney of record.

1000.50.25 Disallowance of Awards

No award of fees or expenses may be made if the adjudicative officer finds that the agency was substantially justified in the actions leading to the proceeding and in the proceeding itself.

The adjudicative officer may, at his/her discretion, deny fees or expenses if special circumstances make an award unjust.

The adjudicative officer may deny, in whole or in part, any application for award of fees and expenses where justice so requires or which is considered to be excessive.

Whenever substantially justified, the adjudicative officer may recalculate the amount to be awarded to the prevailing party, without regard to the amount claimed to be due on the application, for an award.

Notice of the decision disallowing an application for an award of fees and expenses is sent to the

party by the agency via regular mail provided however, that if the party is represented by an attorney, said notice is sent by regular mail to the attorney of record.

1000.50.30 Appeals

Any party aggrieved by the decision to award reasonable litigation expenses may bring an appeal to the Superior Court in the manner provided by the Administrative Procedures Act, Rhode Island General Laws, Section 42-35-1, et. seq.

1000.50.35 Severability

If any provision of these rules and regulations, or the application thereof, to any person or circumstances are held invalid, such invalidity does not affect the provisions of application of the rules and regulations which can be given effect, and to this end the provisions of these rules and regulations are declared to be severable.

1000.55 Voter Registration

See RI DHS Code of Rules- General Provisions Section 0100.15 for provisions relating to Voter Registration.

1002 APPLICATION PROCESS

1002.05 *(7 CFR 273.2)* **INTRODUCTION**

The application process begins with a request for an application form and is not completed until notification of the household's eligibility is sent. The date of application is considered to be the date a signed application is received by the agency.

The application process includes, but is not limited to, the following activities:

- Ensuring applications are available;
- Assisting a household in the completion of its application;
- Interviewing a member of the household or an authorized representative;
- Performing necessary collateral contacts and verifications; and
- Entering and maintaining a computer file through which SNAP benefits are issued.

The application process is completed promptly. A household must be given notification of eligibility or ineligibility no later than thirty (30) days after an application is filed. Expedited service is available to households in immediate need. (See Section 1016.10.) Benefits are prorated and provided retroactively to the date of application for households who have completed the application process and have been determined eligible.

1002.05.05 *(7 CFR 273.2)* **Withdrawing Applications**

A household may voluntarily withdraw its application at any time prior to the determination of eligibility. The agency representative must document in the case file the reason for withdrawal, if any was stated by the household, and that contact was made with the household to confirm the

withdrawal. The household must be advised of its right to reapply at any time subsequent to a withdrawal.

1002.10 *(7 CFR 273.2)* FILING AN APPLICATION

Households wishing to participate in the program must file the Application for Assistance form DHS-2. An application for SNAP benefits must be submitted for each household requesting SNAP assistance.

Since the time limit for providing benefits is calculated from the date the application is filed, each household has the right to file an application on the same day it contacts the SNAP office during working hours. The agency must document the date the application was filed by recording the date it was received by Supplemental Nutrition Assistance Program or the RIW or GPA Programs on the DHS-2.

Applications can be filed in person or by an authorized representative at a DHS Regional or District Office, by mail or by facsimile (fax).

If a household contacts the wrong office, either in person or by telephone, that office must give the household the address and telephone number of the appropriate office. If the household mails the application form to the wrong office, that office must date stamp the application as received and then forward the application on the same day it was received to the appropriate office for processing.

1002.10.05 *(7 CFR 273.2)* Right to Same-day Filing

A household must be advised by the receptionist of its right to file an application on the same day. It must also be advised that it does not have to be interviewed before filing its application and that it may file an incomplete application form as long as the form contains the applicant's name, address, and the signature of either a responsible member of the household or the household's authorized representative. The household is encouraged to file the application form the same day the household or its representative contacts the office in person or by telephone and expresses interest in obtaining SNAP assistance. To assure all households are advised of their right to file an application on the same day they initially contact the SNAP office, signs must be posted in the certification office which explain that right. Information about same-day filing is included in the application packet. An application form must be given to anyone requesting it. Furthermore, application forms must be readily accessible to potentially eligible households.

1002.10.10 *(7 CFR 273.2)* Mailing Applications to Households

If the household has contacted a SNAP office by telephone but is unable to come to the office to file the application that same day, or the household has requested SNAP assistance in writing, the application form is mailed to the household on the same day the written request or telephone call is received. If a household contacts the wrong certification office in the State, either in person or by telephone, that certification office must, in addition to making an application form available, give the household the address and telephone number of the appropriate office. If the household has mailed its application to the wrong office in the State, that office must date stamp

the application as received and then forward the application to the appropriate office on the same day.

1002.10.12 *(7 CFR 273.2)* **The Application Interview**

The Application for Assistance (DHS-2) is the basic document used in the application process through which eligibility for SNAP is determined.

The Intake interview is scheduled by appointment or plan. The face-to-face interview can be waived in favor of a telephone interview (see Section 1002.55.10). The DHS-2 is reviewed with the applicant or adult representative of the household, and the appropriate information is verified through documentation supplied by the applicant, or if not supplied by the applicant, by obtaining the document or information. (See Section 1002.60.35.)

The applicant is required to read, or have read to him/her, the information on the signature page of the DHS-2, and sign the form. The DHS-2 must be completed and signed by an adult representative of the household applying for SNAP benefits certifying, under penalty of perjury, that the information contained in the application is true.

1002.10.15 *(7 CFR 273.2)* **Applications from RIW & GPA households**

To facilitate participation in the program, households in which all members are applying for RIW and/or GPA are allowed to apply for SNAP benefits at the same time they apply for assistance. However, the household's SNAP eligibility and benefit level must be based solely on SNAP eligibility criteria and the household must be certified in accordance with notice and procedural requirements of the SNAP regulations. The interviewer must advise these household that RIW time limits and other requirements that apply to the receipt of RIW benefits do not apply to receipt of SNAP benefits and households which cease receiving RIW benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. Special procedures for receiving and processing SNAP applications from these households are provided in Section 1016.30.

A household with some RIW/GPA recipients, and some SSI recipients, is also certified under the joint application procedure. A household with some RIW/GPA recipients, and some who are not, is certified as a PA household and the case is handled by the agency representative in the RIW or GPA Program.

1002.10.20 *(7 CFR 273.2)* **Applications from SSI Households**

SSI households may apply for, and participate in SNAP as PA households and the case is handled by the agency representative in the NPA SNAP Program. (See Section 1016.35 for SSI/SNAP joint application processing.)

1002.10.25 *(7 CFR 273.2)* **Applications from RSDI Households**

An applicant for, or recipient of, social security benefits under Title II of the Social Security Act should be informed at the SSA office of the availability of benefits under the SNAP and the

availability of a SNAP application at that SSA office.

Such applications must be filed at a SNAP office. The joint processing procedures for SSI households do not apply to households receiving social security benefits.

1002.10.30 *(7 CFR 273.2)* **Screening Households for Expedited Service**

According to the local office plan, an agency representative is designated to screen the application form in order to identify households (as defined in Section 1016.10.) who are eligible for expedited service at the time the household requests SNAP benefits. These households are referred to the person on duty who handles emergencies.

1002.10.35 *(7 CFR 273.2)* **Screening for Duplicate Participation**

At the time a household applies for SNAP benefits, the agency representative must check to determine that duplicate benefits are not issued to the household. The screening process prevents individuals from receiving SNAP benefits in more than one household or jurisdiction within the State. After a household has been checked for duplicate participation, the agency representative must make an entry on the DHS-2 form.

1002.10.40 *(7 CFR 273.2)* **Persons Applying as Pre-Release Applicants**

When a resident of a public institution applies for both SSI and SNAP under the SSA's Pre-release Program for the Institutionalized, the filing date of the SNAP Application is recorded as the date the applicant is released from the institution. Such applications are certified under the joint processing rules in Section 1016.40.

1002.15. *(7 CFR 273.1)* **GENERAL HOUSEHOLD DEFINITION**

A household is composed of any of the following individuals or groups of individuals, provided they are not residents of an institution (except as otherwise specified in Section 1002.40), are not residents of a commercial boarding house, or are not boarders (except as otherwise specified in Section 1002.30):

1. An individual living alone;

2. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others;

3. A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

1002.15.05 *(7 CFR 273.1)* **Special Household Definition**

Certain individuals living with others or groups of individuals living together must be considered as customarily purchasing food and preparing meals together, even if they do not

do so.

Separate household status may NOT be granted to the following:

1. A spouse of a member of the household; or

2. Children under twenty-two (22) and living with their parents, even if married and living with a spouse, a child, or both; or

3. Children (other than foster children) under eighteen (18) years of age who live with and are under the parental control of an adult household member other than his or her parent(s). A child must be considered under parental control if he or she is financially or otherwise dependent on a member of the household.

1002.15.10 *(7 CFR 273.1)* **Elderly/Disabled Individuals**

Although a group of individuals living together and purchasing and preparing meals together constitutes a single household under the provisions of the General Definition, an otherwise eligible member of such a household who is 60 years of age or older and who is unable to purchase and prepare meals because s/he suffers from a disability considered permanent under the Social Security Act or suffers from a non-disease-related, severe, permanent disability may be a separate household from the others based on the provisions of the Special Definition, provided that the income of the others with whom the individual resides (excluding the income of the spouse of the elderly and disabled individual) does not exceed 165% of the poverty line. (See Table III in Section 1038.25.)

For disability determinations which must be made relevant to this provision, the agency must use the SSA's most current list of disabilities as the initial step for verifying if an individual has a disability considered permanent under the Social Security Act. However, only an individual who suffers from such a disability and who is unable to purchase and prepare meals because of such disability is considered disabled for the purpose of this provision.

If it is obvious to the agency representative that the individual is unable to purchase and prepare meals because s/he suffers from a severe physical or mental disability, the individual is considered disabled for the purpose of this provision even if the disability is not specifically mentioned on the SSA list. If the disability is not obvious to the agency representative, s/he must verify the disability by requiring a statement from a physician or licensed or certified psychologist certifying that the individual (in the physician's/psychologist's opinion) is unable to purchase and prepare meals because s/he suffers from one of the non-obvious disabilities mentioned in the SSA list or is unable to purchase and prepare meals because s/he suffers from some other severe, permanent physical or mental disease or non-disease-related disability. The elderly and disabled individual (or his/her authorized representative) is responsible for obtaining the cooperation of the individuals with whom s/he resides in providing the necessary income information about the others to the agency for purpose of this provision.

1002.20 *(7 CFR 273.1)* NONHOUSEHOLD MEMBERS

For the purposes of defining a household under the provisions of the General Definition, the following individuals are not included as members of the household, unless specifically included as a household member under the provisions of the Special Definition. If not included as a member of the household under the provisions of the Special Definition, such individuals must not be included as a member of the household for the purpose of determining household size, eligibility, or benefit level.

The income and resources of such individuals must be handled in accordance with the provisions of Section 1016.25. The following individuals (if otherwise eligible) may participate as separate households:

- Roomers

  Individuals to whom a household furnishes lodging, but not meals, for compensation.

- Live-in Attendants

  Individuals who reside with a household to provide medical, housekeeping, child care or similar personal services.

- Other Individuals

  Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household. For example, if the applicant household shares living quarters with another family to save on rent, but does not purchase and prepare food together with that family, the members of the other family are not members of the applicant household.

1002.25 *(7 CFR 273.1)* INELIGIBLE HOUSEHOLD MEMBERS

Some household members are ineligible to receive program benefits under the provisions of the Food Stamp Act (such as certain non-citizens and certain students). Others may become ineligible for such reasons as being disqualified for committing an intentional program violation or refusing to comply with a regulatory requirement. These individuals must be included as members of the household for the purpose of defining a household under the provisions of the general and special definitions.

However, such individuals must not be included as eligible members of the household when determining the household's size for the purpose of comparing the household's monthly income with the income eligibility standard or assigning a benefit level.

The income and resources of such individuals must be handled in accordance with the provisions of Section 1016.20.05, as appropriate. Moreover, these individuals are not eligible to participate as separate households.

Categories of ineligible individuals include:

- Ineligible Aliens

  Individuals who do not meet the citizenship or qualified alien status requirements of Section 1004.20 or the alien sponsorship requirements of Section 1014.55.

- Ineligible Students

  Individuals who do not meet the eligible student requirements of Section 1004.35.

- Ineligible Able Bodied Adults Without Dependents (ABAWDS)

  Individuals who are ineligible due to the time limit for able-bodied adults as detailed in Section 1004.27.

- Noncompliance with Work Requirements

  Individuals who are disqualified for noncompliance with the work requirements found in Section 1004.25.

- Intentional Program Violation

  Individuals who are disqualified for an intentional program violation, as set forth in Section 1034.

- Social Security Number (SSN) Noncooperation

  Individuals who are disqualified for failure to provide or apply for an SSN, as set forth in Section 1004.40.

- Failure to Attest to Citizenship/Alienage Status

  Individuals who do not attest to their citizenship or alien status as set forth in Section 1004.20.

- Fleeing Felons

  Individuals who are fleeing to avoid prosecution, custody, or confinement after conviction, under the law of the place from which the individual is fleeing, for a crime or attempt to commit a crime that is a felony under the law of the place from which the individual is fleeing or which, in the case of New Jersey, is a high misdemeanor under the State of New Jersey; or violating a condition of probation or parole imposed under a Federal or State law.

1002.30 *(7 CFR 273.1)* BOARDERS

Boarders are defined as individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals. Boarders are ineligible to participate in the program independent of the household providing the board. They may participate as members of the household providing the boarder services to them at the household's request. For SNAP Program purposes, a foster child or foster care adult is considered a boarder. In no event, should boarder status be granted to those individuals or groups of individuals described in 1002.15.05., which includes children residing with elderly or disabled parents.

1002.30.05 *(7 CFR 273.1)* Determining Who is a Boarder

The household within which a boarder resides (including the household of the proprietor of a boarding house) may participate in the program if that household meets all the eligibility requirements for program participation.

To determine if an individual is paying reasonable compensation for meals and lodging in making a determination of boarder status, only the amount paid for meals must be used, provided that the amount paid for meals is distinguishable from the amount paid for lodging. A reasonable monthly payment must be either:

- a boarder, whose board arrangement is for more than two meals a day, must pay an amount which equals or exceeds the Thrifty Food Plan for the appropriate size of the boarder household; or,

- a boarder, whose board arrangement is for two meals or less per day, must pay an amount which equals or exceeds two-thirds of the Thrifty Food Plan for the appropriate size of the boarder household.

An individual furnished both meals and lodging by a household, but paying compensation of less than a reasonable amount to the household for such service, is considered a member of the household providing the services.

1002.30.10 *(7 CFR 273.1)* Consideration of Boarder's Income/Resources

None of the income or resources of individuals determined to be boarders and who are not members of the household providing the boarder services is considered available to such household.

However, the amount of the payment that a boarder gives to a household must be treated as self-employment income to that household, with the exception of foster care boarders. The procedures for handling self-employment income from boarders (other than such income received by a household that owns and operates a commercial boarding house) are set forth in Section 1016.15.50.

The procedures for handling income from boarders by a household that owns and operates a commercial boarding household are set forth in Section 1016.15.10.

For program purposes, a boarding house is defined as a commercial establishment which offers meals and lodging for compensation with the intention of making a profit. Residents of such boarding houses are not eligible for program benefits. The number of boarders residing in a boarding house is not used to determine if a boarding house is a commercial enterprise. The household of the proprietor of a boarding house may participate in the program, separate and apart from the residents of the boarding house, if that household meets all of the eligibility requirements for program participation.

1002.35 *(7 CFR 273.1)* DEFINITION OF HEAD OF HOUSEHOLD - GENERAL

When designating the head of the household in a household with an adult parent and children or an adult who has parental control over children, the household must select an adult parent of children of any age living in the household, or an adult who has parental control over children under 18 years of age living in the household, provided that all adult members agree to the selection. These households may affect the selection at application, recertification, or whenever there is a change in household composition, but not when a previously-designated head of household has been sanctioned under Section 1004.25.35 or Section 1004.30.

If such a household fails to select a head of household, the agency representative shall designate the principal wage earner as the head of household. For households that do not consist of adult parents and children, or adults who have parental control of children living in the household, the worker will designate the head of household.

The head of household classification is not used to impose special requirements on the household such as requiring that the head of household, rather than another adult member of the household, appear at the office to make application for benefits. In the event that the head of the household or spouse is unable to file the application, another household member may apply for the household, or an adult non-household member may be designated as the authorized representative for that purpose.

1002.35.05 *(7 CFR 273.1)* Head of Household - Work Requirement

For purposes of failure to comply with the work requirements in Section and the voluntary quit provision in Section 1004.30, the head of the household is the adult parent of children or an adult who has parental control over children under 18 designated by and agreed upon by all adult members of the household.

If the household fails to select a head of household, the agency representative designates the principal wage earner as the head of household. The principal wage earner is the household member (including an ineligible member) who has the greatest amount of earned income in the two (2) months prior to the month of application or month of violation. This provision applies only if the employment involves 20 hours or more per week or provides earnings at least equivalent to the Federal minimum wage multiplied by 20 hours.

No person of any age living with a parent (or person fulfilling the role of parent) who is:

1. registered for work;

2. exempt from work registration because s/he is subject to and participating in a TANF/RIW employment plan or

3. receiving unemployment insurance; or

4. is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings equal to the Federal minimum wage multiplied by 30 hours

shall be considered the head of household unless s/he is an adult parent of children and the household elects to designate her/him as its head of household.

When a new person joins a household with an adult parent of children while either the household or an individual is disqualified for a work requirement or voluntary quit violation, and if the new person is selected by the household to be the head of household as defined above, that new head of household status takes precedence over the status another member may have held.

1002.40 *(7 CFR 273.1)* **RESIDENTS OF INSTITUTIONS**

Individuals are considered residents of an institution when the facility provides them with the majority of their meals (over 50% of three meals daily) as part of the institution's normal services. Residents of institutions are not eligible for participation in the SNAP program.

Individuals who do not elect to receive the majority of their meals (over 50% of three meals daily) from the facility, such as an Assisted Living facility, would not be considered residents of an institution and would, therefore, be entitled to receive SNAP benefits if otherwise eligible.

1002.40.05*(7 CFR 273.1)* **Exceptions to the Institution Rule**

- Residents of federally subsidized housing for the elderly, built under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act.

- Narcotic addicts or alcoholics who, for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program, reside at a facility or treatment center. (Refer to Section 1014.10.)

- Disabled or blind individuals who are residents of group living arrangements (as defined in Section 1000.10.20.) and who receive benefits under Title II or Title XVI of the Social Security Act.

- Women, men or women and men with their children, temporarily residing in a shelter for battered persons and children (as defined in 1000.10.25.) Such persons temporarily residing in shelters for battered persons and children are considered individual households for the purposes of applying for, and participating in, the program.

- Residents of public or private non-profit shelters for homeless persons. (Refer to Section 1014.60.)

1002.40.10 *(7 CFR 273.1)* **Pre-Release Program Residents**

Residents of public institutions who apply for SSI prior to their release from an institution under the Social Security Administration's Pre-release Program for the Institutionalized are permitted to apply for SNAP benefits at the same time they apply for SSI. These pre-release applicants are processed in accordance with the provisions in Section 1016.40.

1002.45 *(7 CFR 273.1)* **STRIKERS**

Households with striking members are ineligible to participate in the program unless the household was eligible for benefits prior to the strike. (Refer to Section 1014.25.)

1002.50 *(7 CFR 273.2)* **AUTHORIZED REPRESENTATIVE**

There may be cases when the head of the household or spouse cannot apply for the household. In such cases, another household member may apply or an adult, non-household-member may be designated as the authorized representative.

1002.50.05 *(7 CFR 273.2)* **Definition**

An authorized representative is a person designated by the head of the household or the spouse, or any other responsible member of the household, to act on behalf of the household in applying for program benefits, or using the SNAP benefits as discussed in 1002.50.25. A private, non-profit organization or institution or a publicly operated community mental health center conducting a drug addiction or alcoholic treatment and rehabilitation program must serve in this capacity, and a group living arrangement may or may not also serve in this capacity, as noted in 1002.50.35.

1002.50.10 *(7 CFR 273.2)* **Liability for Designation**

It is important that the head of the household or the spouse prepare or review the application whenever possible, even though another household member or the authorized representative will actually be interviewed. In conjunction with these provisions, another household member, or the household's authorized representative, may complete work registration forms for those household members required to register for work. The agency representative must emphasize to the household that it will be held liable for any overissuance which results from erroneous information given by the authorized representative, except as provided in Section 1014.10.25.

1002.50.15 *(7 CFR 273.2)* **Who Can be an Authorized Representative**

An authorized representative must be designated in writing by the head of the household, or the spouse, or another responsible member of the household; and, be an adult who is sufficiently aware of relevant household circumstances. In the event the only adult member of a household is classified as a non-household member, that person may be designated as the authorized representative for the minor household members.

1002.50.20 *(7 CFR 273.2)* **Who Cannot be an Authorized Representative**

The following individuals may not serve as authorized representatives without prior approval as indicated below:

1. Agency employees who are involved in the certification and/or issuance processes and retailers who are authorized to transact SNAP benefits may not act as authorized representatives unless a determination has been made that no one else is available to serve, and either the Chief Casework Supervisor or a Regional Manager has provided specific written approval.

2. Individuals disqualified for fraud cannot act as authorized representatives during the period of disqualification, unless the disqualified individual is the only adult member of the household able to act on its behalf and the agency representative has determined that no one else is available to serve. The agency representative determines whether these individuals are permitted to apply on behalf of the household and/or to obtain and purchase goods with SNAP benefits. If the agency representative cannot locate anyone qualified to serve as an authorized representative to purchase goods with the SNAP benefits, the disqualified member is allowed to do so.

3. Where evidence has been obtained that an authorized representative has misrepresented a household's circumstances and has knowingly provided false information pertaining to the household, or has made improper use of the SNAP benefits, the authorized representative may be disqualified from participating in this capacity in the SNAP for up to one (1) year. The affected household(s) and the authorized representative is sent written notification thirty (30) days prior to the date of disqualification. The notification includes: the proposed action; the reason for the proposed action; the household's right to request a fair hearing; the office telephone number and the name of the person to contact for additional information.

Establishments which provide meals to the homeless may not act as authorized representatives for homeless SNAP recipients.

1002.50.25 *(7 CFR 273.2)* **To Obtain Benefits and Purchase Food**

An authorized representative may be designated for obtaining SNAP benefits on behalf of the household. This designation is made at the time the application is completed. The authorized representative is issued an Electronic Benefit Transfer (EBT) card for access to SNAP benefits. (Details on the EBT card are in Section 1037)

1002.50.35 *(7 CFR 273.2)* **TREATMENT CENTERS AND GROUP HOMES**

Narcotics addicts or alcoholics who regularly participate in a drug or alcoholic treatment program on a resident basis and blind or disabled (as defined in Section 1010.30.05) residents of group living arrangements may voluntarily request SNAP benefits. See Section 1014.45 for procedural requirements.

1002.50.35.05 *(7 CFR 273.2)* ***Drug Addict/Alcoholic Treatment Centers***

The residents of drug or alcoholic treatment centers apply and are certified for program participation through the use of an authorized representative who is an employee of, and designated by, a publicly operated community mental health center, or private non-profit organization or institution, that is administering the treatment and rehabilitation program. The center is the authorized representative for the eligible residents and utilizes the SNAP benefits for food prepared by and/or served to the eligible residents. As authorized representative, the treatment center is responsible for complying with the requirements set forth in Section 1014.10.15.

1002.50.35.10 *(7 CFR 273.2)* ***Group Living Arrangements***

Residents of group living arrangements either apply and are certified through use of an authorized representative employed and designated by the group living arrangement or apply and are certified on their own behalf (or through an authorized representative of their own choice). The group living arrangement determines if any resident may apply for SNAP on his/her own behalf. The determination should be based on an assessment of the resident's physical and mental ability to handle his/her own affairs. The group living arrangement is encouraged to consult with any other agencies providing services to individual residents prior to a determination.

All of the residents of the group living arrangement do not have to be certified either through an authorized representative or individually in order for one or the other method to be used.

Applications are accepted for any individual applying as a one-person household or for any grouping of residents applying as a household. If a resident applies through the facility as the authorized representative, the group living arrangement may either receive and utilize the SNAP benefits for food prepared by and/or served to the eligible resident or allow the eligible resident to use all or any portion of the allotment. If a resident is certified on his/her own behalf, the SNAP benefits may be: returned to the facility to purchase food for meals served either communally or individually to eligible residents; used by the eligible resident to purchase and prepare food for private consumption; and/or to purchase meals prepared and served by the group living arrangement. In any case, the group living arrangement is responsible for complying with the requirements set forth in Section 1014.45. If the group living arrangement has its status as an authorized representative suspended by FNS, eligible residents applying on their own behalf are still able to participate.

1002.50.40 *(7 CFR 273.2)* **Documentation/Control**

The agency representative insures that authorized representatives are properly designated. The name of the authorized representative is contained in the household's case file. Limits are not placed on the number of households an authorized representative may represent. In the event employers, such as those who employ migrant or seasonal farm workers, are designated as authorized representatives or that a single authorized representative has access to a large number of Electronic Benefit Transfer (EBT) cards and benefits, caution should be exercised to assure that: (1) the household has freely requested the assistance of the authorized representative; (2) the household's circumstances are correctly represented and the household receives the correct amount of benefits; and (3) that the authorized representative is properly using the SNAP benefits.

Whenever an agency representative suspects an authorized representative is improperly using the SNAP benefits, a report is made to the Chief Casework Supervisor for the SNAP or a Regional Manager for referral to the Administrator who then notifies FNS.

1002.55 *(7 CFR 273.2)* **INTERVIEWING HOUSEHOLDS – MONTH OF APPLICATION**

The month of application for all households is the calendar month in which the household files its application. The agency representative determines a household's eligibility and benefit level during the month of application, based on the household's circumstances for the entire calendar month, even if the application is filed late in that calendar month.

1002.55.05 *(7 CFR 273.2)* **Standards for Interviewing**

All households, including those submitting applications by mail or by web application, must have an interview with a qualified agency representative in a SNAP office, other certification site or on the telephone prior to initial certification and subsequent recertification. Applicants (and recipients at recertification or for any other reason) who miss their first scheduled appointment, must be notified that they have missed a scheduled appointment and that rescheduling another interview appointment within the necessary time frame to insure an application can be acted upon within thirty (30) days or before the end of the certification period is the responsibility of the household. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative who is an adult and who knows the household's circumstances.

The applicant may bring any person s/he chooses to the interview. The interviewer should not simply review the information that appears on the application, but explore and resolve with the household unclear and incomplete information. In addition, the agency representative must fully advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the household's responsibility to report changes. The interview is conducted as an official and confidential discussion of household circumstances.

The applicant's right to privacy must be protected during the interview. Facilities should be adequate to preserve the privacy and confidentiality of the interview.

1002.55.10 *(7 CFR 273.2)* **Waiver of an Office Interview**

The agency must notify all SNAP households (applicant and recipient) that the face-to-face interview can be waived in favor of a telephone interview upon request by any household.

The applicant/recipient will be provided the opportunity to choose a telephone interview or a face-to-face interview. If the applicant/recipient does not indicate which method he/she would prefer to be interviewed, the department will automatically schedule a telephone interview.

The agency must grant a face-to-face interview to any household which requests one.

1002.55.10.05 *(7 CFR 273.2)* ***Optional Waivers***

The agency representative may offer households for whom the office interview is waived the alternative of either a telephone interview or a home visit. However, home visits are used only if the time of the visit is scheduled in advance with the household.

1002.55.10.10 *(7 CFR 273.2)* ***Verification for Out-of-Office Interviews***

Waiver of the face-to-face interview does not exempt the household from the verification requirements discussed in 1002.60, although special procedures may also be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided. Verifications may be faxed or e-mailed to the agency. If the agency is unable to open any attachment(s) to an e-mail(s), the attachment(s) is not considered to have been received by the agency. Waiver of a face-to-face interview does not affect the length of the household's certification period.

The agency representative schedules face-to-face or out-of- office interviews as promptly as possible after the filing of an application in order to insure that an eligible household receives an opportunity to participate within thirty (30) days after the application is filed. If a household fails to avail itself for the first interview, the agency must notify the household that it missed the scheduled interview and that it is the responsibility of the household to schedule a second interview within thirty (30) days of the date of application.

Notification must also be given when a household misses any scheduled appointment including a recertification appointment.

1002.55.15 *(7 CFR 273.2)* **Household Failure to Cooperate**

To determine eligibility, the application forms are completed and signed, the household or its authorized representative is interviewed, and certain information on the application is verified. If the household refuses to cooperate with the agency in completing this process, the application is denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrates that it will not take actions which it can take and which are required to complete the application process. For a decision of noncooperation to be made, the household must fail to submit the requested verification by the 10th day from which the information was requested. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household is not denied until the 30th day from the date of the application.

The household is also determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and application for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but is not determined eligible until it cooperates.

The agency must not determine a household to be ineligible when a person outside of the household fails or refuses to cooperate with a request for verification. Individuals identified as non-

household members under Section 1002.20 are not considered individuals outside the household.

1002.55.20 *(7 CFR 273.2)* **Household Failure to Cooperate with Quality Control (QC)**

A household must be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility as a part of a quality control (QC) review. If a household is terminated for refusal to cooperate with a QC reviewer (in accordance with QC procedures for notification to the household of the penalties for refusal to cooperate), the household may reapply but must not be determined eligible until it cooperates with the QC reviewers.

If the household, terminated for refusal to cooperate with a DHS QC reviewer, reapplies after 95 days from the end of the annual review period (which is the calendar year from October 1 to September 30), the household should not be determined ineligible for its refusal to cooperate with a QC reviewer during the completed review period, but must provide all required verification prior to certification.

For example, a household was reviewed in March and refused to cooperate with the DHS QC reviewer, the household would be ineligible, unless it cooperates, until 95 days after the end of the annual review period, or until January 3rd of the following year.

If a household, terminated for refusal to cooperate with a Federal QC reviewer, reapplies after seven months from the end of the annual review period, the household should not be determined ineligible, unless it cooperates, for its refusal to cooperate with a Federal QC reviewer during the completed review period, but must provide all necessary verification prior to certification.

For example, a household was reviewed in August and refused to cooperate with the Federal Q.C. reviewer. The household would be ineligible until seven (7) months after the end of the annual review period, or until May 1st of the following year.

If the household wants to cooperate with the Federal Q.C. reviewer, the agency representative should contact the DHS Q.C. Unit which will in turn inform the Federal Q.C. reviewer.

1002.60 *(7 CFR 273.2)* **VERIFICATION PROCEDURES**

Verification is the use of third party information or documentation to establish the accuracy of statements on the application. This section sets forth the general requirements for verification of financial and non- financial eligibility factors.

Application of these requirements to each specific eligibility factor is discussed in the section of the Manual dealing with that particular eligibility factor.

Verifying Financial/Non-Financial Information

The agency representative must examine both financial and non-financial information provided by applicant households as part of the eligibility process. Financial information includes statements presented by the household on its resources, monthly income, and deductible expenses. Non-financial information includes residency in the project area, the composition of the household, its citizenship or alien status, the need for certain members to register for work, and

verification of social security number(s) (SSN).

Specific actions taken to verify these eligibility factors are explained in Section 1002 (non-financial criteria) and Sections 1003 and 1004 (financial criteria).

1002.60.10 *(7 CFR 273.2)* **Verification of Questionable Information**

The agency representative must verify, prior to certification of the household, all factors of eligibility which the agency representative determines are questionable and affect the household's eligibility and benefit level. Questionable information cannot be based on race, religion, ethnic background, or national origin. Groups such as migrant farmworkers or American Indians cannot be targeted for more intensive verification.

As a guideline, questionable information can be information that is:

* Inconsistent with statements made by the applicant or with other information on the application or previous applications; or,
* Inconsistent with information received from another source.

1002.60.15 *(7 CFR 273.2)* **Documenting the Verification**

Case records must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation is in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

1002.60.20 *(7 CFR 273.2)* **Documentary Evidence**

The agency representative uses documentary evidence as the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rental agreement and utility bills.

Although documentary evidence is the primary source of verification, verification is not limited to a single document or source. Where information from another source contradicts statements made by the household, the household is immediately afforded the opportunity to resolve the discrepancy. Whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, the agency representative uses alternate sources of verification, such as collateral contact and home visits. In all cases, the method of verification is recorded in the case record.

Generally, the agency representative should rely on the household to provide the name of any collateral contact.

The household may request assistance in designating a collateral contact. However, the agency representative is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide an accurate third-party verification. When the collateral contact designated by the household is unacceptable, the agency representative either will designate another collateral contact, ask the household to designate another collateral contact,

or to provide an alternative form of verification, or substitute a home visit.

Once an acceptable collateral contact is designated, the agency representative is responsible for obtaining verification from the collateral contact.

1002.60.25 *(7 CFR 273.2)* **Collateral Contacts**

A collateral contact is an oral confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the telephone. The agency representative may select a collateral contact if the household fails to designate one or designates one unacceptable to the agency representative. Examples of acceptable collateral contacts include, but are not limited to, employers, landlords, social service agencies, migrant service agencies, and neighbors of the household, who can be expected to provide accurate third-party verification.

If the agency representative designates a collateral contact, the agency representative must not make the contact without providing prior written or oral notice to the household. At the time of this notice, the agency representative must inform the household that it has the following options:

- Consent to the contact; or,
- Provide acceptable verification in another form; or,
- Withdraw its application.

If the household refuses to choose one of these options, its application must be denied in accordance with the normal procedures for failure to verify information under 1002.65.

Systems and records to which the agency representative has routine access are not considered collateral contacts and, therefore, need not be designated by the household. Examples of contacts in this category include the Beneficiary Data Exchange (BENDIX), the State Data Exchange (SDX), the State Verification Exchange System (SVES), Income and Eligibility Verification System (IEVS), and records of another agency where a routine access agreement exists (such as records from the State's unemployment insurance system).

1002.60.30 *(7 CFR 273.2)* **Home Visits**

Home visits are used as verification only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household.

1002.60.35 *(7 CFR 273.2)* **Responsibility for Providing Verification**

The household has primary responsibility for providing documentary evidence to support its income statements and resolve any questionable information. The agency must assist the household in obtaining this verification, provided the household is cooperating with the agency as specified in Section 1002.55.15. Households may supply documentary evidence in person, through the mail, through e-mail, by facsimile (fax), or through an authorized representative. The agency

must not require the household to present verification in person at the SNAP office. The agency representative accepts any reasonable documentary evidence provided by the household and is primarily concerned with how adequately the verification proves the statements on the application. If the household is unable to obtain the documentary evidence in a timely manner, or the agency representative can do so more expeditiously than the household, the agency representative offers assistance to the household in obtaining the documentary evidence. The agency is not required, however, to assist households in obtaining verification of shelter costs for an unoccupied home if verification would have to be obtained from sources outside of the project area.

1002.60.40 *(7 CFR 273.2)* Verification of Reported Changes

Changes reported during the certification period are subject to the same verification procedures as apply at initial certification, except that the agency should not verify changes in earned income of less than one hundred dollars ($100.00) or unearned income of less than fifty dollars ($50.00), or actual utility expenses which are unchanged or have changed by twenty five dollars ($25.00) or less, unless the information is incomplete, inaccurate, inconsistent, or outdated.

Households must verify medical expenses of over thirty five dollars if no previous medical deduction was provided in order to receive the standard medical deduction of one hundred and forty one dollars ($141). Households that elect to claim actual medical expenses (those households with medical expenses over one hundred and seventy six dollars ($176)), must verify at a reported change, previously unreported medical expenses and total recurring allowable medical expenses that have changed by more than twenty-five dollars ($25.00). Medical expenses that are unchanged or changed by $25.00 or less will not be verified unless information regarding these expenses is incomplete, inaccurate, inconsistent or outdated.

If the household declares a medical expense that must be verified, but chooses not to verify it, this decision must be documented in the case record. The household will be advised that the case will be processed without the medical expense and that it may furnish this required verification at a later date.

When the household does provide verification of the medical expense, the expense will be deducted, and the SNAP benefit amount adjusted according to the timeliness standards for a reported change.

If the agency learns of a change in its medical expenses from a source other than the household, the agency must act on the change, provided that no additional information or verification is required from the household. The agency will not contact the household and will not take any action on the household's medical expense deduction if the report of a change in medical expenses requires contact with the household.

1002.60.45 *(7 CFR 273.14)* Verification at Recertification

At recertification, the agency representative must verify any change in income if the source has changed. The agency representative must verify a change in unearned income if the amount has changed by more than fifty dollars ($50), a change in monthly earned income, if the amount has changed by more than one hundred dollars ($100) and actual utility expenses if the amounts

have changed by more than twenty-five dollars ($25) since they were last verified.

At the time of recertification, the household must report and verify all allowable current medical expenses if it has not elected to take the standard medical deduction (those households with medical expenses over one hundred and seventy six dollars ($176)).

Participating households will remain eligible for the standard medical deduction at recertification if they declare that the medical expenses continue to exceed thirty five dollars ($35) per month. Verification is not required at recertification unless the declaration is questionable. Declaration is a verbal statement, written statement, or appropriate response to a question supplied on a form. No further verification is required.

A household eligible for the child support income exclusion must verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a non-household member.

The agency representative shall not verify earned income claimed by households which is unchanged or has changed by one hundred dollars ($100) or less, unearned income that has changed by fifty dollars ($50) or less, or actual utility expenses or medical expenses if the amounts have changed by twenty-five dollars ($25) or less, unless the information is incomplete, inaccurate, inconsistent, or outdated.

The agency representative shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated. Other information which has changed may be verified via the interim reporting procedures and at recertification. Unchanged information shall not be verified unless the information is incomplete, inaccurate or inconsistent.

1002.60.50 *(7 CFR 273.2)* Verification after Non-Cooperation with Q.C.

The agency representative must verify all factors of eligibility for households who have been terminated for refusal to cooperate with the DHS QC reviewer, and who reapply after 95 days from the end of the annual review period. Also, the agency representative must verify all factors of eligibility for households who have been terminated for refusal to cooperate with a Federal QC reviewer, and who reapply after seven months from the end of the annual review period.

1002.65 *(7 CFR 273.2)* TIMELINESS STANDARD

A household's eligibility is determined and eligible households are given an opportunity to participate, as defined below, as soon as possible, but in any event no later than 30 calendar days after the household or its representative files the application.

For a resident of a public institution who applies for SNAP benefits prior to his/her release from the institution, the opportunity to participate must be provided as soon as possible, but not later than thirty (30) calendar days from the date the applicant is released from the institution.

Destitute households are certified on an expedited basis as described in Section 1016.10.

Section 1012.30 describes procedures to be followed if the timeliness standard is not met.

1002.65.05 *(7 CFR 274.2)* **Opportunity to Participate**

An opportunity to participate consists of providing households with an Electronic Benefit Transfer (EBT) card and personal identification number (PIN) prior to, or at the time of, acceptance into the SNAP.

1004 NON-FINANCIAL ELIGIBILITY PROVISIONS

1004.05 INTRODUCTION

This section outlines all the non-financial criteria a household must meet. Prior to determining a household's eligibility and benefit level, these non- financial criteria must be met by all household members for whom application has been made. This section also provides instructions on how to handle households which are ineligible after such a review.

These criteria are delineated in the major subsections below:

- Residency — Section 1004.10
- Household Composition — Section 1004.15
- Citizenship and Immigration Status — Section 1004.20
- Work Requirements — Section 1004.25
- Voluntary Quit — Section 1004.26
- Work Requirements for Able-Bodied Adults without Dependents (ABAWDS) — Section 1004.27
- Students — Section 1004.35
- Social Security Numbers — Section 1004.40
- Identity — Section 1004.45

1004.10 *(7 CFR 273.3)* RESIDENCY

A household must be living in the project area where it files an application for participation. No individual may participate as a member of more than one household or in more than one project area in any month unless an individual is a resident of a shelter for battered persons and children as defined in 1000.10.25 and was a member of a household containing the person who had abused her or him. Residents of shelters for battered persons and children are handled in accordance with Section 1014.50.

Residency must not be interpreted to mean domicile which is sometimes defined as the legal place of residence or principle home. No durational residency requirements must be imposed. An otherwise eligible household must not be required to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Residency must not mean an intent to permanently reside in the state. However, a person in the state solely for vacation must not be considered a resident.

To facilitate participation by homeless households who are otherwise eligible, EBT cards and Personal Identification Numbers (PIN) should be issued at screening. Such households should pick up their EBT cards and PIN at the local SNAP/DHS Office that is authorizing participation. Such a household must be entered in the SNAP computer file using the local office's address as the household's mailing address to insure adequate administrative monitoring.

1004.10.05 Reporting

The application contains spaces for both a physical address and a mailing address. If the two are different, the agency representative should request that both addresses be given. A mailing address only, such as post office box or a rural route, is not sufficient as it does not indicate that the household resides in the state. If the address is a rural route, information should be given to identify the exact location of the home.

1004.10.10 *(7 CFR 273.2)* **Mandatory Verification**

The residency requirement must be verified except in unusual cases (such as a homeless household, a migrant farm worker household or a household newly arrived in the project area) where verification of residency cannot reasonably be accomplished. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification of residence cannot be accomplished in conjunction with the other verification, then the agency representative may use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contact which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed.

The document(s) used to satisfy this requirement must be listed in the case notes.

Home Visit: Home visits must be used as verification only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household. Any such arrangements must be explained in the case notes.

Collateral Contact: A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the phone. The acceptability of a collateral contact must not be restricted to a particular individual but may be anyone who can be expected to provide an accurate third party verification of the household's statements (See 1001.60.25). Any such contacts should be explained in the case notes.

1004.15 *(7 CFR 273.2)* HOUSEHOLD COMPOSITION

Households must list on their applications the various members they wish to be considered for SNAP benefits. If questionable, the agency representative should examine each application to determine if there are members who may not be eligible to participate in the household's receipt of benefits.
Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness are responsible for proving a claim of separateness (at the agency's request) in accordance with the provisions of Section 1010.30.05. Separate household status must be detailed in the case notes.

1004.20 *(7 CFR 273.3)* CITIZENSHIP AND ELIGIBLE NON-CITIZEN STATUS

To receive SNAP benefits, an individual must be either:

- A citizen of the United States as described in Section 1004.20.05; or
- An eligible non-citizen as described in Section 1004.20.10.

A household with a member who does not meet either of the above criteria must not be prevented from applying and, if eligible, receiving benefits for the remaining eligible members of the household. Procedures for handling households with undocumented immigrants are found in Section 1004.20.35.

1004.20.05 *(7 CFR 273.3)* U.S. Citizenship - Definition

For SNAP purposes, a citizen of the United States is defined as an individual born in one of the fifty (50) States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

In addition, nationals from American Samoa and Swain's Island are considered United States citizens for SNAP purposes.

Naturalized citizens are also considered to be citizens since they have the same status as citizens.

1004.20.05.05 (7 CFR 273.3) Verification of U. S. Citizenship

U.S. citizenship must be verified only when the citizenship statement is inconsistent with other information on the application, previous applications or other documented information known to the agency representative. For example, verification would be required where a household presented an apparently counterfeit social security card, an employment office report stating that an individual was denied a job due to lack of U.S. citizenship, or a student reporting that tax dependency was not an issue because his/her parents resided in another country.

1004.20.05.10 (7 CFR 273.3) How to Verify U. S. Citizenship

When a household's statement that one or more of the members are U.S. citizens is

questionable, the agency representative must request the household to provide acceptable verification.

Acceptable forms of verification include birth certificates, religious records, voter registration cards, certificates of citizenship or naturalization provided by the U.S. Citizenship and Immigration Services (USCIS), such as Identification Cards for Use of Resident Citizens in the United States (USCIS Form I-179 or USCIS Form I-197) or U.S. Passports.

Participation in the RIW program may also be considered acceptable verification if verification of citizenship was obtained for that program.

If the above forms of verification cannot be obtained, and the household can provide a reasonable explanation as to why verification is not available, the agency representative may accept a signed statement from someone who is a U.S. citizen which declares, under penalty of perjury, that the member in question is a U.S. citizen. The signed statement must contain a warning of the penalties for helping someone commit fraud, such as, "If you intentionally give false information to help this person get SNAP benefits, you may be fined, imprisoned, or both."

A member whose citizenship is in question is ineligible to participate until proof of U.S. citizenship is obtained. The member whose citizenship is in question has his/her income, less a pro rata share, and all his/her resources considered available to any remaining household members as set forth in Section 1016.20. A case note entry should be made which indicates how citizenship was verified for each household member.

1004.20.10 *(7 CFR 273.3)* Eligible Non-Citizen Status

Prior to certification, the agency representative must determine the non- citizen status of household members who are applying for benefits and have indicated on the application that they are non-citizens. In doing this, however, the agency representative must not contact the U.S. Citizenship and Immigration Services (USCIS) without the written consent of the non-citizen. (This procedure is not applicable to SAVE policy in Section 1083.) Use of USCIS documentation is the primary source of verification.

Eligibility for participation in the Supplemental Nutrition Assistance Program depends on the non-citizen being an eligible non-citizen or a qualified non-citizen that meets certain conditions related to the qualified non-citizen status.

The following eligible non-citizens may be eligible to participate in the Supplemental Nutrition Assistance Program without having to meet any additional non-citizen requirements:

- Certain American Indians born abroad: American Indians born in Canada living in the U.S. under section 289 of the INA or non-citizen members of a Federally recognized Indian tribe under section 4(e) of the Indian Self-Determination and Education Assistance Act; and

  Hmong or Highland Laotian tribal members: An individual lawfully residing in the U.S. who was a member of a Hmong or Highland Laotian tribe that rendered assistance

to U.S. personnel by taking part in a military or rescue operation during the Vietnam era (August 5, 1964 - May 7, 1975). This category includes the spouse (or unremarried surviving spouse) or unmarried dependent children of these individuals.

The following qualified non-citizens may be eligible to participate in the Supplemental Nutrition Assistance Program without having to meet an additional condition:

- Asylees: Individuals granted asylum under section 208 of the Immigration and Nationality Act (INA);

- Refugees: Refugees admitted to the United States under section 207 of the INA;

- Deportation withheld: individuals whose deportation is being withheld under section 243(h) of the INA as in effect before 4/1/97, or removal is withheld under section 241(b)(3) of the INA;

- Cuban/Haitian Entrants: Cuban or Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980; or

- Victims of Severe Trafficking: Victims under the Trafficking Victims Protection Act of 2000.

- Iraqi and Afghan Special Immigrants (SIV): Iraqi and Afghan special immigrants who have been granted special immigrant status under section 101(a)(27) of the INA who have worked on behalf of the U.S. government in Iraq or Afghanistan. The Department of Defense Appropriations Act of 2010 (DoDAA), P.L. 111-118, section 8120 enacted on December 19, 2009, provides that SIVs are eligible for all benefits to the same extent and the same period of time as refugees.

- "Amerasian immigrants": as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988;

- Elderly Non-citizens: elderly individuals born on or before August 22, 1931 and lawfully residing in the United States on August 22, 1996;

- Children under 18: Qualified non-citizen children under eighteen (18) years of age.

- Individuals receiving benefits or assistance for blindness or disability: Individuals who have been determined blind or disabled and are receiving benefits or assistance for their condition as defined under section 3(r) of the Food and Nutrition Act regardless of when they entered the United States;

- Military Connection- Individuals who are lawfully residing in a State and are on active duty (other than for training) in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard (but not full-time National Guard) or who are honorably Discharged veterans who have not been discharged due to non-citizen status. This category includes the spouse (or surviving spouse who has not remarried) or unmarried dependent children of these

individuals. A discharge "Under Honorable Conditions" does not meet this requirement.

- A Legal Permanent Resident (LPR) who prior to adjustment to LPR status was:
  - a refugee under section 207 of the INA, including a victim of severe forms of trafficking;
  - an asylee under section 208 of the INA
  - a non-citizen whose deportation was being withheld under section 243(h) of the INA as in effect before 4/1/97, or removal is withheld under section 241(b)(3) of the INA;
  - a Cuban/Haitain entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); or
  - an Amerasian immigrant (as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988)

The following qualified non-citizens must meet one additional condition in order to be eligible to participate in the Supplemental Nutrition Assistance Program:

- Legal Permanent Residents (LPRs): Individuals lawfully admitted for permanent residence (LPR) in the United States (holders of green cards).

- Parolees: Individuals paroled into the United States under section 212(d)(5) of the INA for at least one (1) year;

- Conditional Entrants: Individuals granted conditional entry under section 203(a)(7) of the INA as in effect before 4/1/80;

- Battered Non-Citizens: Under certain circumstances (refer to Section 1004.20.10.05.05), a battered non- citizen spouse or child, non-citizen parent of a battered child or a non-citizen child of a battered parent with a petition pending under 204(a)(1)(A) or (B) or 244(a)(3) of the INA.

In order to be eligible to receive SNAP benefits, LPR's, parolees, conditional entrants and battered non-citizens must meet one of the following additional conditions:

- Five (5) years of residence: has lived in the U.S. as a qualified alien for five (5) years from the date of entry;

- Forty (40) qualifying work quarters (this condition can only be met by individuals who are lawful permanent residents/LPR's): A LPR who can be credited with forty (40)qualifying quarters of work under the Social Security system (credits may be earned individually, in combination with a spouse and in some circumstances a parent);

- Blind or disabled: Individuals who have been determined blind or disabled and are receiving benefits or assistance for their condition;

- Elderly Non-citizens: elderly individuals born on or before August 22, 1931 and lawfully

residing in the United States on August 22, 1996;

- Military connection: an individual who is lawfully residing in a state and is on active duty in the military (excluding National Guard) or is an honorably discharged veteran whose discharge is not because of immigration status (includes spouse, surviving spouse if not married, and unmarried dependent children). A discharge “Under Honorable Conditions”, which is not the same as an honorable discharge, does not meet this requirement.

- Child under 18: Qualified non-citizen children under eighteen (18) years of age.

1004.20.10.05 *(7 CFR 273.3)* ***Verification of Status for Sec. 1004.20.10***

Acceptable verification of qualified alien status is:

For refugee status, USCIS Form I-94 annotated: "Admitted as a refugee pursuant to Section 207 of the INA..."

For asylee status, USCIS Form I-94 annotated: "Asylee status granted pursuant to Section 208 of the INA valid to (date)."

For deportation withheld status, an order from an Immigration judge which shows deportation has been withheld under Section 243(h) or section 241(b)(3) of the INA.

For Cuban/Haitian entrants, USCIS Form I-94 annotated "Paroled under Sec. 212(d)(5), usually stamped "Cuban/Haitian".

For Amerasian immigrants, USCIS Form I-94 annotated with the codes AM6, AM7, or AM8; an I-551 with the codes AM6, AM7, or AM8; or a Vietnamese Exit Visa, Vietnamese passport, or U.S. passport, if stamped by USCIS with the codes AM1, AM2, or AM3.

USCIS Form I-688B will not be considered acceptable verification for the above statuses. Although I-688B indicates alien status, it does not reflect the date that status was granted. Therefore, it does not establish that the alien is eligible based on being in the United States less than five (5) years.

For lawfully admitted for permanent resident status, USCIS Form I-151 (being replaced by I-551).

Honorary discharge status, U.S. military discharge certificate (DD Form 214) that shows CHARACTER OF SERVICE as "Honorable" and does not show, in the NARRATIVE REASON FOR DISCHARGE entry, that the discharge was based on alien status, lack of U.S. citizenship, or other "alienage" reason.

Active duty member of U.S. Armed Force status, green service identity card (U.S. Form DD-2) or (rarely) red service identity card and copy of current orders showing active duty (not active duty for training purposes only).

For verification of number of qualifying quarters of coverage that can be credited from the alien,

her/his spouse, and/or her/his parents, use the certified earnings records from the Social Security Administration.

1004.20.10.05.05 *(7 CFR 273.3)* ***Battered Immigrants/Qualified Non-Citizen Criteria***

Certain categories of immigrants who have been subjected to battery or extreme cruelty in the United States by a family member with whom they reside are provided qualified non-citizen status under Section 431 of PRWORA. Qualified non-citizen status also extends to an immigrant whose child or an immigrant child whose parent has been abused. Additionally, this group of battered immigrants is exempt from deeming requirements as outlined in Section 1014.55.15.05.

A non-citizen is a qualified non-citizen as a battered immigrant if s/he meets the following seven (7) requirements. In general, these rules apply to abused immigrants who are (or were) married to Legal Permanent Residents (LPRs) or U.S. citizens, or whose parents are LPRs or citizens:

- The battered immigrant must show that s/he has an approved or pending petition which makes a prima facie case for immigration status in one of the following categories: 1) a Form I-130 filed by their spouse or the child's parent; 2) a Form I-130 petition as a widow(er) of a U.S. citizen; 3) an approved self-petition under the Violence Against Women Act (including those filed by a parent); or 4) an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.

- The immigrant, the immigrant's child or the immigrant child's parent has been abused in the United States under the following circumstances:

    - The immigrant has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the immigrant, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
    - The immigrant's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the immigrant, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consents to the battery or cruelty, and the immigrant did not actively participate in the battery or cruelty.
    - The parent of an immigrant child has been battered or subjected to extreme cruelty in the United States by the parent's spouse, or by a member of the spouse's family residing in the same household as the parent, if the spouse consents to or acquiesces in such battery or cruelty.
    - There is a substantial connection between the battery or extreme cruelty and the need for SNAP benefits; and
    - The battered immigrant, child, or parent no longer resides in the same household as the abuser.

The conditions discussed above only establish that the battered immigrant is a qualified non-citizen. In order for the immigrant to qualify for SNAP benefits based on her or his immigration status, such a qualified alien must meet the other conditions for eligibility such as the five (5) year residency requirement or an LPR with 40 qualifying quarters of work.

The five (5) year residency period begins when the prima facie case determination is issued or when the abused immigrant's I- 130 visa petition is approved. In making its determination, the agency representative must remember that the relevant date for this immigrant's eligibility is the date that s/he obtained qualified alien status as an abused immigrant rather than the date of that individual's immigration status, such as that of an LPR.

Examples to assist the agency representative determine whether a substantial connection exists between the battery or extreme cruelty and the applicant's need for public benefits include the following situations where benefits are needed: to enable the applicant and the applicant's child or parent to become self-sufficient; to escape the abuser or community in which the abuser lives or to ensure the safety of the applicant; because of a loss of financial support, dwelling, or source of income due to separation from the abuser; to alleviate nutritional risk; or for medical attention, mental health counseling, or because of a disability that resulted from the abuse.

1004.20.35 *(7 CFR 273.3)* Undocumented Non-citizens

When a household is unable, or unwilling, to provide documentation of non-citizen status for any household member, that member is classified as an ineligible non-citizen. When a person is unable, or unwilling, to provide documentation of his/her non-citizen status, that person is classified as an ineligible non-citizen. In such cases the agency representative does not continue efforts to obtain documentation and does not report him/her to the U.S.

Citizenship and Immigration Services (USCIS) office. Only in those instances where the agency representative has seen the deportation notice can the immigrant be reported to the USCIS office.

1004.20.40 *(7 CFR 273.3)* Need for Documentation

The agency is responsible to offer to contact USCIS when the non-citizen has an USCIS document which does not clearly indicate eligible or ineligible non-citizen status. The agency does not need to offer to contact USCIS on the non-citizen's behalf when the non-citizen does not provide a document. However, when the agency accepts non-USCIS documentation determined to be reasonable evidence of the non-citizen's immigration status, the agency representative must photocopy the document and transmit it to the USCIS for verification. Pending such verification, the agency must not delay, deny, reduce, or discontinue the individual's eligibility for benefits on the basis of the individual's immigration status. The agency does not need to receive the non-citizen applicant's written consent in order to transmit the photocopy to USCIS.

The agency must provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible non-citizen status as of the 30th day following the date of application.

A reasonable opportunity is at least ten days from the date of the agency's request for an acceptable document. When the agency accepts non-USCIS documentation and fails to provide a non-citizen applicant with a reasonable opportunity as of the 30th day following the date of application, the agency must provide the household with benefits no later than 30 days following the date of application provided the household is otherwise eligible.

1004.20.45 *(7 CFR 273.2)* **Certification of Remaining Household Members**

A non-citizen is ineligible for SNAP benefits until acceptable verification is provided unless:

1. The SNAP worker has submitted a copy of a document provided by the non-citizen to USCIS for verification. Pending such verification, the worker cannot reduce, delay, deny or terminate the immigrant's benefits on the basis of the individual's immigration status; or

2. The applicant or the SNAP worker has submitted a request to the Social Security Administration for information regarding the number of quarters of work that can be credited to the individual, SSA has responded that the individual has fewer than forty (40) quarters, and the individual provides documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited. If SSA indicates that the number of qualifying quarters that can be credited is under investigation, the ET must certify the individual pending the results of the investigation for up to six (6) months from the date of the original determination of insufficient quarters; or

3. The non-citizen applicant or the SNAP worker has submitted a request to a federal agency for verification of information which bears on the non-citizen's eligible non-citizen status. The SNAP worker must certify the individual pending the results of the investigation for up to six (6) months from the date of the original request for verification.

In all other situations, while awaiting acceptable verification, the non-citizen member(s) of the household whose status is questionable is not eligible. The income and resources of the ineligible non-citizen must be treated in the same manner as an ineligible individual, and must be considered available in determining the eligibility of any remaining members. (Cash payments from the ineligible non-citizen member(s) to the household are considered income under the normal income standards found in Section 1010.) The non-citizen(s) with unverified status must be considered an ineligible member(s) and the eligibility of the remaining household members (if any) must be determined as defined in Section 1016.20. If the agency representative determines from discussions with the household that the non-citizen either does not wish to contact USCIS, or does not give the agency representative permission to make the contact for him/her, the household is given the option of withdrawing its application or participating without the non-citizen member. However, should the agency representative subsequently receive verification of eligible non-citizen status, the agency representative must act on the information as a reported change in household membership in accordance with the timeliness standards set in Section 1018.20.

1004.25 *(7 CFR 273.7)* **WORK REQUIREMENTS**

The Food and Nutrition Act of 2008 requires certain unemployed adults who are members of eligible households to register for work, and to comply with all the employment and training requirements. In Rhode Island, for FFY 2011 forward, until policy is amended otherwise, participation in an employment and training program is voluntary.

Each household member who is not exempt, must register for employment at the time of

application, and once every twelve (12) months after initial registration, as a condition of eligibility. The registration form need not be completed by the member required to register; it can be completed by a responsible household member or an authorized representative.

Strikers whose households are eligible under the criteria in Section 1014.25 are subject to the work registration requirements unless exempt under 1004.25.05 of this section at the time of application.

1004.25.05 *(7 CFR 273.7)* **Exemptions from Work Registration**

The following persons are exempt from the work registration requirement:

- Persons Under 16 or 60 Years of Age or Older
- Persons with Disabling Conditions
- Persons Who Are Participants in the RIW Program
- Persons Who Are Caretakers
- Recipients of Unemployment Insurance
- Persons with Drug and Alcohol Dependency
- Employed Persons
- Self-employed Persons
- Persons Who Are Students
- Joint Applicants for SSI and SNAP

1004.25.05.05 *(7 CFR 273.7)* ***Persons Under 16 or 60 Years of Age or Older***

Persons younger than 16 years of age or 60 years of age or older.

If a child has his/her 16th birthday within the certification period, the child must fulfill the work registration requirement as part of the next scheduled recertification process unless otherwise exempt.

Also exempt is a person age 16 or 17 who is not a head of household or who is attending school or is enrolled in an employment training program on at least a half-time basis.

1004.25.05.10 *(7 CFR 273.7)* ***Persons with Disabling Conditions***

Persons with disabling conditions incapable of gainful employment either permanently or temporarily. Persons claiming a temporary incapacity must be required to register once they become physically and mentally able to work.

- Verification

  Eligibility for and receipt of benefits from SSI is prima facie evidence of unemployability. In the case of an SSI household containing an "essential person", the individual situation must be examined to determine whether that essential person must register. In addition, receipt of disability payments under the Social Security Program (Retirement, Survivors and Disability Insurance (RSDI)) is considered proof of disability for purposes of this exemption.

Other individuals claiming an exemption for a physical or mental disability should furnish other verification which can substantiate such claim. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or a statement from a physician or licensed or certified psychologist. If the individual cannot afford to pay a physician, the agency representative should provide the address of the appropriate Rhode Island Health Center.

Adequate documentation should appear in the case record to support the granting of this exemption. Additionally, a case note entry detailing the exemption is required. Receipt of Workers' Compensation may also indicate temporary disability.

1004.25.05.15 *(7 CFR 273.7)* ***Work Requirements for RIW Recipients***

A household member subject to and complying with any work registration requirement under Title IV-A of the Social Security Act, including the RIW Employment Plan, is exempt from the SNAP work requirement.

A household member who is required to register for work under a Title IV-A program and who fails to comply with a registration requirement which is not comparable with the SNAP work registration requirement must not be denied SNAP benefits solely for this failure. The member loses his/her special exemption and must register for work with the Supplemental Nutrition Assistance Program if not otherwise exempt.

1004.25.05.20 *(7 CFR 273.7)* ***Persons Who Are Caretakers***

A parent or other household member who is responsible for the care of a dependent child under six (6) or an incapacitated person. If the child has his/her sixth birthday within a certification period, the individual responsible for the care of the child must fulfill the work registration requirement as part of the next scheduled recertification process, unless that individual qualifies for another exemption.

- Verification

  If a parent and another member of the household both claim to be responsible for the care of the same dependent child or incapacitated adult, the actual responsibility should be determined by discussion with the applicant. A summary of the fact leading to the exemption should be made in the case notes.

1004.25.05.25 *(7 CFR 273.7)* ***Recipients of Unemployment Insurance***

A person who is in receipt of Unemployment Insurance (UI).

A person who has applied for, but has not yet begun to receive UI is also exempt, but only if that person was required to register for work with the Department of Labor and Training (DLT) as part of the UI application process. If the exemption claimed is questionable, the agency representative is responsible to verify the exemption with the Department of Labor and Training.

If a person's UI expires or is suspended, s/he must register for work unless otherwise exempt. A household member who is required to register for work under the UI program and who fails to comply with a work registration requirement which is not comparable with the SNAP work registration requirement must not be denied SNAP benefits solely for this failure. Such member loses his/her special exemption and must register for work with the Supplemental Nutrition Assistance Program if not otherwise exempt.

1004.25.05.30 *(7 CFR 273.7)* ***Persons with Drug or Alcohol Dependency***

A regular participant in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or nonresident basis.

- Verification

  Regular participation in the program may be verified through the organization or institution operating the program.

1004.25.05.35 *(7 CFR 273.7)* ***Employed Persons***

A person who is employed and working a minimum of thirty hours weekly or receiving weekly earnings at least equal to the Federal minimum wage multiplied by (30) hours is exempt. This includes migrant and seasonal farmworkers who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days (although this does not prevent individuals from seeking additional services from the Department of Employment Security).

- Verification

  If a person claims to be exempt by reason of employment of at least 30 hours per week, verification of the amount of income received from such employment, as is elsewhere required for certification, is sufficient to establish the exemption, provided the amount of income appears to be consistent with employment for thirty (30) hours a week under the general conditions prevailing in the community. However, if the individual does not meet this test, but still claims to be employed, then, in cooperation with the agency representative, the applicant is requested to supply documentary evidence of the existence of an employee - employer relationship and that the number of hours worked is equivalent to thirty (30) hours a week.

  Factors to be considered, while not all inclusive, are:

  1. Does the wage meet State, Local or Federal minimums?

  2. Have deductions of amounts for Federal and/or State income taxes, Social Security tax, etc., been made by the employer?

  3. Does the employer pay unemployment insurance premiums on behalf of the employee?

Hobbies, Volunteer Work, etc.

Persons engaged in hobbies or volunteer work or any other activity which cannot (because of the minimal amount of monies received from such activity) be considered as gainful employment, must not be considered exempt from work registration regardless of the amount of time spent in such activity.

1004.25.05.40 *(7 CFR 273.7)* ***Self-employed Persons***

Persons who are self-employed and working a minimum of thirty (30) hours weekly or receiving weekly earnings equal to or greater than the Federal minimum wage, multiplied by thirty (30) hours.

- Verification

  If a person claims to be exempt by reason of self-employment, verification of the amount of income received from self-employment is sufficient to establish the exemption, provided the amount of income appears to be consistent with a conclusion of full-time (30) hours a week) employment. If the income is not sufficient, but the person still claims to be self-employed, such person must cooperate with the agency representative in establishing that the income received from the self-employment enterprise is at least sufficient to be considered gainful employment and that the volume of work claimed justifies a determination that the self-employment enterprise is a full-time job for the purposes of this exemption. The household must cooperate in providing adequate documentation to substantiate the claim.

1004.25.05.45 *(7 CFR 273.5)* ***Persons Who Are Students***

A student is defined as an individual attending any kindergarten, pre-school, grade school, high school, vocational or technical school, training program, college or university. A student must be considered by the institution as attending half-time as defined by the institution. Enrollment in a mail, self-study, or correspondence course does not qualify such person as a student.
Students under 18 years of age are exempt from work registration. A student enrolled in a school, training program or institution of higher education remains exempt during normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out or does not intend to register for the next normal school term (excluding summer school.) A person who is not enrolled at least half-time or who experiences a break in enrollment status due to graduation, expulsion, or suspension, or who drops out or otherwise does not intend to return to school, must not be considered a student for the purpose of qualifying for this exemption.

- Verification

  For students, aged 16 through 59, the agency representative may check with the institution or place of training, to determine if the school or training program is recognized by a Federal, State or local government agency, and if the student's hours meet the half-time requirement. Persons enrolled in

correspondence courses where physical attendance is not regularly required are not exempt.

Students under 18 years of age are granted an exemption for any income earned through employment or self-employment, except those no longer under the parental control of another household member. The income and resources of a student is treated in accordance with either Section 1016.20.05 or Section 1016.20.10. If a household's benefits are reduced or terminated within the certification period because one of its members becomes an ineligible student, follow the procedures in Section 1016.20.15.

1004.25.05.50 *(7 CFR 273.2)* ***Applicants for SSI and SNAP Benefits***

Household members who are applying for SSI and SNAP benefits under SSI/SNAP joint application processing have the requirement for work registration waived until:

- they are determined eligible for SSI and thereby become exempt from work registration; or,
- they are determined ineligible for SSI and, where applicable, a determination of their work registration status is then made through recertification procedures, in accordance with Section 1018.15.

1004.25.10 *(7 CFR 273.7)* **Determining Exemptions to Work Registration**

The agency representative determines which household members meet the exemption to the registration requirements at the time of initial certification, recertification, change in employment status, or the required twelve-month registration period.

In general, work registration exemptions must be verified prior to certification only if inconsistent with other information on the application, previous applications, or other documented evidence known to the agency.

1004.25.15 *(7 CFR 273.7)* **Loss of Exemption Status**

Persons losing exemption status due to any changes in circumstances which are subject to the reporting requirements described in Section 1018.05 (such as loss of employment that also results in a loss in earned income of more than one hundred dollars ($100.00) a month, or departure from the household of the sole dependent child for whom an otherwise non-exempt household member was caring) must register for employment when the change is reported.

If the change is reported in person by the household member required to register, the person should complete the work registration form at the time the change is reported, unless this is not possible, in which case the household member must return the form to the agency representative within 10 days.

If the change is reported in person by a household member other than the member required to register, the person reporting the change may complete the form at the time the change is being reported or deliver the form to the member required to register. If the change is reported by phone

or through the mail, the agency representative is responsible for providing the participant with a work registration form.

Participants are responsible for returning the form to the agency representative within 10 calendar days from either the date the form was handed to the household member reporting the change in person, or the date the agency representative mailed the form. If the participant fails to return this form, a notice of adverse action must be issued stating that the participant or, if the individual is the head of household, the household is being terminated and the reason, but that the household can avoid termination by returning the form.

Those persons who lose their exemption due to a change in circumstances that is not subject to the reporting requirements of Section 1018.05 must register for employment at their households' next recertification.

1004.25.20 *(7 CFR 273.7)* Work Registration Procedures

The agency must register for work each household member who is not exempt as defined in the provisions in 1004.25.05. Non-exempt work registrants are known as mandatory work registrants.

When it is determined that an applicant/recipient must register, the agency representative must explain to the applicant/recipient the pertinent work requirements, the rights and responsibilities of the work-registered household member(s) and the consequences of failure to comply. A written summary (SNAP-510) of these matters is provided to each work registrant.

It is also provided to a previously exempt member or a new household member who becomes subject to the work registration requirement.

Work registration is accomplished by completing the SNAP-511 for each household member required to register for employment. This form may be completed by the applicant or authorized representative for each household member who is required to register for employment. The date the registration form is completed is recorded in the case notes

1004.25.20.05 *(7 CFR 273.7)* *Screening for Referral for E & T Activities*

Using established interview techniques, the SNAP representative elicits information needed to assess a participant’s employability and at the same time, explain the available employment and training services as well as the participant's responsibilities.

Upon certification of the household for SNAP benefits, mandatory work registrants are informed that they have the opportunity to voluntarily enroll in employment and training activities. If they wish to enroll, the agency representative completes the the SNAP-511 and SNAP-511A and forwards the form to the SNAP E&T Coordinator. Additionally, any SNAP recipient who is exempt from work registration may also volunteer for employment and training activities by completing a SNAP-511 and SNAP-511A.

Referral to the SNAP E&T Program is accomplished by forwarding the SNAP-511 and SNAP-

511A to the SNAP E&T contractor.

1004.25.25 *(7 CFR 273.7)* **Work Registrant Requirements**

All mandatory work registrants must:

- Complete a work registration form (SNAP-511)

Respond to a request from the SNAP representative for supplemental information regarding employment status or availability for work;

- Report to an employer when referred by the SNAP E&T Program if the potential employment meets the suitability requirements in 1004.25.40;

- When involved in a SNAP employment and training activity, accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable State or Federal minimum wage.

- Not voluntarily quit a job without good cause (see Section 1004.26)

1004.25.30 *(7 CFR 273.7)* **Employment and Training Activities**

Persons required to register for work and those exempt from work registration may voluntarily participate an Employment and Training Activity. Except in those circumstances identified in Section 1004.25.25, such volunteers are not subject to disqualification for failure to meet participation requirements.

Those E&T activities that are available to volunteers may not include all of the components listed in Section 1004.25.30.10, but may vary based on the SNAP E&T State Plan and E&T contract.

Available E&T activities are described to work registrants at application and re-registration.

1004.25.30.10 *(7 CFR 273.7)* ***E & T Components***

Following are the components that comprise the employment and training activities in which SNAP recipients may participate.

Group Job Search Component

Group Job Search is a service provided in a structured workshop setting consisting of: training in networking as a job search technique; instruction in completing job applications and writing resumes; developing job interview skills; and advice on presentation for interviews. Peer group support and exploration of individual career interests are among the methods used.
Participants are expected to contact employers in accord with E&T contractor guidance to enable monitoring of their progress. Individual (or Independent) Job Search Component
Individual (or Independent) Job Search is a service provided to those work registrants, who during the previous six (6) months, have either been employed or have successfully

completed or participated in Vocational Training, Job Club, Group Job Search Workshop, or an approved educational course. Participants are expected to contact employers in accord with E&T contractor guidance to enable monitoring of their progress.

Vocational Skills Training Component

Opportunities for vocational skills training are made available to E&T participants who have some work experience but do not possess occupationally-oriented skills. E&T participants could receive OJT with private employers or classroom training. Services are designed to enable participants to re-enter the labor market.

Remedial and Basic Education Component

E&T participants may be referred to educational activities in order to improve their basic reading and mathskills, and subsequently, to improve their employment prospects. These activities are Literacy Training, Basic and Remedial Education, Graduate Equivalency Diploma (GED) Training and English as a Second Language (ESL).
Assignment to these educational activities is based on Assessments by the SNAP E&T contractor and the service providers. All educational activities to which work registrants are referred will meet the minimum requirement of twelve (12) hours per month for two (2) months.

1004.25.30.15 *(7 CFR 273.7)* ***SNAP E&T Outcomes***

If the participant completes the assigned component and locates employment, the SNAP E&T contractor informs the agency representative via an SNAP-512. The agency representative acts on this change in circumstances in accordance with Section 1018.05.

1004.25.30.20 *(7 CFR 273.7)* ***Support Services***

Transportation Allowance

Upon written documentation from the service provider, the SNAP E&T contractor may authorize an expense payment of $3.00 per day for each day the participant is involved in a component activity.

Dependent Care Reimbursement

Reimbursement for dependent care expenses is allowable up to $160 per month per dependent expenses that are incurred while a participant is fulfilling an E&T obligation. Reimbursement is limited to dependent care expenses for children under age thirteen (13) and incapacitated persons. If an individual's dependent care costs exceed $160 per month per dependent, s/he may be exempt from participation in an E&T component in accordance with Section 1004.25.30.10.

No reimbursement is made for payment to dependent care providers who reside in the same household as the dependent child or incapacitated person. The SNAP E&T contractor is responsible for oversight, documentation and invoicing.

Work-Readiness Fee

Allowances for work-related expenses are approved, managed and invoiced by the SNAP E&T contractor. In the non-vocational education component, course registration fees and such materials as may be needed to complete the course may qualify. In the vocational training component, program registration fees, miscellaneous equipment (e.g., stethoscopes, special shoes, and uniforms) required by a program under the vocational component may also qualify for the use of this fee. The fee is authorized by the SNAP E&T contractor for a participant who is actively engaged in an approved E&T component. This fee is excluded as income for SNAP purposes.

1004.25.35 *(7 CFR 273.7)* Failure to Comply With a Work Requirement

Certain work requirements still apply to mandatory work registrants even under a voluntary E&T program. The requirements with which a SNAP work registrant must comply are listed in Section 1004.25.25. If an individual (other than the head of household, as defined in 1002.35.05), who is required to register refuses or fails without good cause to comply with the requirements imposed by Section 1004.25.25, that individual is ineligible to participate in the Supplemental Nutrition Assistance Program and is treated as an ineligible household member (See Section 1016.20.05.). If the head of household who is required to register fails to comply, the entire household is ineligible to participate as provided below.

Length of Sanction

Ineligibility in both cases continues for two (2) months or until the member who caused the violation:

- Complies with the requirements of this section;
- Leaves the household; or
- Becomes exempt from work registration, as provided in 1004.25.05, (other than through the exemptions for the RIW Program participants or UI recipients); whichever occurs first.

When a noncompliant head of household moves from one household to another, a sanction is imposed on the new household for the remainder of the disqualification period if s/he is designated the head of household. If the individual moves into a household in which an adult parent of children has been selected head of household, the household sanction cannot be imposed unless the new household designates her/him as its head. If the member who failed to comply joins another household where s/he is not the head of household, the individual is to be ineligible for two (2) months and must be considered an ineligible household member as provided in Section 1016.20.05.

1004.25.35.05 *(7 CFR 273.7)* ***Determining Good Cause***

The SNAP worker is responsible for determining good cause in those instances when a work registrant has failed to comply with the requirements set forth in Section 1004.25.25. The registrant is responsible for submitting evidence in support of any claim of good cause.

The SNAP agency representative must consider the facts and circumstances, including information submitted by the household member involved, the employer, or the E&T contractor.

Good cause includes circumstances beyond the member's control, such as, but not limited to:

- Illness or incapacity;
- Illness of another household member sufficiently serious to require the presence of the registrant;
- Unanticipated household emergency;
- Court-required appearance;
- Incarceration;
- Breakdown in transportation arrangements with no readily accessible means of transportation;
- Inclement weather which prevented the registrant and other persons similarly situated from traveling to, or accepting a bona fide offer of employment;
- Problems caused by the inability of the registrant to speak, read or write English;
- Lack of adequate child care for children who have reached age six (6) but are under age twelve (12).

1004.25.35.10 *(7 CFR 273.7)* ***Notice of Adverse Action and Fair Hearing***

Within five (5) days of noncompliance with the work requirements as listed in Section 1004.25.25, the SNAP E&T contractor notifies the SNAP Eligibility Technician of the noncompliance via a SNAP-512. The SNAP ET must issue a Notice of Adverse Action (NOAA).

The work registrant has ten (10) days to respond and offer evidence of good cause. The Notice of Adverse Action must state the particular act of noncompliance committed, the proposed period of disqualification and must specify that the individual or household may reapply at the end of the disqualification period. Information is also included describing the action which can be taken to end or avoid the sanction. The disqualification period begins with the first month following the expiration of the adverse notice period, unless a fair hearing is requested.

Each individual or household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of non-exempt status, or determination of failure to comply with the work registration or employment and training requirements of this section. Individuals or households may appeal agency actions such as exemption status, the type of requirement imposed, or agency refusal to make a finding of good cause if the individual or household believes that a finding of failure to comply has resulted from improper decisions on

these matters. The SNAP Eligibility Technician should receive sufficient advance notice to either permit the attendance of a representative or ensure that a representative is available for questioning on the telephone during the hearing. A household must be allowed to examine its employment component case file at a reasonable time before the date of the hearing, except for confidential information (which may include test results) that the agency determines should be protected from release.

Information not released to a household may not be used by either party at the hearing. The results of the hearing are binding on the agency.

1004.25.40 *(7 CFR 273.7)* **Suitable Work**

Any employment is considered suitable if:

The wage offered is at least the highest of:

- the applicable Federal minimum wage;
- the applicable State minimum wage; or,
- eighty percent (80%) of the Federal minimum wage, if neither the State or Federal minimum wage is applicable.

The employment offered is on a piece-rate basis, and the average hourly yield the employee can reasonably expect to earn at least equals the applicable hourly wages specified above.

The registrant, in order to be hired or to continue working, is not required to join, resign from, or refrain from joining any legitimate labor organization.

The work offered is not at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (Taft-Hartley), or unless an injunction has been issued under Section 10 of the Railway Labor Act. Employment is considered suitable unless the registrant demonstrates, or the agency representative determines, that:

- The risk to health and safety is unreasonable.

- The member is physically or mentally unable to perform the essential functions of the job, as documented by medical evidence or by reliable information from other sources.

- The employment offered within the first thirty (30) days of registration is not in the registrant's major field of experience.

- The distance from the registrant's home to the place of employment is unreasonable based on the expected wage and the time and cost of commuting. Daily commuting time should not exceed two hours per day, not including the transportation of a child to and from a child-care facility. Neither should employment be considered suitable if the distance to the place of employment prohibits walking, and both public and private transportation are unavailable to use in getting to the job site.

- The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs. For example, a Sabbatarian could refuse to work on the Sabbath and not affect the household's eligibility.

1004.25.45 *(7 CFR 273.7)* **Ending Disqualification**

Following the end of the two-month disqualification period for failure to comply with work requirements such as refusal to register for work, participation may resume if the disqualified individual or household (if the household is disqualified due to the head of household's failure or refusal to register for work) applies again and is determined eligible.

Eligibility may also be reestablished within a disqualification period if the household is otherwise eligible and the member who caused the disqualification becomes exempt from the work requirement, is no longer a member of the household (although any new household containing this member must be subject to disqualification for the remainder of the disqualification period), or the member complies as follows:

- Refusal to register--completes the work registration form.

- Refusal to respond to a request from an agency-- Representative requiring supplemental information regarding employment status or availability for work--compliance with the request.

- Refusal to report to a specific employer when referred by an agency representative -- reporting to this employer if work is still available or to another employer to whom referred.

- Refusal to accept a bona fide offer of suitable employment when referred by an agency representative--acceptance of this employment, if still available to the participant, of any other employment with earnings equivalent to the refused job, or any other employment of at least thirty (30) hours per week with weekly earnings equal to the Federal minimum wage multiplied by thirty (30) hours.

1004.25.50 *(7 CFR 273.7)* **Reporting Requirements**

The requirements for reporting changes in household circumstances are discussed in Section 1018.

1004.26 *(7 CFR 273.7)* **VOLUNTARY QUIT PROVISION**

No individual is eligible to participate in the SNAP as specified below when the individual (as defined in 1002.35.05) voluntarily and without good cause quits a job of thirty (30) hours a week or more, or reduces his/her work effort within the sixty (60) days prior to the date of application or at any time thereafter. The reduction of work effort provision applies if, before the reduction, the individual was employed 30 hours or more per week and the reduction was voluntary and without good cause. If the individual reduces his/her work hours to less than 30 hours/week, but continues to early weekly wages that exceed the Federal minimum wage multiplied by 30 hours, the individual remains exempt from program work requirements and the reduction of work

provision does not apply. If the individual who becomes ineligible is the head of the household, the entire household will be disqualified from receiving SNAP benefits, in accordance with Section 1004.26.30. At the time of application, the agency representative must explain to the applicant the consequences of the head of household quitting his/her job or reducing his/her work effort without good cause and the consequences of a person joining the household as its head if that person has voluntarily quit employment.

Persons who are exempt from the work registration provisions are exempt from the voluntary quit provision. For example, a RIW recipient is exempt from the voluntary quit provision as s/he is considered registered for employment services by virtue of signing the DHS-2, Application for Assistance.

1004.26.05 *(7 CFR 273.7)* **Determination of Voluntary Quit**

When a household files an application for participation, or when a participating household reports the loss of a source of income, the agency representative must determine whether any household member voluntarily quit his/her job. Benefits are not delayed beyond the normal processing times outlined in 1001.65.15 pending the outcome of this determination.

This provision applies only if:

- the employment involved thirty (30) hours or more per week or provided weekly earnings at least equivalent to the Federal minimum wage multiplied by thirty (30) hours;
- the quit occurred within sixty (60) days prior to the date of application or anytime thereafter; and,
- the quit was without good cause.

If an individual quits a job, secures new employment at comparable wages or hours and is then laid off or, through no fault of his/her own loses the new job, the earlier quit does not form the basis of a disqualification.

An employee of the Federal Government or of a State or local government who participates in a strike against such government, and is dismissed from his/her job because of participation in the strike, must be considered to have voluntarily quit his/her job without good cause.

1004.26.10 *(7 CFR 273.2)* **Applicant Households**

In the case of an applicant household, the agency representative must determine whether any currently unemployed (i.e., employed less than thirty (30) hours per week or receiving less than weekly earnings equivalent to the Federal minimum wage multiplied by thirty (30) hours) household member who is required to register for work has voluntarily quit his/her most recent job or reduced his/her work effort within the last sixty (60) days.

If the agency representative learns that a household has lost a source of income after the date of

application but before the household is certified, the agency representative must determine whether a voluntary quit occurred.

1004.26.15 *(7 CFR 273.2)* **Participating Households**

In the case of a participating household, the agency representative must determine whether any household member voluntarily quit his/her job or reduced his/her work effort while participating in the program, or in the time between application and certification.

1004.26.20 *(7 CFR 273.2)* **Head of Household**

When a determination of voluntary quit is established for a household member, the agency representative then determines if the member who quit is the head of household as defined in 1002.35.05.

1004.26.25 *(7 CFR 273.2)* **Determination that Quit was with Good Cause**

Upon a determination that the head of household voluntarily quit employment, the agency representative must determine if the voluntary quit was with good cause as defined in 1004.30.45.

1004.26.30 *(7 CFR 273.2)* **Disqualification for an Applicant Household**

In the case of an applicant household, if the voluntary quit was without good cause, the household's application for participation is denied and sanction imposed for 90 days, starting from the date of the quit. The agency representative must provide the applicant household with a notice of denial in accordance with Section 1012.30. The notice must inform the household of the following:

- the period of disqualification;
- the right to reapply at the end of the 90-day period; and
- the right to a fair hearing.

1004.26.35 *(7 CFR 273.2)* **Disqualification for Participating Household**

If the agency representative determines that the head of a participating household voluntarily quit his/her job while participating in the program or later discovers a quit occurred within sixty days prior to application or between application and certification, s/he provides the household with a notice of adverse action as specified in Section 1018.10., within ten days after the determination of a voluntary quit is made.

Such notification must contain:

- the particular act of noncompliance which was committed;

- the proposed period of disqualification;
- the actions which may be taken to end or to avoid the disqualification: and,
- specification that the household may reapply at the end of the disqualification period.

Except as otherwise specified in this section, the period of ineligibility runs continuously for three (3) months or ninety (90) days beginning with the first of the month after all normal procedures for taking adverse action have been followed. The 90- day disqualification period may be converted to a three (3) calendar month period only for participating households.

If a voluntary quit occurs in the last month of a certification period or is determined in the last thirty (30) days of the certification period, the household is denied recertification for a period of ninety (90) days beginning with the day the certification period ends. If such a household does not apply for SNAP benefits by the end of the certification period, a claim is established for the benefits received by the household for up to ninety days beginning the first of the month after the month in which the quit occurred. If there are fewer than ninety days from the first of the month after the month in which the quit occurred to the end of the certification period, a claim is imposed. The household remains ineligible for benefits for a prorated number of days, with the end result that a claim was established or the household was ineligible for a full ninety days.

Each household has a right to a fair hearing to appeal a reduction or termination of benefits due to a determination that the head of household voluntarily quit his/her job without good cause. If the participating household requests a fair hearing and the agency's determination is upheld, the disqualification period begins with the first of the month after the hearing decision is rendered.

Persons who have been disqualified for quitting a job as head of one household must carry their sanction with them if they join a new household as its head. The new household is ineligible for the remainder of the sanction period unless the person who caused the disqualification ends it in a manner prescribed in 1004.30.50.

1004.26.40 *(7 CFR 273.2)* Application in 3rd Disqualification Month

If an application for participation in the program is filed in the third month of disqualification, the agency representative must use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligible criteria are met.

1004.26.45 *(7 CFR 273.2)* Good Cause

Good cause for leaving employment includes the good cause provisions specified in 1004.25.35.05 and resigning from a job that does not meet the suitability criteria specified in 1004.25.40.

Good cause for leaving employment must be substantive, not solely an allegation, and includes:

- discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;

- work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

- acceptance by the primary wage earner of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education that requires the primary wage earner to leave employment;

- acceptance by any other household member of employment or enrollment of at least half-time in any recognized school, training program or institution of higher education in another area which requires the household to move and thereby requires the primary wage earner to leave employment;

- resignations by persons under the age of sixty (60) which are recognized by the employer as retirement;

- employment which becomes unsuitable by not meeting the criteria as specified in 1004.25.40., after the acceptance of such employment;

- acceptance of a bona fide offer of employment of more than thirty (30) hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by thirty (30) hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than thirty (30) hours a week or weekly earnings of less than the Federal minimum wage multiplied by thirty (30) hours; and

- leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work. Even though work may not yet be available at the new job site, the quitting of the previous employment is considered as with good cause if it is part of the pattern of that type of employment.

1004.26.50 *(7 CFR 273.7)* **Verification**

Verification of questionable information provided by the household is obtained as specified in Section 1002.60.10. The client is the primary source. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the agency representative offers assistance to obtain the needed verification.

Acceptable sources of verification include, but are not limited to, the previous employer, employee associations, union representatives, and grievance committees or organizations.

Whenever documentary evidence cannot be obtained, the agency representative substitutes a collateral contact. The agency representative is responsible for obtaining verification from acceptable collateral contacts provided by the household.

A household is eligible when the requested verification is unattainable because the cause for the quit resulted from circumstances which, for good reason, cannot be verified, such as a resignation from employment due to discrimination practices, unreasonable demands by an employer, or because the employer cannot be located.

1004.26.55 *(7 CFR 273.2)* **Ending a Voluntary Quit Disqualification**

Following the end of the disqualification period, a household may begin participation in the program if it applies and is determined eligible.

Eligibility may be reestablished during a disqualification period and the household, if otherwise eligible, permitted to resume participation if the member who caused the disqualification secures new employment which is comparable in salary or hours to the job which was quit, or leaves the household. Comparable employment may entail fewer hours or a lower net salary than the job which was quit. Eligibility may also be reestablished if the violator becomes exempt from the work registration requirements through 1004.25.05., other than paragraphs 1004.25.05.15. or 1004.25.05.25. Should a household which has been sanctioned split into more than one household, the sanction must follow the member who caused the disqualification. If a head of household who committed the violation joins another SNAP household as head of the household, that household is ineligible for the balance of the period of ineligibility.

A household determined ineligible due to a voluntary quit without good cause may reestablish eligibility if a new and otherwise eligible member joins as its head of household as defined in 1002.35.05.

1004.27 *(7 CFR 273.24)* **TIME LIMIT FOR ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDs)**

Unless exempt, an individual is ineligible to participate in SNAP as a member of any household if s/he has, in the previous thirty-six (36) months, received SNAP benefits for three (3) months (consecutive or otherwise) during which s/he did not:

- Work twenty (20) or more hours per week, averaged monthly;
- Participate in and comply with the requirements of a work program for twenty (20) or more hours per week;
- Participate in and comply with the requirements of an appropriate SNAP E&T (unpaid) Work Experience program (if it is an available component under the RI SNAP E&T plan);
- Receive benefits due to exemption from these work requirements (Exemptions are located in Sections 1004.25.05 and 1004.27.05.); or
- Receive benefits due to regaining eligibility as discussed in Section 1004.27.10.

A work program is defined as:

- A program under the Workforce Investment Act (WIA);
- A program under section 236 of the Trade Act of 1974 (known as the Trade Readjustment Act or "Trade Program"); and
- The SNAP E&T Program other than a job search or job search training program. Such a program may contain job search or job search training as a subsidiary component as long as such component is less than half the requirement.

Working means:

- Work in exchange for money;
- Work in exchange for goods or services ("in-kind" work); or
- Unpaid work

A prorated month during the initial application month is not counted during the three-month time limit.

Households adversely affected by this provision must be issued timely and adequate notice of such determination.

The resources and income of an ineligible able bodied adult without dependents are handled in accordance with Section 1016.20.10.

Note: Rhode Island currently has a waiver in place that allows all SNAP recipients living in Rhode Island, regardless of meeting the above criteria, to be exempt from the three-month time limit on receipt of SNAP benefits.

1004.27.05 *(7 CFR 273.7)* **Exemptions from Time Limits**

An individual is exempt from the time limit set forth in Section 1004.27 if s/he is:

- Under eighteen (18) or fifty (50) years of age or older (a person is considered over age fifty (50) on her or his fiftieth (50th) birthday);
- Medically certified as physically or mentally unable to work;
- A parent (natural, adoptive, or step) of a household member under age 18, even if the household member who is under age eighteen (18) is not him/herself eligible for SNAP benefits;
- Pregnant;

- Is a member of a SNAP household in which one of the members is under age eighteen (18), even if the household member who is under age 18 is not him/herself eligible for SNAP benefits;

- Residing in certain areas with a high unemployment rate as determined by the agency with approval by the Food and Nutrition Service (FNS)

- Otherwise exempt pursuant to Section 1004.25.05.

Note: Rhode Island currently has a waiver in place that allows all SNAP recipients living in Rhode Island, regardless of meeting the above criteria, to be exempt from the three-month time limit on receipt of SNAP benefits.

1004.27.10 *(7 CFR 273.24)* **Provision for Regaining Eligibility**

An individual denied eligibility due to the time limit shall regain eligibility one time during the thirty-six month period if during a thirty (30) day period, the individual:

1. Works eighty (80) or more hours;

2. Participates in and complies with the requirements of a work program as defined in Section 1004.30 for eighty (80) or more hours; or

   Participates in and complies with the requirements of an appropriate SNAP Employment and Training (unpaid) Work Experience program.

If an individual loses this employment or ceases to participate in a work or workfare program, participation can continue for up to three (3) *consecutive* months (beginning from the date the agency representative is notified that work has ended, after which the only cure during the thirty-six (36) month period will be to comply with the work requirement or become exempt. An individual shall not receive benefits under this paragraph more than once in any three-year period.

An individual who is subject to the ABAWD requirements and is not exempt or eligible for an additional three-month period due to fulfilling the work requirement, is ineligible for SNAP benefits in the month of re-application. The only pro-rated month that is not counted toward the three-month time limit for ABAWD's is the initial application month.

1004.35 *(7 CFR 273.5)* **STUDENTS**

Any person who is (1) aged 18 through 49; (2) physically and mentally fit; and, (3) enrolled at least half-time in an institution of higher education shall be ineligible to participate in the SNAP unless such person complies with the eligibility requirements described in 1004.35.05.

"Institution of higher education" means any institution which normally requires a high school diploma or equivalency for enrollment.

This rule does not apply to persons under 18 or 50 or over, persons physically or mentally unfit

for employment, persons attending high school, persons participating in on-the-job training programs, persons not attending school at least half-time, or to persons enrolled full-time in schools and training programs which are not institutions of higher education.

If inability to work due to mental or physical unfitness is claimed, verification is required. Receipt of temporary or permanent disability benefits issued by governmental or private sources is sufficient verification. These benefits include, but are not limited to, TDI, SSI, RSDI disability benefits, and Workers' Compensation. For an individual who does not receive any such benefits, a statement from a physician or licensed or certified psychologist is sufficient verification.

1004.35.05 *(7 CFR 273.5)* **Eligibility Requirements**

In order to be eligible to participate in the Supplemental Nutrition Assistance Program, any student (as defined in 1004.35) must meet at least one of the following criteria:

1. Under age 18 or age 50 or older;

2. Not physically or mentally fit;

3. Employed and paid for an average of twenty (20) hours per week;

4. Receiving RIW;

5. Responsible for the care of a child under age 6;

6. Enrolled full-time in an institution of higher education and is a single parent with responsibility for the care of a dependent child under age 12 (regardless of the availability of child care);

7. Responsible for the care of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available to enable the individual to attend class and work an average of twenty (20) hours per week or participate in a state or federally financed work study program;

8. Participating in a state or federally funded work study program (funded under Title IV-C) during the regular school year;

9. Assigned to or placed in an institution of higher learning through:

    a. the Workforce Independence Act (WIA) program,

    b. a SNAP employment or training program,

    c. a program under section 236 of the Trade Act of 1974, or

    d. a state or local government employment and training program, as determined to be appropriate by FNS.

1004.35.05.05.05 *(7 CFR 273.5)* ***Enrollment Defined***

The enrollment status of a student begins on the first day of the school term of the institution of higher education. Such enrollment is deemed to continue through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).

1004.35.10 *(7 CFR 273.5)* **Treatment of Income and Resources**

The income and resources of an ineligible student are handled as outlined in Section 1016.25.

1004.40 *(7 CFR 273.6)* **SOCIAL SECURITY NUMBERS (SSN)**

A household participating, or applying for participation in the SNAP, is required to provide the agency with the SSN for each household member or apply for one before certification. If an individual has more than one number, all numbers are required.

The agency representative must explain to applicants and participants that refusal to provide an SSN will result in the disqualification of the individual for whom an SSN is not obtained in accordance with 1004.40.10.

Ineligible immigrant (non-citizen) household members required by Sections 1002.15 and 1002.15.05 to be included as a household member, can be designated as non-applicants for the purposes of providing a Social Security Number to the agency. Non-applicant household members do not have to provide the agency with a SSN when applying for the U.S. Citizen children. Such members, however, must comply with all required information on income and resources.

1004.40.05 *(7 CFR 273.6)* **Obtaining SSNs for SNAP Household Members**

For those individuals who provide SSNs prior to certification, recertification, or at any office contact, the agency representative records the SSN and verifies it in accordance with procedures in 1004.40.25.

For those individuals who do not have an SSN, the agency representative completes Form SS-5 (Application for Social Security Number). A supply of SS- 5s is available in each SNAP Office. Verification of identity, age, and citizenship or alien status, as required by SSA, must be documented.

For individuals who do not know if they have an SSN or are unable to find their SSN, the procedure above is followed.

1004.40.10 *(7 CFR 273.6)* **Failure to Comply**

If the agency determines that a household member has refused or failed without good cause to provide or apply for an SSN, then the individual is ineligible to participate in the SNAP. The disqualification applies to the individual(s) for whom the SSN is not provided and not to the entire household. The earned or unearned income of an individual disqualified from the program for

failure to comply with this requirement must be considered as outlined in Section 1016.20.

1004.40.10.05 *(7 CFR 273.6)* ***Determining Good Cause***

In determining if good cause exists for failure to comply with the requirement to apply for or provide the agency with an SSN, the agency representative considers information from the household member, the Social Security Administration, and the agency (especially if the agency either did not process the SS-5 or did not process it in a timely manner). Documentary evidence or collateral information indicating the household member has applied for the SSN or made every effort to supply SSA with the necessary information must be considered good cause for not complying with this requirement. Good cause does not include delays due to illness, lack of transportation or temporary absence, because the Social Security Administration makes provision for mail-in applications in lieu of applying in person.

If the household member can show good cause why an application for an SSN has not been completed in a timely manner, that person is allowed to participate for one month in addition to the month of application. If the household member applying for an SSN has been unable to obtain the documents required by SSA, the agency representative should make every effort to assist the individual in obtaining these documents.

Good cause for failure to apply must be shown monthly in order for such a household member to continue to participate. Once an application has been filed, the agency must permit the member to continue to participate pending notification to the agency of the household member's SSN.

1004.40.15 *(7 CFR 273.6)* **Ending Disqualification**

The household member disqualified may become eligible upon providing the agency with an SSN. Completion of the SS-5 is sufficient to end a disqualification due to failure to comply with the SSN requirement.

1004.40.20 *(7 CFR 273.6)* **Use of the SSN**

The agency is authorized to use social security numbers in the administration of the SNAP. To the extent determined necessary by USDA and HHS, the agency has access to information regarding individual SNAP applicants and participants who receive benefits under Title XVI of the Social Security Act:

- to determine such household's eligibility to receive assistance, and the amount of assistance;
- to verify information related to the benefits of these households;
- to use the State Data Exchange (SDX) to the maximum extent possible;
- to prevent duplicate participation;
- to facilitate mass changes in Federal benefits;

- to determine the accuracy and/or reliability of information given by households; and

- to request and exchange information on individuals through the Income and Eligibility Verification System (IEVS).

1004.40.20.05 *(7 CFR 273.6)* ***Entry of SSNs into the Eligibility System***

The agency representative must enter the SSN for all recipients of SNAP benefits into the integrated eligibility system on the appropriate screen.

Household members without a Social Security Number should have 666 entered in the SSN field.

1004.40.25 *(7 CFR 273.2)* **Verification of SSN**

The agency must verify the Social Security Numbers (SSNs) reported by the household by submitting them to the Social Security Administration (SSA) for verification according to procedures established by the SSA. The agency should not delay the certification for, or issuance of, benefits to an otherwise eligible household solely to verify the SSN of a household member.

Once an SSN has been verified, the agency makes a permanent annotation to its file to prevent the unnecessary reverification of the SSN in the future. The agency accepts as verified an SSN which has been verified by another program participating in the IEVS.

Verification Procedure

The SSNs of all SNAP recipients are "data matched" with Social Security Administration files. An asterisk (*) indicates the number has been verified and no further action is necessary. When the SSN entered in the eligibility system does not match SSA files a "D" will be computer generated in the SSN verification field. The agency representative is required to check the verifications in the case file to insure the correct information has been entered into the eligibility system. If there is no error, the agency representative must contact the individual to review the SSN information (including name and date of birth) given to the agency.

If this review indicates that the SNAP file is correct, an SS-5 must be submitted to the Social Security Administration with the correct information.

1004.45 *(7 CFR 273.2)* **IDENTITY**

The identity of the person making application must be verified.

When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household must be verified.
Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to, a driver's license, a work or school ID, an ID for

health benefits or for another assistance or social services program, a voter registration card, wage stubs, or a birth certificate. Any documents which reasonably establish the applicant's identity must be accepted, and no requirement for a specific type of document, such as a birth certificate, may be imposed.

1006 (7 CFR 273.8) FINANCIAL CRITERIA - RESOURCES

1006.05 *(7 CFR 273.8)* RESOURCES

The Food and Nutrition Act requires that participation be "limited to those households whose income and other financial resources, held singly or in joint ownership, are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet." The standards are established by law and apply to all households applying for Program benefits.

1006.10 *(7 CFR 273.8)* RESOURCE ELIGIBILITY STANDARDS

Eligibility must be denied or discontinued if the value of non- exempt resources, both liquid and non-liquid assets, for the household exceeds either:

- Three thousand, two hundred and fifty dollars ($3,250) for all households that consist of, or include, at least one member who is disabled or sixty (60) years of age or over; or

- Two thousand, two hundred and fifty dollars ($2,250) for all other households.

1006.10.05 *(7 CFR 273.8)* Application of Resource Standards and Exclusions

These resource standards are to be applied to all applicant households, including those in which some members are recipients of PA with the exception of those households described in the following paragraphs. A household must report at the time of application all resources and potential resources expected during the certification period so that the value and the treatment of the resources for all eligible and ineligible household members can be determined. Available resources at the time the household is interviewed are used to determine the household's eligibility.

In a mixed household, i.e., a household comprised of some members receiving SSI or RIW cash assistance and some not receiving SSI or RIW cash assistance, all resources of the SSI/RIW recipient(s) are categorically excluded. The resource standards are applied to the remaining household members.

Households in which all members receive SSI, RIW, a TANF-funded service or GPA and which are categorically eligible as defined in Section 1016.40, do not have to meet the resource limits or definitions in this section.

1006.10.10 Verification of Resources

Resources must be identified on the application in sufficient detail to permit verification. During the interview, the agency representative reviews with the applicant the resources reported as well as the possibility of unreported resources. The agency representative must verify liquid resources for all households.

Other resource information must be verified if that information is questionable. To be questionable, information on the application must be inconsistent with statements made by the applicant, with other information on the application or a previous application, or with information known to or received by the agency representative. Documentary evidence is used as the primary source of verification, although collateral contacts, e.g., banks, car dealers, or real estate firms, may also be sources of verification if written verification is unavailable.

1006.15 *(7 CFR 273.8)* EXEMPT RESOURCES

In determining the resources of a household, only the following types, listed in Sections 1006.15.02 through 1006.15.45 are exempted.

1006.15.02 *(7 CFR 273.8)* Resources of RIW/SSI Recipients

The resources of any household member who receives Supplemental Security Income (SSI) or who receives benefits under Part A Title IV of the Social Security Act (RIW) shall be considered exempt for SNAP purposes. This applies whether or not the household receives SNAP benefits as categorically eligible.

1006.15.05 *(7 CFR 273.8)* Home and Lot

The home and surrounding property which is not separated from the home by intervening property owned by others. Public rights of way, such as roads, which run through the surrounding property and separate it from the home, do not affect the exemption of the property. The home and surrounding property remains exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, vacation or is not inhabitable because of a casualty or natural disaster, if the household intends to return.

If the household does not already own a home, but owns or is purchasing a lot on which it intends to build or is building a permanent home, it receives an exclusion for the value of the lot, and if it is partially completed, for the home.

1006.15.10 *(7 CFR 273.8)* Household Goods, Life Insurance & Pensions

Exclude as a resource household goods, personal effects, including one burial lot per household member, and the cash value of life insurance policies. The cash value of pension plans or funds is excluded. See Sec. 1006.15.40 "Resources Excluded by Law" for treatment of Education accounts (e.g. 529 plans), or Individual Retirement Accounts (IRAs or Keough plans).

1006.15.15 *(7 CFR 273.8)* Excluded Vehicles

Exclude the value of vehicles as specified below:

- Adult vehicle exclusion

    - One vehicle (licensed or unlicensed) for each adult household member, but not to exceed two (2) vehicles per household, shall not be counted as resources of the family.

- Income-producing vehicles

    Exclude the entire value of any licensed vehicle, such as, but not limited to, a taxi, truck, tractor, or fishing boat, if:

    - The vehicle is used primarily (over fifty percent (50%) of the time the vehicle is used) for income-producing purposes. Licensed vehicles
      which have previously been used by a self-employed household member engaged in farming, but are no longer used over fifty percent (50%) of the time in farming because the individual has terminated her/his self-employment from farming, continue to be excluded for one (1) year from the date the individual terminated her/his self-employment from farming.

    - The vehicle annually produces income consistent with its fair market value, even if used only on a seasonal basis.

    - The vehicle is necessary for long distance travel, other than daily commuting, which is essential to the employment of a household member (or an ineligible or a disqualified person whose resources are being considered available to the household). Such vehicles include that of a traveling sales person or a migrant farmworker following the work stream.
    - The vehicle is used as the household's home.

      This exemption also applies during temporary periods of unemployment when the vehicle is not in use. For example, if a taxi driver is ill or if a fishing boat is frozen in the harbor.

      The exclusion also includes unlicensed vehicles on those Indian reservations which do not require vehicles driven by tribal members to be licensed.

- Maintenance of excluded vehicles

    - Exclude any property, real or personal, to the extent that it is

directly related to the maintenance or use of a vehicle excluded above. Only that portion of real property determined necessary for maintenance or use is excludable under this provision. For example, a household which owns a produce truck to earn its livelihood may be prohibited from parking the truck in a residential area. The household may own a 100-acre field and use a quarter-acre of the field to park and/or service the truck. Only the value of the quarter-acre would be excludable under this provision, not the entire 100-acre field.

- Vehicles for the Disabled

  - Exclude the entire value of any licensed vehicle if the vehicle is necessary to transport a physically disabled household member (or disabled ineligible or disqualified person whose resources are being considered available to the household) regardless of the purpose of such transportation. This exemption is limited to one (1) vehicle per physically disabled household member. A vehicle is considered necessary for the transportation of a physically disabled household member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle which makes it possible to transport the disabled person. The vehicle need not have special equipment or be used primarily by or for the transportation of the physically disabled household member.

- Fuel or Water Carrier

  - Licensed vehicle if the vehicle is necessary to carry fuel for heating or water for home use when the transported fuel or water is anticipated to be the primary source of fuel or water for the household during the certification period.
  - Inaccessible Resource

  - Exclude from resources the value of a vehicle that is inaccessible, in accordance with Section 1006.15.45, because its sale would produce an estimated return of not more than one thousand five hundred dollars ($1,500).

1006.15.30 *(7 CFR 273.8)* **Income-Producing Property**

Exclude property which annually produces income consistent with its fair market value, even if only used on a seasonal basis. Such property includes a rental home and a vacation home.

Exclude property such as farm land which is essential to the employment or the self-employment of a house-hold member.

Exclude work-related equipment, such as the tools of a tradesperson or the machinery of a farmer which is essential to the employment or self-employment of a household member. Property essential to the self-employment of a household member engaged in farming continues to be excluded for one (1) year from the date the individual terminates her/his self-employment from farming.

Exclude installment contracts for the sale of land or buildings, if the contract or agreement is producing income consistent with its fair market value. The value of the property sold under installment contract, or held as security in exchange for a purchase price consistent with the market value of that property.

1006.15.30.05 *Determining Fair Market Value of Property*

When it is necessary to determine if property is producing income consistent with its fair market value, the agency representative may contact local realtors, local tax assessors, the Small Business Administration, Farmer's Home Administration, or other similar sources to determine the prevailing rate of return; e.g., square foot rental for similar usage of real property in the area.

If the agency representative determines that the property is not producing income consistent with its fair market value, for instance, the property is being leased for a token payment, such property must be counted as a resource. However, if the property is leased for a return that is comparable to other property in the area leased for similar purposes, it is considered as producing income consistent with its fair market value and is not considered a resource.

All findings must be documented in the case record and annotated in the case notes.

Property exempt as essential to employment need not be producing income consistent with its fair market value. For instance, the land of a farmer is essential to his employment; a good or bad crop year would not affect the exemption of such property as a resource.

1006.15.35 *(7 CFR 273.8)* Inaccessible Resources

Resources with cash value that is not accessible to the household, such as but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate and real property which the household is making a good faith effort to sell at a reasonable price and which have not been sold are exempted. In such cases, the agency representative verifies that the property is for sale and that the household has not declined a reasonable offer. Verification may be obtained through a collateral contact or documentation such as an advertisement for public sale in a newspaper of general circulation or a listing with a real estate broker.

Any funds in a trust or transferred to a trust, and the income produced by that trust, to the extent it is not available to the household, is considered inaccessible to the household if:

- the trust arrangement is not likely to cease during the certification period and no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period;

- the trustee administering the funds is either:

  (1) a court, or an institution, corporation, or organization which is not under the direction or ownership of any household member; or,

  (2) an individual appointed by the court who has court imposed limitations placed on his/her use of the funds which meet the requirements of this paragraph;

- trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of a household member; and,

- the funds held in irrevocable trust are either:

  (1) established from the household's own funds, if the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational or medical expenses of any person named by the household creating the trust; or,

  (2) established from non-household funds by a non-household member.

1006.15.40 *(7 CFR 273.8)* **Resources Excluded by Law**

Some resources are excluded for SNAP purposes by express provision of Federal, State, or local law. The following is the current listing of resources excluded by law.

- Under P.L. 103-66, earned income tax credits (EITC) received by any member of the household shall be excluded from financial resources for twelve (12) months from receipt if the household member is participating in the program at the time of its receipt and participates continuously during the twelve (12) month period.

- Benefits received from the special supplemental food program for women, infants, and children (WIC).

- Under P. L. 89-642, Section 11 of the Child Nutrition Act, the value of assistance to children.

- As provided in P. L. 100-435, Section 501, 9/19/88, of the Child Nutrition Act: under WIC demonstration projects, coupons that can be exchanged for food at farmers' markets.

- Under P. L. 99-425, Section (e), the Low-Income Home Energy Assistance Act, 9/30/86. The amount of any home energy assistance payments or allowances provided directly to, or indirectly in behalf of, a household is excluded.

- Financial assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act in accordance with Public Law 99-498.

- Payments made under P. L. 98-524, the Carl D. Perkins Vocational Education Act,

Section 507, as amended by P. L. 101-392, 9/25/90.

- Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

- Payments made under provisions of P. L. 93-288, the Disaster Relief Act of 1974, as amended. This exclusion applies to Federal assistance provided to persons directly affected and to comparable disaster assistance provided by States, local governments, and disaster relief organizations.

- Payments made under the provisions of Public Law 100-383, entitled "Wartime Relocation of Civilians", to certain United States citizens of Japanese ancestry, resident Japanese aliens and certain eligible Aleuts (natives of the Aleutian Islands).

- All payments from the Agent Orange Settlement fund or any other fund established pursuant to the settlement in the Agent Orange product liability litigation retroactive to January 1, 1989. The disabled veteran will receive annual payments; survivors of the deceased disabled veterans will receive a lump-sum payment. These payments were disbursed by Aetna Insurance Company.

- Payments made under P. L. 101-426, Section 6(h)(2), the Radiation Exposure Compensation Act, dated October 15, 1990.

- Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian claims agreement.

- Funds distributed under P. L. 94-189, Section 6, 12/31/75, to the Sac and Fox Indians.

- Payments of relocation assistance to members of the Navajo and Hopi Tribes under Public Law 93-531.

- Payments received by certain Indian tribal members under Public Law 94-114, Section 6, regarding submarginal land held in trust by the United States.

- Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (Public Law 94-540).

- Funds paid under P.L. 98-123, Section 3, 10/13/83 to members of the Red Lake Band of Chippewa Indians.

- Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission (P.L. 95-433).

- Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420).

- Payments to the Blackfeet, Grosventre, and Assiniboine tribes, Montana, and the Papago, Arizona (P.L. 97-408).

- Funds distributed per capita or held in trust under P. L. 99-146, Section 6(b), 11/11/85, for members of the Chippewas of Lake Superior.

- Moneys paid under P. L. 99-264, the White Earth Reservation Land Settlement Act of 1985, 3/24/86.

- Payments to the Saginaw Chippewa Indian Tribe under P. L. 99-346.

- Funds distributed under P. L. 99-377 Section 4(b), 8/8/86 to the Chippewas of the Mississippi.

- Moneys paid under P.L. 95-608, Indian Child Welfare.

- Payments to the Turtle Mountain Band of Chippewas, Arizona (P.L. 97-403).

- Funds paid to members of the Assiniboine Tribe, Fort Belknap and Fort Peck, Montana under P.L. 98-124.

- Under P.L. 98-500, Old Age Assistance Claims Settlement, Act payments to heirs are excluded except for per capita shares in excess of $2000.

- Payments made under P.L. 101-41, the Puyallup Tribe of Indians Settlement Act.

- Funds awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission are excluded except for per capita shares in excess of $2000 paid under P.L. 101-277.

- Payments made under P.L. 101-503, Seneca Nation Settlement Act.

- Any monetary allowances paid by the Veterans Administration under P.L. 104-204, Section 1805(d), to a child of a Vietnam Veteran for any disability resulting from Spina Bifida suffered by such child.

- Any monetary allowances paid by the Veterans Administration under P.L. 106-419, Section 1815 (a), to any individual with one or more covered birth defects if he or she is a child of a female Vietnam veteran.

- Under P.L. 103-322, Section 230202, dated 9/13/94, amended Section 1403 of the Crime Act of 1984 (42 U.S.C. 10602), compensation paid by an eligible crime victim compensation program

- Under P.L. 110-246, the Food, Conservation and Energy Act of 2008 which revised the Food Stamp Act, any funds in a plan, contract or account described in sections 401(a), 403(a), 403(b), 408, 408A, and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title

5 United States code; and any retirement program or account included in any successor or similar provision that may be enacted and determined to be exempt from tax under the Internal Revenue Code of 1986.

Included in the above exclusion are: Pension or traditional defined-benefit, 401(k), SIMPLE 401(k), 501(c)(18), 403(b), 457, Federal Employee Thrift Savings, Keogh, IRA, Roth IRA, SIMPLE IRA, Simplified Employer, Profit Sharing and Cash Balance plans.

- Under P.L. 110-246, the Food, Conservation and Energy Act of 2008 which revised the Food Stamp Act, any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that code.

When an exclusion applies because of use of a resource by or for a household member, the exclusion must also apply when the resource is being used by or for an ineligible or disqualified person whose resources are being considered available to the household. For example, the work-related equipment essential to the employment of an ineligible or disqualified person must be excluded as well as one (1) burial plot per ineligible or disqualified person.

1006.15.45 *(7 CFR 273.8)* **Other Excluded Resources**

For the purposes of this section:

(1) Significant return means any return, after estimating costs of sale or disposition, and taking into account the ownership interest of the household, that the State agency determines are more than one thousand five hundred dollars ($1,500);

(2) Any significant amount of funds means funds amounting to more than one thousand five hundred dollars ($1,500).

The following are excluded resources for the purpose of calculating household resources:

1. Earmarked Resources

   Any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to a legal sanction should the funds not be used as intended. For example, payments made by the Department of Housing and Urban Development through the Individual and Family Grant Program or disaster loans or grants made by the Small Business Administration.

2. Prorated Income

   Resources, such as those of students or self-employed persons, which have been prorated and counted as income. The handling of student's income is explained in Section 1016.20, and the handling of self-employment income is explained in Section 1016.15.

3. Indian Lands

Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

4. Energy Assistance

Energy assistance payments or allowances are considered excluded income under Section 1008.10.75.

5. Inaccessible Resources

Non-liquid asset(s) against which a lien has been placed as a result of taking out a business loan when the household is prohibited by the security or lien agreement with the lien holder (creditor) from selling the asset.

Resources which cannot be sold for a significant return: a resource is excluded if a household is unlikely to be able to sell that resource for a significant return because the household's interest is relatively slight or because the cost of selling the household's interest would be relatively great. Such a resource is considered inaccessible. This inaccessibility provision does not apply to financial instruments such as stocks, bonds, or negotiable financial instruments. This provision does apply to vehicles. For example, the value of a vehicle is considered inaccessible because its sale would produce an estimated return of not more than one thousand five hundred dollars ($1,500).

A complete description of the reasons for the determination of inaccessibility of the resource must be notated in the eligibility system.

1006.15.50 *(7 CFR 273.8)* **Handling Excluded Funds**

Excluded monies which are kept in a separate account, and are not commingled in an account with non-excluded (countable) funds, retain their resource exclusion for an unlimited period of time. The resources of students and self-employed households which are excluded (per above) and are commingled in an account with non-excluded funds retain exclusion for the period of time over which they have been prorated as income. All other excluded monies which are commingled in an account with non-excluded funds retain their exclusion for six (6) months from the day they are commingled. After six (6) months from the date of commingling, all funds in the commingled account must be counted as a resource.

1006.15.55 *(7 CFR 273.8)* **Medicare Drug Subsidy**

The Medicare Prescription Drug Improvement and Modernization Act of 2003 authorized the Medicare Prescription Discount Drug Card which provides Medicare beneficiaries with negotiated lower priced prescription drugs. Additionally, Medicare beneficiaries who do not have any other prescription drug coverage and whose income is not in excess of 135 percent of the federal poverty level can receive a $600 subsidy for the calendar year June through December 2004 and an additional $600 subsidy for the calendar year of January through December 2005.

The discount and subsidy, received from the federal government, are not considered as countable resources in the determination of eligibility for SNAP benefits.

1006.20 *(7 CFR 273.8)* **NON-EXEMPT RESOURCES**

Non-exempt (countable) resources are those which must be counted in determining the total value of the household's resources. If a household's resources are jointly owned, the amount which is counted is determined in accordance with 1006.25.

1006.20.05 *(7 CFR 273.8)* **Liquid Resources**

These include, but are not limited to, cash on hand, a checking or savings account in a bank or other financial institution, savings certificates, stocks or bonds, lump sum payments listed in Sec. 1006.35. In determining the resources of a household with an Education account (e.g. 529 plan), or an IRA or countable Keough plan, see Sec. 1006.15.40 "Resources Excluded by Law."

1006.20.10 *(7 CFR 273.8)* **Non-Liquid Resources**

These include real and personal property, such as but not limited to, licensed and unlicensed vehicles, buildings, land, recreational properties, boats, vacation homes, mobile homes and other property not specifically excluded in 1006.15.

1006.20.15 *(7 CFR 273.4)* **Deemed Resources**

For a household containing a sponsored alien (as defined in Section 1014.55), its resources also include the resources of the alien's sponsor and the sponsor's spouse (if any) which are deemed to the alien in accordance with the procedures described in Section 1014.55.

1006.20.20 Documenting the Case File

The countable resources of a household must be documented by the agency representative in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination. If verification is required because of questionable information, the agency representative must document why it is considered questionable and what documentation is used to resolve it.

1006.25 *(7 CFR 273.8)* **JOINTLY OWNED RESOURCES**

Resources owned jointly by separate households must be considered available in their entirety to each household, unless the household can demonstrate otherwise.

A household member who states that s/he is not the owner, or is only the partial owner of the resource must be required to demonstrate the ownership of the funds. A household member who states that s/he has no access, or only partial access to the resource, must be required to demonstrate such lack of access.

If the household can demonstrate that it has ownership of, or access to, only a portion of the resource, only that portion must be counted toward the household's resource level.

1006.30 EVALUATING OWNERSHIP OF A RESOURCE

If the applicant/recipient can verify the lack of either access to, or ownership of, a resource that resource is not counted towards the resource limit when determining eligibility for SNAP benefits.

Accessibility

A resource is considered inaccessible to the household if the resource cannot be practically subdivided or the household's access to the value of the resource is dependent on the agreement of the joint owner who refuses to comply. For example, jointly- owned property which cannot be divided and sold and which the non-applicant refuses to sell is considered inaccessible. For the purpose of this provision, ineligible aliens or disqualified individuals residing with the household are considered household members.

Resources must be considered inaccessible to a person residing in a shelter for battered persons and children (as defined in Sec. 1000.10.25) if:

1) the resources are jointly owned by such a person and by members of his/her former household; and,

2) the shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still resides in the former household.

Ownership of a Resource

In order for a household member to demonstrate a lack of ownership, or only partial ownership of a resource, two (2) of the following sources of documentation must be presented as evidence:

- Documents showing the origin of the resource. For example, if a bank account was opened, who opened it or whose money was used to open the account;

- Documentation through federal or state tax records as to which of the joint account holders declares the tax on the interest credited to the account as income;

- Records of who makes deposits and withdrawals and, if appropriate, of how withdrawn funds are spent. The person claiming a lack of ownership (or accessibility) should not have made any withdrawals.

- A notarized affidavit which details a written or oral agreement made between the parties listed on the resource or by someone who established or contributed to the resource, with respect to the ownership of the funds in the resource;

- When the household member states that s/he does not own a bank account but is listed as a

co-holder solely as a convenience to the other co-holder to conduct bank transactions on his/her behalf, evidence of the age, relationship, physical or mental condition, or place of residence of the co-holder must be provided;

- A signed, notarized statement from the household member and from either other individual(s) listed in the joint account, or the person who established or contributed to the account, stating that the applicant or recipient had no knowledge of the existence of the account.

A document or piece of evidence submitted to verify a particular fact does not count as more than one verification under the above subsections. However, a document, piece of evidence or a statement may address more than one fact needed for verification.

Also, for a bank account, a change in the account designation removing the household member's name or restricting access to the funds in the account must be made.

1006.35 *(7 CFR 273.9)* NONRECURRING LUMP SUM PAYMENTS

Money received in the form of a nonrecurring lump sum payment, including, but not limited to, income tax refunds, rebates, or credits; retroactive lump sum social security, SSI, public assistance, railroad retirement benefits or other payments; lump sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments are counted as resources in the month received, unless specifically excluded from consideration as a resource by other Federal laws.

1006.35.05 Procedure for Handling Lump Sum Payments

Upon obtaining information that a certified household has received a nonrecurring lump sum payment, the agency representative reviews the case file to determine if the amount received, in addition to the amount of resources listed on the application, exceeds the resource limitation for that particular household.

If Resources Do Not Exceed the Standard

If the total amount of resources does not exceed the appropriate standard, the eligibility system should be annotated to document the information received. No further action is required.

If Resources Do Exceed the Standard

If the total amount of resources exceeds the allowable resource limit, the household must be given an opportunity to update its entire resource statement. If it declines to do so, or the amount of resources still exceeds the limit, the agency representative takes action to discontinue the household's certification in accordance with Section 1018.10.

1006.40 *(7 CFR 273.8)* NON-EXCLUDED VEHICLES

If a vehicle is not excluded under Section 1006.15.15, the agency representative then handles each vehicle as follows:

1. Individually determines the resource value of each vehicle not excluded by:

    a. First, determining the amount, if any, in excess of $4,650 of the vehicle's Fair Market Value.

    b. Next, calculating the vehicle's equity value, unless specifically exempt from the equity value test (See Section 1006.40.15.) Unlicensed vehicles and non-income producing licensed vehicles, except for those excluded, are evaluated for equity value. Equity value is fair market value less encumbrances. Equity value is attributed toward the household's resource level except when a vehicle's equity value is less than one thousand five hundred dollars ($1,500).

2. Counts as a resource only the greater of the two (2) amounts if the vehicle has a countable fair market value of more than $4,650 and also has a countable equity value.

1006.40.05 *(7 CFR 273.8)* **Determining Fair Market Value (FMV) of Licensed Vehicles**

The fair market value of licensed automobiles, trucks and vans is determined by the wholesale value of the vehicle as listed in publications written for the purpose of providing guidance to automobile dealers and loan companies. Publications listing the value of vehicles are often referred to as "blue books." The National Automobile Dealers' Association's (NADA) Used Car Guide Book is a commonly available and frequently updated publication of this type.

The agency representative must ensure that the book used to determine the value of licensed vehicles has been revised within the last six (6) months and assigns the wholesale value to the vehicle(s). If the term "wholesale value" is not used in a particular book, the agency representative assigns the trade-in value as it is comparable to the wholesale value. The agency representative must not increase the basic value of a vehicle by considering such variables as low mileage or other factors such as optional equipment.

A household may indicate that for some reason, such as body damage, a vehicle is in less than average condition. Any household that claims the blue book value does not apply to its vehicle must be given the opportunity to acquire verification of the true value from a reliable source. Also, households are asked to acquire verification of the value of a licensed antique, custom made, or classic vehicle, if the agency representative is unable to make an accurate appraisal. If a vehicle is specially equipped with apparatus for a disabled person, the apparatus must not increase the value of the vehicle. The blue book value must be assigned as if the vehicle were not so equipped. If a vehicle is no longer listed in the blue book, the household's estimate of the value of the vehicle is accepted, unless the agency representative has reason to believe that the estimate is incorrect. In such a case, if it appears that the vehicle's value may affect eligibility, the household must obtain an appraisal or produce other evidence of its value, such as a tax assessment or newspaper advertisement indicating the sale price of similar vehicles. If a new vehicle is not yet listed in a

blue book, the agency representative determines the wholesale value through some other means, such as contacting a car dealer who sells that make of vehicle.

1006.40.10 *(7 CFR 273.8)* **When Fair Market Value is Counted**

All non-income producing licensed vehicles must be evaluated individually for fair market value. That portion of the value which exceeds $4,650 is attributed in full toward the household's resource level, regardless of any encumbrances on the vehicles unless the vehicle has both fair market and equity value. For example, a household owning an automobile with a fair market value of $5,500 has $850 applied toward its countable resource level.

Any value in excess of $4,650 must be attributed to the household's resource level, regardless of the amount of the household's investment in the vehicle, and regardless of whether or not the vehicle is used to transport household members to and from employment unless the criteria in 1006.40.20, is applicable.

Each vehicle must be appraised individually. The values of two or more vehicles must not be added together to reach a total fair market value in excess of $4,650.

1006.40.15 *(7 CFR 273.8)* **Vehicles Exempt from the Equity Test**

Only the following vehicles are exempt from the equity value test described in Section 1006.40, 1., b.:

- Vehicles excluded in Section 1006.15.15;
- One licensed vehicle per adult household member (or an ineligible alien or disqualified household member whose resources are being considered available to household), regardless of the use of the vehicle; and
- Any other vehicle a household member under age eighteen (18) (or an ineligible alien or disqualified household member under age eighteen (18) whose resources are being considered available to household) drives to commute to and from employment, or to and from training or education which is preparatory to employment, or to seek employment.

1006.40.20 *(7 CFR 273.8)* **Counting Either Fair Market Value or Equity Value**

When a licensed vehicle is assigned both a fair market value in excess of $4,650 and an equity value, only the greater of the two amounts is counted as a resource if the vehicle is not otherwise excluded.

Table on Treatment of Vehicles	
TOTALLY EXEMPT	**NON-EXEMPT** **COUNT FAIR MARKET VALUE OVER $4,650**
A vehicle (licensed or unlicensed) for each adult household member, not to exceed two	One vehicle per adult household member, regardless of use

(2) vehicles per household	
Income producing	Used to transport household members under age 18 to work, school, other or training to look for work
Necessary for long-distance travel, other than daily commuting, that is essential to the employment of a household member (or ineligible non-citizen or disqualified person whose resources are being considered available to the household)	
Necessary to transport a physically disabled household member	
Used as household's home	
Necessary to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household	
Classified as an inaccessible resource	

COUNT THE HIGHER OF

l. Fair Market Value Over $4,650; or

2. Equity (Fair Market Value Less Encumbrances)

- All Other Vehicles

1006.45 *(7 CFR 273.8)* **VACATION HOMES**

A vacation home used part of the year by the household and that is not producing income consistent with its fair market value has its equity value counted toward the resource limit.

1006.50 *(7 CFR 273.8)* **TRANSFER OF RESOURCES**

At the time of application, the agency representative asks the household to provide information regarding any resources which any household member (or an ineligible or a disqualified person whose resources are considered available to the household) has transferred within the three-month period immediately preceding the date of application. Households which have knowingly transferred resources for the purpose of qualifying or attempting to qualify for SNAP benefits must be disqualified from participation in the program for up to one year from the date of the discovery of the transfer. This disqualification period must be applied if the resources are transferred knowingly in the three-month period prior to application or if they are transferred after the household is determined eligible for benefits. An example of the latter would be assets which the household acquires after being certified for benefits which are then transferred to prevent the household from exceeding the maximum resource limit.

1006.50.05 *(7 CFR 273.8)* **Transfers Not Resulting in Disqualification**

Eligibility for the program is not affected by transfer of a resource which:

* Would not otherwise affect eligibility. For example, excluded personal property such as furniture or money which, when added to other countable resources, was less which the allowable limit at the time of the transfer;

* Is sold or traded at or near fair market value;

* Is transferred between members of the same household (including an ineligible alien or a disqualified person whose resources are being considered available to the household); or,

* Is transferred for reasons other than qualifying or attempting to qualify for SNAP benefits; for example, a parent placing funds in an inaccessible educational trust fund.

1006.50.10 *(7 CFR 273.8)* **Period of Disqualification**

The length of the disqualification period is based on the amount by which the transferred resource, when added to other countable resources, exceeded the allowable resource limit. The following chart is used to determine the period of disqualification:

Amount in Excess of the Resource Limit		Period of Disqualification
$ 1	- $ 249.99	One Month
$ 250	- $ 999.99	Three Months
$1,000	- $ 2,999.99	Six Months
$3,000	- $ 4,999.99	Nine Months
$5,000	- and up	Twelve Months

1006.50.15 *(7 CFR 273.8)* **Disqualifying a Household**

In the event the agency establishes that an applicant household knowingly transferred resources for the purpose of qualifying or attempting to qualify for SNAP benefits, the agency sends the household a notice of denial explaining the reason for and length of the disqualification. The period of disqualification begins in the month of application. If the household is participating at the time of the discovery of the transfer, a notice of adverse action explaining the reason for and length of the disqualification period is sent. The period of disqualification is effective with the first allotment issued after the adverse notice period has expired, unless the household has requested a hearing and continued benefits.

1006.55 *(7 CFR 273.8)* **RESOURCES OF EXCLUDED/NON-HOUSEHOLD**

MEMBERS

The resources of non-household members must not be counted as available to the household. (See Section 1016.25.)

The resources of ineligible household members must be counted in their entirety as available to the remaining household members. (See Section 1016.20.)

1008 *(7 CFR 273.9)* ***FINANCIAL CRITERIA - INCOME***

1008.05 *(7 CFR 273.9)* **INCOME**

The Food Stamp Act requires that participation be "limited to those households whose income and other financial resources, held singly or in joint ownership, are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet." The standards are established by law and apply to all households applying for SNAP benefits.

Household income means all income from whatever source excluding only the items specified in 1008.10. The income considered is that received over the period of certification. As this is generally a future period, the income considered is usually that anticipated by the household. Section 1010 discusses how to determine Supplemental Nutrition Assistance Program (SNAP) income.

Households that contain an elderly or disabled member must meet the net income eligibility standards for the Supplemental Nutrition Assistance Program.

Households that do not contain an elderly or disabled member must meet both the gross income eligibility standards and the net income eligibility standards for the Supplemental Nutrition Assistance Program.

Households that are categorically eligible because they are recipients of RIW cash assistance and/or SSI do not have to meet either the gross or net income eligibility standards.

The gross and net income eligibility standards are based on the Federal income poverty levels established as provided in Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

SNAP-only categorically eligible households that are recipients of a TANF- funded Service (the RI Department of Human Services TANF Information Publication) must meet the 185% gross income standard solely to determine eligibility for expanded categorical eligibility, and must meet the net income standards in order to determine benefit amount. One and two person households that are categorically eligible do not have to meet the net income standard in order to be eligible for the minimum monthly benefit.

The gross income eligibility standards for the Supplemental Nutrition Assistance Program for the contiguous 48 states, the District of Columbia, the Virgin Islands and Guam is one hundred thirty (130) percent of the Federal income poverty level.

The net income eligibility standards for the Supplemental Nutrition Assistance Program for the contiguous 48 states, the District of Columbia, the Virgin Islands and Guam is one hundred (100) percent of the Federal income poverty level.

The income eligibility limits are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 states and the District of Columbia.

The annual income poverty guidelines are divided by twelve (12) to determine the monthly gross income standards, rounding the results upward as necessary. For households greater than eight (8) persons, the increment in the Federal income poverty guidelines is multiplied by appropriate federal poverty level percentage, divided by twelve (12), and the results rounded upward, if necessary.

The annual income poverty guidelines are divided by twelve (12) to determine the monthly net income eligibility standards, rounding the results upward, as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by twelve (12), and the results rounded upward, if necessary. The income eligibility standards are listed in Section 1038.25.

1008.10 TYPES OF EXCLUDED INCOME

In the Food Stamp Act of 1977, as amended, Congress has specified the types of income which are excluded for SNAP purposes. Only the types of income listed in Sections 1008.10 through 1008.10.95 are excluded from household income, and no other income is excluded.

1008.10.05 *(7 CFR 273.2)* In-Kind Income

Any gain or benefit, not in the form of money, payable directly to the household such as non-monetary or in-kind benefits. For example, meals, clothing, public housing, or produce from a garden. Money payments that are not payable directly to the household, but are paid to a third party for a household expense, are vendor payments and are excluded as discussed in 1008.10.10.

1008.10.10 *(7 CFR 273.9)* Vendor Payments

A payment made in money on behalf of a household is considered a vendor payment whenever a person or organization outside the household uses its own funds to make a direct payment to either a household's creditors or a person or organization providing a service to the household.

The following types of payments may be excluded as vendor payments:

- An employer pays a household's rent directly to the landlord in addition to paying the household regular wages;
- An employer provides free housing to an employee;
- A RIW, SSI, or GPA payment which is not made directly to the household, but paid to a

third party on behalf of the household to pay a household expense, are vendor payments and not counted as income to the household if such payment is for:

- Medicaid;
- Child care assistance;
- A payment or allowance as described in Section 1008.10.75;
- Assistance provided by a State or local housing authority;
- Emergency assistance for migrant or seasonal farmworker households during the time the household is in the job stream (this assistance may include, but is not limited to, emergency vendor payments for housing or transportation); or
- Housing assistance made to a third party on behalf of the household residing in transitional housing for the homeless.

Third Party Energy Assistance Payments:

Energy Assistance Payments - For purposes of Sec. 1008.10.75, a payment made under a State law to provide energy assistance to a household shall be considered money payable to the household.

Energy assistance expenses - For purposes of calculating the shelter expense, as outlined in Section 1010.25, an expense paid on behalf of a household under a State law to provide energy assistance shall be considered an out-of- pocket expense incurred and paid by the household.

Payments Not Excluded as Vendor Payments

Certain payments which are paid directly to the household or diverted from the household are not considered vendor payments and are included as income (See 1008.15.)

1008.10.15 *(7 CFR 273.9)* ***HUD Vendor Payments***

Rent or mortgage payments paid to a landlord or mortgagee by the Housing and Urban Development (HUD), State or local housing authorities are vendor payments and are excluded. HUD Community Development Block Grant Funds used for rehabilitation of the individual's residence are also excluded as vendor payments.

1008.10.20 *(7 CFR 273.9)* ***Grants, Support or Alimony Payments***

If an employer, agency, former spouse or other person makes payments for household expenses to a third party from funds not owed to the household, these payments are excluded as vendor payments.

Payments specified by a court order or other legally binding agreement to go directly to the third party rather than to the household and support payments not required by a court order or other legally binding agreement (including payments in excess of the amount specified in a court order or written agreement) which are paid to a third party rather than the household, are excluded as a vendor payment, even if the household agrees to the arrangement.

1008.10.25 *(7 CFR 273.9)* ***Child Care Payments***

Payments by a government agency to a child care institution to provide child care for a household member are excluded as vendor payments.

1008.10.30 *(7 CFR 273.9)* **Child Support Income Exclusion**

Legally obligated child support payments made by a household member to or for a nonhousehold member are an income exclusion.

Allowable payments include those child support payments made to a third party on behalf of the nonhousehold member (vendor payments). Payments toward a current arrearage order(s) also count toward this exclusion. Any child support payments made in excess of the amount a household member is legally obligated to pay are not allowable as an exclusion.

1008.10.35 *(7 CFR 273.10)* **Income Excluded by Law**

Do not count any income that is specifically excluded by any Federal, or local statute from consideration as income for the purpose of determining eligibility for the Supplemental Nutrition Assistance Program.

The following laws provide such exclusion:

- P. L. 102-325, the Higher Education Amendments of 1992, contain two separate provisions that affect the treatment of payments made under the Higher Education Act. In regard to Title IV -- Student Assistance, Part F, Section 479B provides that:

  Student financial assistance received under Title IV, or under Bureau of Indian Affairs student assistance programs, shall not be counted in the determination of eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.

  These changes apply to determinations of need for award years beginning on or after July 1, 1993. For example, if a student was awarded a Title IV grant for a school period of June, July, and August of 1993, the provision (for the exclusion of the grant in its entirety) would not apply. The period of the award is the determining factor, not when the money is paid.

  Educational assistance authorized under Title IV includes the following:

  - Basic Educational Opportunity Grants (BEOG or Pell Grants);
  - Presidential Access Scholarships (Super Pell Grants);
  - Federal Supplemental Educational Opportunity Grants (FSEOG);
  - State Student Incentive Grants (SSIG);
  - Robert C. Byrd Honors Scholarship Program;
  - Federal or State Work Study income wholly or partially funded by Title IV of

the Higher Education Act (Note: Not all Federal work study funds come under Title IV of the Higher Education Act. Education assistance that is not funded under Title IV may still be excluded as income if it is used or will be used for paying tuition, fees, or other necessary education expenses at any educational institution);

- Federal Family Education Loan Program (Formerly GSL):
    - Supplemental Loans for students,
    - PLUS loans for parents,
    - Robert T. Stafford Student Loans;
- Federal Perkins Loan Program - Direct loans to students in institutions of higher education (Perkins Loans, formerly NDSL);
- TRIO Grants (Go to organizations or institutions for students from disadvantaged backgrounds);
- Robert C. Byrd Honors Scholarship Program;
- High School Equivalency Program; and
- National Early Intervention Scholarship and Partnership Program.

- Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

- Under P. L. 93-113, the Domestic Volunteer Services Act of 1973, Titles I and II, as amended, payments under Title I of that Act (including payments for such Title I programs as VISTA, University Year for Action, and Urban Crime Prevention Program) to volunteers must be excluded for those individuals receiving SNAP benefits or public assistance at the time they joined the Title I program, except that households which were receiving an income exclusion for a VISTA or other Title I subsistence allowance at the time of conversion to the Food Stamp Act of 1977 must continue to receive an income exclusion for VISTA for the length of their volunteer contract in effect at the time of conversion. Temporary interruptions in SNAP participation do not alter the exclusion once an initial determination has been made. New applicants who were not receiving public assistance or SNAP benefits at the time they joined VISTA shall have these volunteer payments included as earned income.

  Payments under Title II including the Retired Senior Volunteer Program (RSVP), Foster Grandparents, and Senior Companion Program are also excluded.

- Income received by individuals age 55 and older, under the Senior Community Service Employment Program (SCSEP) authorized under the Title V of the Older Americans Act. These funds are excluded by Public Law 100-175 as income for SNAP purposes.

- The Job Training Partnership Act (JTPA). Training allowances paid to individuals participating in programs under JTPA are excluded as income with the exception of earnings paid to an individual age 19 or over, participating in an on-the-job training program under the Workforce Investment Act. Earnings include monies paid under the Workforce Investment Act and monies paid by the employer.

  P. L. 101-610, Section 117(d), 11/16/90, National and Community Service Act (NCSA) of

1990, provides that Section 142(b) of the JTPA applies to projects conducted under Title I of the National and Community Services Act of 1990 as if such projects were conducted under the JTPA. Title I includes three Acts: 1) Serve-America: The Community Service, Schools and Service-Learning Act of 1990, 2) the American Conservation and Youth Service Corps Act of 1990, and 3) the National and Community Service Act. There are about 47 NCSA programs and they vary by State. Most of the payments are made as a weekly stipend or for educational assistance. The Higher-Education Service-Learning program and the AmeriCorps umbrella program some under this Title. The National Civilian Community Corps (NCCC) is a federally managed AmeriCorps program.

- Under P. L. 101-508, Federal earned income tax credit (EITC) payments received either as a lump sum payment or an advance payment included as part of the paycheck (or as a reduction in taxes that would otherwise have been paid at the end of the year);

- Payments made under P. L. 99-425, Section (e), the Low- Income Home Energy Assistance Act, 9/30/86; in determining any excess shelter deduction, the full amount of such payments shall be deemed to be expended by the recipient household for heating or cooling costs.

- Under provisions of P. L. 89-642, the value of assistance to children under the Child Nutrition Act;

- As provided in P. L. 100-435, under WIC demonstration projects, coupons which can be exchanged for food at farmers' markets;

- Under P. L. 100-485, the value of any child care payments made under Title IV-A , including transitional child care payments are excluded;

- "At-risk" block grant child care payments made under Section 5801 of P. L.101-508; no deduction may be allowed for any expense covered by such payments;

- Under P. L. 102-586, the value of any child care provided or any reimbursement for costs incurred under the Child Care and Development Block Grant is excluded from income from any other federal or federally assisted program in which eligibility, or amount of benefits, is based on need.

- The mandatory salary reduction amount for military service personnel that is used to fund the G. I. Bill;

- Payments made under the provisions of Public Law 100-383, entitled "Wartime Relocation of Civilians", to certain United States citizens of Japanese ancestry, resident Japanese aliens and certain eligible Aleuts (natives of the Aleutian Islands.)

- All payments from the Agent Orange Settlement fund or any other fund established pursuant to the settlement in the Agent Orange product liability litigation retroactive to January 1, 1989. The disabled veteran will receive yearly payments; survivors of the deceased disabled veterans will receive a lump-sum payment. These payments were disbursed by the Aetna Insurance Company. Note: Veterans' benefits were authorized

under provisions of P. L. 102-4, Agent Orange Act of 1991, to some veterans with service connected disabilities resulting from exposure to Agent Orange. These VA payments are not excluded by law.

P. L. 101-239 also excluded payments made from the Agent Orange settlement fund or any other fund established pursuant to the settlement in the In re Agent Orange product liability litigation, M.D. L/ No. 381 (E.D.N.Y.).

- Utility reimbursements made by HUD directly to the household or via a two-party check payable to both the household and the utility provider are excluded from income and are not allowable shelter costs.

- Under P. L.110-246, combat-related military pay is excluded from consideration as income when determining Food Stamp eligibility and benefit levels if the additional pay is the result of deployment to or service in a combat zone and was not received immediately prior to serving In a combat zone.

- Any monetary allowances paid by the Veterans Administration under P.L. 104-204, Section 1805(d), to a child of a Vietnam Veteran for any disability resulting from Spina Bifida suffered by such child.

- Any monetary allowances paid by the Veterans Administration under P.L. 106-419, Section 1815 (a), to any individual with one or more covered birth defects if he or she is a child of a female Vietnam veteran.

- Under P.L. 103-322, Section 230202, dated 9/13/94, amended Section of the Crime Act of 1984 (42 U.S.C. 10602), compensation paid by a eligible crime victim compensation program is excluded as income to the household.

- Under P. L. 93-288, Section 312(d), the Disaster Relief Act of 1974, as amended, payments precipitated by a an emergency or major disaster as defined in the Act, as amended; this exclusion applies to Federal assistance provided to persons directly affected and to comparable disaster assistance provided by States, local governments, and disaster relief organizations.

A major disaster is any natural catastrophe such as a hurricane or drought, or regardless of cause, any fire, flood, or explosion, which the President determines causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

An emergency is any occasion or instance for which the President determines that Federal assistance is needed to supplant State and local efforts and capabilities to save lives, and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe.

Most Federal Emergency Management Assistance (FEMA) funds are excluded; however, some payments made to homeless people to pay for rent, mortgage, food, and utility

assistance when there is no major disaster or emergency is not excluded under this provision.

- Funds paid under P. L. 101-426, Section 6(h)(2), the Radiation Exposure Compensation Act, 10/15/90;

- Per capita payments of under $2,000 made under the provisions of P. L. 93-134, the Judgment Award Authorization Act, as amended by P. L. 97-458 and P. L. 98-64; the exclusion applies to each payment made to each individual;

- Payments received under P. L. 92-203, Section 29, 1/2/76, the Alaska Native Claims Settlement Act;

- Payments of relocation assistance to members of the Navajo and Hopi Tribes under Public Law 93-531.

- Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (P. L. 94-114);

- Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (P. L. 94-540);

- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation under P. L. 95-433;

- Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P. L. 96-420, section 9(c));

- P. L. 97-403 - Payments to the Turtle Mountain Band of Chippewas, Arizona;

- P. L. 97-408 - Payments to the Blackfeet, Gros Ventre, and Assiniboine tribes, Montana and the Papago, Arizona;

- Per capita and interest payments under P. L. 98-123 made to the Red Lake Band of Chippewas;

- Per capita and interest payments under P. L. 98-124 to the Assiniboine tribe of the Fort Belknap Indian Community and the Assiniboine Tribe of the Fort Peck Indian Reservation, Montana;

- Payments under the Old Age Assistance Claims Settlement Act (P. L. 98-500, Section 8) made to heirs of deceased Indians except for per capita shares in excess of $2,000;

- Funds distributed for members of the Chippewas of Lake Superior under P. L. 99-146,

Section 6(b);

- Moneys paid pursuant to P. L. 99-264, White Earth Reservation Land Settlement Act of 1985;

- Disbursements made under P. L. 99-346 to the Saginaw Chippewa Indian Tribe of Michigan; and

- Per capita payments to the Chippewas of Mississippi (P. L. 99-377).

- P. L. 101-41, the Puyallup Tribe of Indians Settlement Act, provides that none of the funds, assets, or income from the trust fund established in section 6(b) shall at any time be used as a basis for denying or reducing funds to the Tribe under any Federal, State, or local program.

- P. L. 101-503, Seneca Nation Settlement Act provides that none of the payments, funds, or distributions authorized, established, or directed by this Act, and none of the income therefrom, shall affect the eligibility of the Seneca Nation or its members or be used as a basis for denying or reducing funds under any federal program.

1008.10.40 *(7 CFR 273.9)* **Reimbursements**

Reimbursements are excluded as income for past or future expenses to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household.

Reimbursements for normal living expenses of the household are not excluded. To be excluded, such payments must be provided specifically for an identified expense, other than normal living expenses, and used for the purpose intended.

Payments made to a disabled household member for attendant care services are considered to be reimbursements for expenses and are excludable income. If attendant care services are provided by a household member, the payment for these services is considered earned income (see Section 1008.15.05) of the care giver.

Reimbursements for Multiple Expenses

When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. (Reimbursements for normal living expenses are not excluded.)

Reimbursements Exceeding Expenses

The amount by which a reimbursement exceeds the actual incurred expense must be counted as income. However, reimbursements are not considered to exceed actual expenses, unless the provider or the household indicates the amount is excessive.

1008.10.40.05 *(7 CFR 273.9)* ***Examples of Excludable Reimbursements***

The following are considered excludable reimbursements:

- Reimbursements or flat allowances for job or training-related expenses such as travel, per diem, uniforms, and transportation to and from the job or training site. Reimbursements which are provided over and above basic wages for these expenses are excluded. However, these expenses, if not reimbursed, are not otherwise deductible. Reimbursements for the travel expenses of migrant workers are also excluded.

- Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

- Medical or dependent care reimbursements, including payments made to a disabled individual for attendant care.

- Non-federal reimbursements or allowances to students for specific educational expenses, such as travel or books, but not allowances for normal living expenses such as food, rent, or clothing. Portions of a general grant or scholarship must be specifically earmarked by the grantor for education expenses rather than for living expenses to be excluded as a reimbursement (See Section 1008.10.25).

- Reimbursements received by households to pay for services provided by the Social Services Block Grant.

- Reimbursements for per diem transportation allowances under the SNAP E&T or RI Works's education, training, and job search components.

1008.10.40.10 *(7 CFR 273.9)* ***Reimbursements Not Excluded as Income***

The following are not considered to be excludable reimbursements under this provision:

- No portion of any Federal educational grant, scholarship, fellowship, veterans' benefit and the like to the extent it provides income assistance beyond that used for tuition and mandatory school fees, is considered excludable under this provision. This provision does not apply to educational assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act or the Carl D. Perkins Vocational Education Act.

- No portion of any non-Federal, i.e., State, local, or private educational grant, scholarship, fellowship, veterans' benefit and the like that is provided for living expenses is considered excludable under this provision. Thus, to be excludable, such assistance must be specifically earmarked by the grantor for education expenses, such as travel or books, but not for living expenses, such as food, rent, or clothing.

1008.10.45 *(7 CFR 273.9)* **Educational Assistance**

Exclude as income any educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits and the like to the extent that they are used for or made available (i.e., earmarked) by a school, institution, program, or other grantor for tuition and mandatory fees, books, supplies, transportation, and miscellaneous personal expenses (other than living expenses) of the student incidental to attending the school, institution, or program. (Remember that financial aid received under Title IV of the Higher Education Act or the Bureau of Indian Affairs student assistance programs is excluded in its entirety. See Sec. 1008.10.35)

If the educational assistance is provided by a program funded in whole or in part under the Carl D. Perkins Vocational and Applied Technology Act, see the provisions of 1008.10.30 for determining exclusion of those payments.

The student must be enrolled at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent thereof. For the purpose of this provision, "institution of post-secondary education" means any public or private educational institution which either normally requires for enrollment a high school diploma or equivalency certificate or admits persons who are beyond the age of compulsory school attendance (age 16 in Rhode Island) without a high school diploma.

The institution must be legally authorized and recognized by the State to provide an educational program of training to prepare students for gainful employment.
Educational assistance is excluded based on the amounts earmarked by the institution, school, program, or other grantor as made available for the specific costs of tuition, mandatory fees, books, supplies, transportation, and miscellaneous personal expenses (other than living expenses). If the institution, school, program, or other grantor does not earmark amounts made available for the allowable costs involved, the student may verify the use of the educational assistance for allowable costs and thus receive an exclusion. Students may also provide verification of amounts used for allowable costs in excess of the amounts earmarked by the school or grantor to obtain an exclusion. However, excludable expenses claimed by the student must not exceed the amount of the educational assistance.

Origination fees and insurance premiums on student loans are excludable charges. Only the amount of the loan after these charges have been excluded is to be considered income.

1008.10.45.05 *(7 CFR 273.9)* ***Mandatory Fees***

Mandatory fees encompass those charges to students including the rental or purchase of any equipment, materials, and supplies which are related to the pursuit of the course of study involved. For example, uniforms, lab fees, or equipment charged to students in order to enroll in a chemistry course would be excluded. However, transportation, supplies, and textbook expenses are not uniformly charged to students and, therefore, would not be excluded as mandatory fees. Tuition and mandatory fees paid from earnings, resources, or any source other than grants, deferred loans, etc. are not excluded.

1008.10.45.10 Financial Aid under the Carl D. Perkins Act

Financial assistance, such as grants, loans, reimbursements or allowances, under the Carl D. Perkins Vocational and Applied Technology Act must be for tuition, mandatory school fees, books, supplies, transportation, and miscellaneous personal expenses with the additional exclusion of payments made for dependent care expenses; room and board expenses are not excluded under Carl D.Perkins.

In order to qualify for this exclusion, the student must be attending an institution of post-secondary education on at least a half-time basis and be eligible to participate in the SNAP in accordance with the student eligibility requirements in 1004.25.05.45. The student is responsible for providing the agency with information to verify that:

- The institution considers the student to be attending the institution on at least a half-time basis;
- The educational assistance received is from a program funded in whole or in part under the Carl D. Perkins Act.

1008.10.45.15 *Carl D. Perkins Act Programs*

The following are examples of programs funded under the Carl D. Perkins Vocational and Applied Technology Act. (A more complete listing is available in the Policy office.)

- Program for Single Parents, Displaced Homemakers, and Single Pregnant Women;
- Secondary School Vocational Education Program; and
- Postsecondary and Adult Vocational Education Program.

1008.10.45.20 *Perkins Allowable Expenses and Verification*

For financial assistance awarded under the Carl Perkins Act, exclude the amounts claimed for tuition, mandatory school fees, books, supplies, transportation, and miscellaneous personal expenses that are related to the cost of attendance at the educational institution. Under Carl Perkins, dependent care expenses are also considered excludable.

Excludable expenses claimed by the student must not exceed the value of the total amount of educational assistance granted from the Carl Perkins Vocational Education Act.

Until such time as the appropriate verification is presented to the agency, assistance received from a program funded in whole or in part under Carl Perkins is subject to the provisions of 1008.10.25.

1008.10.50 *(7 CFR 273.9)* **Monies Received for Third Parties**

Exclude as income monies which are received and used for the care and maintenance of a third-party beneficiary who is not a household member. If the intended beneficiaries of a single payment are both household and non-household members, any identifiable portion of the payment intended and used for the care and maintenance of the non-household member is excluded. If the non-household member's portion cannot be readily identified, the payment is prorated among intended beneficiaries and the exclusion applied to the non-household member's pro-rata share or the amount actually used for the non-household member's care and maintenance, whichever is less.

1008.10.55 *(7 CFR 273.9)* **Earnings of Children**

Disregard the earned income of children who are members of the household if they are elementary or high school students at least half-time and are not yet eighteen (18) years of age. Their income is also excluded during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break. If the child's earnings or the amount of work performed cannot be differentiated from that of the other household members, the total earnings must be prorated equally among the working members and the child's pro-rata share excluded.

Individuals are considered children for this exclusion if they are under eighteen and under the parental control of another household member.

1008.10.60 *(7 CFR 273.9)* **Cash Donations**

Cash donations, based on need, which a household receives from one or more private, nonprofit charitable organizations, are excluded as income. This exclusion cannot exceed $300 in a quarter. For purposes of this exclusion, a quarter is defined as the Federal fiscal year quarters. These are:

October, November, December	- 1st quarter
January, February, March	- 2nd quarter
April, May, June	- 3rd quarter
July, August, September	- 4th quarter

Example:

A household receives cash donations because of need of $125 in April and $100 in May from the Salvation Army. In June, the household receives $150 from a local church. For SNAP purposes the April and May amounts plus $75 of the June amount are excluded. $75 of the June amount is counted as unearned income.

1008.10.65 *(7 CFR 273.9)* **Loans**

All loans on which repayment is deferred, including loans from private individuals as well as commercial institutions and reverse mortgages, other than educational loans, are excluded as income for SNAP purposes.

Federal deferred payment educational loans, to the extent that they provide income assistance beyond that used for tuition and mandatory fees as set forth in 1008.10.30, are not excludable under this provision. If the deferred educational loan is provided by a program funded in whole or in part under Title IV of the Higher Education Act, see the provisions in 1008.10.25 to determine an income exclusion for portions of such loan. Portions of non-Federal (State, local or private) deferred payment educational loans are excludable under this provision only to the extent that the lender specifically earmarks portions or all of such loan to provide for educational expenses such as travel or books, but not for living expenses such as rent, mortgage, personal clothing or food eaten at home.

1008.10.70 *(7 CFR 273.9)* **Irregular Income**

Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated but not in excess of $30 in a quarter, is excluded as income for SNAP purposes.

1008.10.75 *(7 CFR 273.9)* **Nonrecurring Lump Sum Payments**

Exclude as income money received in the form of a nonrecurring lump sum payment, including but not limited to, income tax refunds, rebates or credits; retroactive lump sum social security, SSI, public assistance, railroad retirement benefits or other payments; lump sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments are counted as resources in the month received unless specifically excluded from consideration as a resource by other Federal laws.

1008.10.80 *(7 CFR 273.9)* **Costs of Self-Employment**

Exclude as income the cost of producing self-employment income.

Refer to Section 1016.15.20 for the procedures on computing the cost of producing self-employment income. Refer to Section 1016.15.35 for the procedures on computing the cost of producing self-employment income from a farm enterprise.

1008.10.85 *(7 CFR 273.9)* **Income of Non-household Members**

The income of a non-household member (defined in Section 1002.20), is not considered available to the household. (Refer to Section 1016.25.)

1008.10.86 *(7 CFR 273.9)* **Energy Assistance**

Any payments or allowances made for the purpose of providing energy assistance under any Federal law (other than Title IV-A of the Social Security Act), or a one-time payment or allowance made under a Federal or State law for the costs of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device are excluded.

1008.10.87 *(7 CFR 273.9)* **Payments Which Are Not Considered Income**

Exclude as income monies withheld from an assistance payment, earned income, or other income source, or monies received from any income source which are voluntarily or involuntarily returned to repay a prior overpayment received from that income source, provided that the overpayment is not excluded under another paragraph in this subsection.

However, monies withheld from an assistance program, for purposes of recouping from a household an overpayment which resulted from the household's intentional failure to comply with that program's requirements, must be included as income.

1008.10.88 *(7 CFR 273.9)* **Child Support Payments**

Exclude as income child support payments received by RIW recipients which must be transferred to the IV-D Agency to maintain RIW eligibility.

1008.10.90 *(7 CFR 273.9)* **Foster Care - Guardianship Payments**

Exclude as income for the household, foster care and/or guardianship payments for children or adults for whom the household provides care, unless the household elects to include the foster child or adult as a member of the SNAP household.

1008.10.95 *(7 CFR 273.9)* **PASS Accounts**

Exclude as income amounts necessary for the fulfillment of a Plan to Achieve Self-Support (PASS) of a household member under Title XVI of the Social Security Act (SSI).

1008.15 TYPES OF COUNTABLE INCOME

Except for the exclusions listed in 1008.10, all payments received by household members are income for SNAP purposes. Income is categorized as either earned or unearned.

1008.15.05 *(7 CFR 273.9)* **Earned Income**

The following types of income are considered earned income:

1. Wages

   All wages and salaries for services performed as an employee, including payments to individuals for providing attendant care services.

   However, the term "earned income" does not include any portion of the income earned under a work supplementation or support program that is attributable to public assistance.

2. Garnishments

   Wages earned by a household member that are garnished or diverted by an employer, and

paid to a third party for a household's expenses, such as rent, are considered income.

However, if the employer pays a household's rent directly to the landlord, in addition to paying the household its regular wages, this rent payment is excluded as a vendor payment. In addition, if the employer provides housing to an employee, the value of the housing is not counted as income.

3. Income from Excluded Household Members

The earned income of an individual excluded from the household for failure to comply with the requirement to provide a Social Security Number, or of an individual determined to be an ineligible alien, must be counted as income, less the pro rata share for the individual. (Refer to Section 1016.20.)

4. Income of Individuals Disqualified for IPV

The earned income of an individual disqualified from the household for an intentional program violation must continue to be attributed in its entirety to the remaining household members. (Refer to Section 1016.20.05.)

5. Self-Employment

The total gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the costs of doing business (Refer to Section 1016.15.20.) Ownership of rental property is considered self-employment. However, income derived from the rental property is considered earned income only if a member of the household is actively engaged in management of the property at least an average of twenty (20) hours per week. Payments from a roomer or boarder and returns on rental property are also self-employment income. (Refer to Section 1016.15.50 for boarder income and Section 1016.15.10 for income from rentals.)

6. Training Allowances

Training allowances from vocational and rehabilitative programs sponsored by Federal, State, or local governments, to the extent they are not a reimbursement, except for allowances received through programs authorized by the Job Training Partnership Act (JTPA) or its successor, the Workforce Investment Act (WIA) and the federal Welfare to Work (WTW) Program.

7. Title I

Certain Payments under Title I (VISTA, University Year for Action (UYA), etc.) of the Domestic Volunteer Service Act of 1973, as amended, must be considered earned income and subject to the earned income deduction described in 1038.07 and excluding any payments made on behalf of households specified under 1008.10.10 ("Vendor Payments").

8. WIA (Workforce Investment Act) On-the-Job-Training

   Earnings paid to an individual who is participating in an on-the-job (OJT) training program under the Workforce Investment Act of 1998 (the successor to the Jobs Training and Partnership Act - JTPA). This provision does not apply to a household member, who is under nineteen (19) years of age and under the parental control of an adult household member, regardless of school attendance and/or enrollment as discussed in Section 1008.10.40.

9. Include as income monies which are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for household expenses, are counted as income and not excluded as a vendor payment. The distinction is whether the person or organization making the payment on behalf of a household is using funds that are otherwise payable to the household. Such funds include wages earned by a household member and owed to the household. If an employer owes these funds to a household diverts them instead to a third party to pay for a household expense, these payments are still counted as income to the household. However, if an employer makes payments for household expenses to a third party from funds that are not owed to the household, these payments are excluded as vendor payments. (Refer to 1008.10.10.)

1008.15.10 *(7 CFR 273.9)* **Unearned Income**

The following types of income are considered unearned: (This list is not inclusive.)

- Assistance Payments
- Pensions, Social Security
- Support and Alimony
- Educational Loans and Grants
- Managed Income
- Garnishments
- Grants, Interest Payments
- Income from Excluded Household Members
- Certain Rental Income
- Certain "Vendor" Payments
- Trust Withdrawals
- Deemed Income from an Alien's Sponsor
- Income of Individuals Disqualified for an IPV
- Foster Care Payments

1008.15.10.05 *(7 CFR 273.9)* ***Assistance Payments***

Assistance payments from Federal or federally aided public assistance programs, such as Supplemental Security Income (SSI), RI Works Program (RIW), General Public Assistance (GPA) or other assistance programs based on need, are considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt under the provisions of 1008.10.10.

Assistance payments from programs which require as a condition of eligibility the actual performance of work without compensation other than the assistance payments themselves are considered unearned income.

1008.15.10.10 *(7 CFR 273.9)* ***Pensions, Social Security***

Include as income annuities, pensions, retirement, Veteran's or disability benefits, Worker's or Unemployment Insurance, Social Security benefits, including the SMI amount, or strike benefits.

1008.15.10.15 *(7 CFR 273.9)* ***Support and Alimony***

Any support or alimony payments made directly to the household from non-household members is counted as income. Money deducted or diverted from a court-ordered support of alimony agreement to a third party to pay the household's expenses are also included as income to the household. However, payments specified by the court order or other legally binding agreement to go directly to the third party rather than the household are excluded as vendor payments.

Support payments not required by a court order or other legally binding agreement (including payments in excess of the amount specified in a court order or written agreement) that are paid to a third party rather than the household even if the household agrees to the arrangement are also excluded as a vendor payment.

Any Child Support Bonus paid to RIW recipients through the Office of Child Support Services (OCSS) must be counted as unearned income for food assistance purposes.

1008.15.10.20 *(7 CFR 273.9)* ***Educational Loans and Grants***

Include as income educational loans on which payment is deferred, scholarships, fellowships, educational grants, veteran's educational benefits and the like in excess of amounts excluded under the provisions in Sections 1008.10.20, 1008.10.25, and 1008.10.30.

Also, educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits and the like which are provided to a third party on behalf of a household for living expenses, such as rent or mortgage, clothing, or food eaten at home must be treated as money payable directly to the household (unearned income) and are not excludable as a vendor payment.

1008.15.10.25 *(7 CFR 273.9)* ***Managed Income***

Any or part of a public assistance grant that is diverted to a third party or to a protective payee for purposes such as but not limited to, managing a household's expenses, is considered income to the household and not excluded as a vendor payment except as provided in 1008.10.10. Assistance financed by State or local funds (GPA) which is provided over and above the normal RIW or GPA payment, or is not normally provided as part of such payment, is considered emergency or special assistance and is excluded if provided to a third party on behalf of the household.

1008.15.10.35 *(7 CFR 273.9)* ***Grants, Interest Payments***

Include as income payments from government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.

1008.15.10.40 *(7 CFR 273.9)* ***Income from Excluded Household Members***

The unearned income of an individual excluded from the household for failure to comply with the requirement to provide a Social Security Number, or of an individual determined to be an ineligible alien, must be counted as income, less the pro rata share for the individual. (Refer to Section 1016.20.)

1008.15.10.45 *(7 CFR 273.9)* ***Certain Rental Income***

Include as income the gross income, minus the cost of doing business, derived from rental property if a household member is not actively engaged in management of the property at least twenty (20) hours a week.

1008.15.10.50 *(7 CFR 273.9)* ***Certain "Vendor" Payments***

Include as income monies which are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for household expenses, are counted as income and not excluded as a vendor payment. The distinction is whether the person or organization making the payment on behalf of a household is using funds that are otherwise payable to the household. Such funds include a public assistance grant to which a household is legally entitled, and support or alimony payments in amounts which legally must be paid to a household member. If an agency, or former spouse who owes these funds to a household diverts them instead to a third party to pay for a household expense, these payments are still counted as income to the household. However, if agency, former spouse or other person makes payments for household expenses to a third party from funds that are not owed to the household, these payments are excluded as vendor payments. (Refer to 1008.10.10.)

1008.15.10.55 *(7 CFR 273.9)* ***Trust Withdrawals***

Include as income monies that are withdrawn or dividends that are or could be received by a household from trust funds considered to be excludable resources, in accordance with 1006.15.35. Such trust withdrawals must be considered income in the month received, unless otherwise exempt under the provisions of 1008.10. Dividends that the household has the option of either receiving as income or reinvesting in the trust are considered as income in the month they become available to the household, unless otherwise exempt.

1008.15.10.60 *(7 CFR 273.9)* ***Deemed Income from an Immigrant's Sponsor***

The income and resources of a legal permanent resident's sponsor (and the sponsor's spouse) who has signed a legally binding affidavit of support on or after December 17, 1997 are required to be counted as belonging to the immigrant (or deemed), regardless of actual availability, when

determining the sponsored immigrant's eligibility and benefit amount for SNAP benefits unless the immigrant is exempted from sponsorship deeming. Section 1014.55.15.05 outlines exemptions from sponsor deeming. If the immigrant is categorically eligible due to receipt of a TANF-funded service/publication, the resources of the immigrant's sponsor (and the sponsor's spouse) are not counted when determining eligibility for SNAP benefits.

See Sections 1014.55.10 and 1014.55.15 for instructions for calculating the amounts of income and resources to be deemed.

If the sponsor signs an affidavit of support for more than one immigrant, the sponsor's income is pro-rated among the sponsored immigrants.

Actual money paid to the immigrant by the sponsor or the sponsor's spouse is not considered income to the alien unless the amount paid exceeds the amount attributed (deemed). In such case, the amount paid that actually exceeded the amount deemed would be considered income to the alien in addition to the amount deemed to the alien.

1008.15.10.65 *(7 CFR 273.9)* ***Income of Individuals Disqualified for Intentional Program Violation***

The unearned income of an individual disqualified from the household for an intentional program violation must continue to be attributed in its entirety to the remaining household members. (Refer to Section 1016.20.05.)

1008.15.10.70 *(7 CFR 273.9)* ***Foster Care - Guardianship Payments***

Include as income foster care and/or guardianship payments for children or adults who are considered members of the SNAP household (see Section 1002.30 for provisions regarding including boarders in the household providing the board).

1008.15.15 Verification of Income

Gross non-exempt income must be verified for all households prior to certification. However, where all attempts to verify income have been unsuccessful because the income provider fails to cooperate with the household and the agency representative, and because all other sources of verification are unavailable, the agency representative must determine an amount to be used, based on the best available information.

The agency representative must verify if monies received by households are loans.

1008.15.15.05 ***Methods of Verifying Income***

The agency representative must use documentary evidence as the primary source of verification. If other types of verification are used, the agency representative documents the case record as to why an alternate source was used.

When verifying that income is exempt as a loan, a legally binding agreement is not required. A simple statement signed by both parties that indicates that the payment is a loan and must be repaid is sufficient verification. However, if the household receives payments on a recurrent or regular basis from the same source, but claims the payments are loans, the agency representative must also require that the provider of the loan sign an affidavit indicating that repayments are being made or that payments will be made in accordance with an established repayment schedule.

1008.15.15.10 *Verification of Earned Income*

The following are documents which can be used to verify earned income:

From Applicant/Recipient

- Pay stubs
- Pay envelope
- Employee's W-2 form
- Wage tax receipts
- State or federal income tax return
- Self-employment bookkeeping records
- Sales and expenditure records

From Others

- Employer's wage records
- Statement from employer
- Employment Security Office
- State Income Tax Bureau

1008.15.15.15 Verification of Other Income

In verifying other income to the household, the following documents or records are generally available.

From Applicant/Recipient

- Social Security award letter (changes in benefits are not always reflected)
- Benefit payment check
- Unemployment insurance award letter
- Pension award notice
- Veterans Administration award notice
- Correspondence on benefits
- Income tax records
- Railroad Retirement award letter
- Support and alimony payments evidenced by court order, divorce or separation papers, contribution check

From Others

- Social Security (IEVS System - See Section 1082)
- Department of Labor and Training (IEVS system or AP-152)
- Bank clearance (AP-91)
- Employer's records (AP-50B)
- Union records
- Worker's compensation records
- Veterans Administration (AP-150)
- Insurance company records
- Tax records
- Railroad Retirement Board records

1008.15.15.20 Unreported Income

In addition to verifying reported income, the agency representative may have occasion to explore the possibilities of unreported income. When the applicant states that s/he has no earnings or other income, and the applicant is employable, or it appears s/he may be eligible for other benefits such as Social Security, unemployment insurance, or assistance payments, it is necessary to verify that s/he is not receiving income from such sources.

Additional situations in which the possibility of unreported income are investigated are: difficulty finding the head of household at home, seasonal employment in the area which is at its peak, shelter costs higher than reported income, or other similar situations.

1008.15.15.25 Expenses Exceeding Income

A household's report of expenses which exceed its income are grounds for a determination that further verification is required. However, this circumstance is not, in and of itself, grounds for a denial. The agency representative, instead, explores with the household how it is managing its finances, whether the household receives excluded income or has resources, and how long the household has managed under these circumstances.

1008.20 *(7 CFR 273.9)* **Deductions from Income**

The SNAP allows five (5) deductions from a household's gross income. These deductions are:

- the earned income deduction;
- the standard deduction;
- the excess medical expense deduction;
- the dependent care deduction; and
- the excess shelter deduction.

1008.20.05 *(7 CFR 273.9)* **Standard Deduction**

Effective October 1, 1987, and each October 1 thereafter, the standard deduction is adjusted to reflect changes in the CPI-U for items other than food for the twelve (12) months ending the

previous June 30.

These adjustments are based on the previous unrounded numbers, and the result rounded down to the nearest lower dollar increment.

The current standard deduction is located in Section 1038.05 for each household regardless of its income.

1008.20.15 *(7 CFR 273.9)* **Excess Medical Deduction**

An excess medical deduction is that portion of total medical expenses in excess of $35 per month, excluding special diets, incurred by all household members who are elderly or disabled (Including disabled veterans or surviving disabled spouses/children of veterans.) The thirty five dollar ($35) disregard applies to the entire household and not individual members.

A spouse or other person receiving benefits as a dependent of the SSI or disability and blindness recipient is not eligible to receive this deduction, but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

- Medical and dental care, including psychotherapy and rehabilitation services, provided by a licensed practitioner authorized by state law or other qualified health professional.

- Hospitalization, outpatient treatment, nursing care, and nursing home care, including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the state.

- Prescription drugs when prescribed by a licensed practitioner authorized under state law, and other over-the-counter medication (including insulin), when approved by a licensed practitioner or other qualified health professional (exception: medicinal marijuana is not an allowable medical cost for purposes of determining SNAP eligibility and/or benefit level); in addition, postage for prescription drugs, costs of medical supplies, sick room equipment (including rental) or other prescribed equipment are deductible.

- Health and hospitalization insurance policy premiums. The costs of health and accident policies, such as those payable in lump sum settlements for death or dismemberment, or income maintenance policies, such as those which continue mortgage or loan payments while the beneficiary is disabled, are not deductible.

- Medicare premiums, and any cost-sharing or spend-down expenses incurred by Medicaid recipients.

- Repayments made on a loan when the loan is used to pay a one-time only medical expense. Loan expenses, such as interest, are not allowable as part of the medical expense. If a second mortgage is obtained for medical expenses, repayment is treated as a shelter expense and not as a medical expense.

- Dentures, hearing aids, and prosthetics.
- Securing and maintaining a seeing eye, hearing dog or service animal, including the cost of food for the animal and veterinarian bills.
- Eye glasses prescribed by a physician skilled in eye disease, or by an optometrist.
- Reasonable cost of transportation and lodging to obtain medical treatment or services.

Maintaining an attendant homemaker, home health aide, or child care services necessary due to age, infirmity, or illness. In addition, an amount equal to the one-person SNAP allotment is deducted if the household furnishes the majority of the attendant's meals. The allotment is that which is in effect at the time of initial certification. The allotment amount is updated at the next scheduled recertification. If a household incurs attendant care costs that could qualify under both the medical deduction and dependent care deduction, the cost is treated as a medical expense.

1008.20.15.02 *(7 CFR 273.9)* ***Standard Medical Deduction***

Households that contain elderly and/or disabled members who claim to have medical expenses of more than thirty-five dollars ($35) will be given a standard medical deduction of one hundred and forty one dollars ($141). At initial application or when an active case containing a qualifying member reports medical expenses, the agency must verify if monthly medical expenses are more than thirty five dollars ($35). If the household fails to verify any medical expenses, the household is not entitled to a Standard Medical Deduction. If total medical costs for the qualifying member(s) are more than thirty five dollars ($35) per month, allow the appropriate Standard Medical Deduction.

If the household claims that its monthly medical expenses exceed one hundred and seventy six dollars ($176) per month, the agency will grant the household the option of verifying and utilizing its actual monthly medical expenses instead of the standard medical deduction. If the household verifies that medical expenses exceed thirty five dollars ($35) per month but fails to verify total monthly medical expenses over one hundred and seventy six dollars ($176), the household's benefits will be calculated using the Standard Medical Deduction.

1008.20.20 *(7 CFR 273.9)* **Dependent Care Deduction**

Payments for the actual cost for the care of a child or other dependent when necessary for a household member to accept or continue employment, comply with the employment and training requirements as specified in 1004.25 (or an equivalent effort by those not subject to those requirements), or attend training or education preparatory to employment.

1008.20.25 *(7 CFR 273.9)* **Shelter Expense Deduction**

Monthly shelter costs in excess of fifty percent (50%) of the household's income after all the above deductions have been allowed. The shelter deduction must not exceed the maximum provided in Section 1038.15 unless the household contains a member who is elderly or disabled

as defined in Section 1010.30.05 (includes a disabled veteran or a surviving disabled spouse/child(ren) of a veteran). Such households receive an excess shelter deduction for the monthly cost that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions. The maximum shelter cost deduction is subject to change annually.

Shelter costs include only the following:

- A standard shelter expense estimate for all homeless households where all members are homeless and are not receiving free shelter throughout the calendar month.

  All homeless households which incur or reasonably expect to incur shelter costs in a month shall be eligible for the estimate unless higher costs are verified, at which point the household may use actual shelter costs rather than the estimate. Homeless households which incur no shelter costs shall not be eligible for the standard estimate. A homeless household may not receive both the homeless shelter estimate and the Standard Utility Allowance (SUA). The homeless household shelter estimate is located in Section 1038.17.

- Continuing charges for the shelter occupied by the household, including rent, mortgage, or other continuing charges leading to the ownership of shelter, such as loan repayments for the purchase of a mobile home, including interest on such payments. Payments on second mortgages and home equity loans are allowable shelter costs. Payments on personal loans that are not secured by a lien on the property are not allowable costs even if the bank is listed as a beneficiary on the homeowner's insurance policy. If a household owns a home and lot and later purchases a connecting piece of property, the mortgage payments on the new property can only be allowed as shelter costs if the new property was financed by a second mortgage or other loan secured by the home and lot.

- Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

- Charges for heating, cooling, and cooking fuel; electricity; water and sewer; garbage and trash collection fees; the basic service fee for one telephone, including tax on the basic fee; and fees charged by the utility provider for initial installation of the utility. One-time deposits are not included as shelter costs. Note that the Standard Utility Allowance must be utilized instead of actual charges if the household incurs charges for heating and/or cooling expenses; see Section 1008.20.25.05.

- The above shelter costs for the home if not actually occupied by the household because of employment away from home, illness, or abandonment of the home due to natural disaster or casualty loss. For the costs of a vacated home to be included in shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs during the absence of the household; and the home must not be leased or rented in the household's absence. Households claiming utility costs for unoccupied homes must verify the actual expenses; the standard utility allowance must be used if the household incurs heating and/or cooling expenses. A household that incurs expenses for both an occupied and unoccupied home is only

entitled to one Standard Utility Allowance (SUA).

- Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs do not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source. The cost of repairs as a result of wear and tear, incidental repairs, and improvements are not allowed for homeowners, renters who work-off their rent, or other renters.

- For condominium owners, the entire condominium fee is allowable as a shelter cost.

- Adjustment of Shelter Deduction Effective October 1, 1988, and each October 1 thereafter, the maximum limit for the excess shelter expense deduction is adjusted to reflect changes in the shelter, fuel and utilities components of the housing costs in CPI-U for the twelve (12) months ending the preceding June 30.

These adjustments are based on the previous unrounded numbers, and the result rounded down to the nearest lower dollar increment.

1008.20.25.05 *(7 CFR 273.9)* ***Standard Utility Allowance (SUA)***

The Standard Utility Allowance (SUA) which includes a heating or cooling component must be used by households which incur heating and/or cooling costs separately and apart from their rent or mortgage.

These households include:

- Residents of rental housing who are billed on a monthly basis by their landlords for actual usage through individual metering;
- Recipients of indirect energy assistance payments (vendor payments), made under a program other than the Low Income Home Energy Assistance Act of 1981 (LIHEAA), who also incur out-of-pocket heating or cooling expenses during any month covered by the certification period; or
- Recipients of energy assistance payments made under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). These households are deemed to have incurred out-of-pocket heating or cooling costs even if heat and utilities are included in their rent. If a household received a LIHEAA payment at its current address in the month of SNAP benefit approval or in the immediately preceding twelve months, the household is entitled to the SUA.

To qualify, the household must be billed on a regular basis for its heating or cooling costs or have received a LIHEAA payment in the month of SNAP benefit approval or in the immediately preceding twelve months.

A household which incurs cooling or heating fuel costs on an irregular basis, but is otherwise eligible to use the standard utility allowance, continues to use the allowance between billing periods.

A cooling cost is a verifiable utility expense relating only to the operation of air conditioning systems or room air conditioners.

A household living in a public housing unit, or other rental housing unit which has central utility meters and charges the household only for excess heating or cooling costs must use the standard utility allowance.

If the household shares utility expenses with, and lives with, another individual not participating in the SNAP, another household participating in the SNAP, or both, the household is entitled to the full Standard Utility allowance.

The current monthly standard utility allowance is found in Section 1038.20.05.

1008.20.25.10 *(7 CFR 273.9)* ***Standard Telephone Allowance***

The standard telephone allowance is available to a household that is billed for the expense of a basic service charge for one telephone but is not eligible to use the standard utility allowance. If a household can demonstrate that its cost for basic service for one telephone is greater than the Standard Telephone Allowance, then the actual cost is used. If the expense is shared by separate households, each household can claim the Standard Telephone Allowance.

The current monthly standard telephone allowance is found in Section 1038.20.

1008.20.25.15 ***Verification for Use of the SUA***

If a household is to qualify for the standard utility allowance based on incurring heating or cooling expenses, the household must be billed on a regular basis for those costs and must provide bills for one or more of the utilities used for heating or cooling for verification. The bills should be as many as are available, but at least two; copies or other documentation used for authorizing the standard utility allowance must be included in the case record and/or case notes.

If a household is to qualify for the standard utility allowance based on the receipt of LIHEAA, a confirmation letter from the Governor's Office of Heating Assistance is to be used for documentation.

When a household moves, its entitlement to the SUA is redetermined.

1008.20.25.20 ***Verification of Other Expenses***

Deductible expenses are only verified when the expense claimed would actually result in a deduction and one of the following criteria is met:

- If the household's actual utility expenses cannot be verified before the 30-day processing standard, the household’s eligibility and benefit level will be determined without providing a deduction for the unverified expenses.

- Deductible expenses, other than utility costs, are verified only if questionable and if allowing the expense would actually result in a deduction. Questionable is defined as information on the application which is inconsistent with information elsewhere on the current application, or a previous application; statements made by the applicant, or, information known to or received by the agency representative prior to certification.

  If a deductible expense must be verified, and obtaining the verification may delay the household's certification, the agency representative advises the household that its eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense.

Shelter costs are computed without including the questionable and unverified components. The SUA is used if the household is entitled to claim it. If the expense cannot be verified within 30 days of the date of application, the agency representative determines the household's eligibility and benefit level without providing a deduction for the unverified expense. If the household subsequently provides the missing verification, the agency representative redetermines the household's benefits, and provides increased benefits, if any, in accordance with the timeliness standards in Section 1018.05.15 on reported changes. The household is entitled to restoration of any benefits retroactive to the month of application only if the expense could not be verified within the 30-day processing standard because the agency representative failed to allow the household sufficient time, as defined in Section 1012.45 to verify the expense. If the household would be ineligible unless the expense is allowed, the household's application must be handled as provided in Section 1012.05.10.

1008.20.25.25 *(7 CFR 273.9)* ***Shelter Costs for Unoccupied Homes***

A household that wishes to claim shelter costs for a home which is unoccupied because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss, is responsible for providing verification of the expense if it is questionable and if the expense would result in a deduction. The agency representative is not required to assist a household in obtaining verification of this expense if the verification would have to be obtained from a source outside of the State. A household must also provide verification of actual utility costs for unoccupied homes, if the costs would result in a deduction. Actual expenses must be verified, and the SUA is allowed if the household incurs heating or cooling expenses on the home. A household that incurs expenses for both an occupied and unoccupied home is only entitled to one Standard Utility Allowance (SUA).

1010 CALCULATING SNAP BENEFITS

1010.05 *(7 CFR 273.10)* DETERMINING MONTHLY SNAP INCOME

This section delineates the techniques for determining a household's net SNAP monthly income. Application of these techniques to special household situations is discussed in Section 1014.

Most households have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application. A household's eligibility is determined for the

month of application by considering the household's circumstances for the entire month of application.

Applicant households, consisting of residents of a public institution who apply jointly for SSI and SNAP benefits prior to release from the public institution, have their eligibility determined for the month in which the applicant household is released from the institution.

1010.05.05 *(7 CFR 273.10)* **Initial Month's Benefit Level**

A household's benefit level for the initial month of certification is based on the day of the month it applies for benefits. A household applying for benefits on or before the fifteenth (15th) of the month receives benefits prorated from the day of application to the end of the month. A household applying after the fifteenth (15th) of the month receives benefits prorated from the application date to the end of the month plus benefits for the first full month of participation in a combined allotment. For initial month benefit calculations, see Section 1038.35.

The term "initial month" means 1) the first month for which an allotment is issued to a household, 2) the first month for which an allotment is issued to a household following any period in which such household was not participating in the SNAP after the expiration of a certification period or after termination of the certification of a household during its certification period, when the household became ineligible after notice and opportunity for hearing, and 3) in the case of a migrant or seasonal farmworker household, the first month for which such a household is certified for participation in the SNAP following any period of more than thirty (30) days during which the household was not certified for participation. The amount of the prorated allotment is determined by eligibility system. Allotments are based on a standard thirty day calendar month. Therefore, a household applying on the thirty-first (31st) of a month is treated as though it applied on the thirtieth (30th) day of the month.

For a household applying for SSI and SNAP benefits prior to release from a public institution, the benefit level for the initial month of certification is based on the date of the month the household is released from the institution. The household receives benefits prorated from the date of release from the institution to the end of the month, if the date of release is on or before the fifteenth (15th) of the month. If the release date is after the fifteenth (15th), a combined allotment of the prorated initial month's and first full month's benefits are issued.

1010.05.10 *(7 CFR 273.10)* **Recertification**

Eligibility at recertification must be determined based on circumstances anticipated for the new certification period starting with the month following the expiration of the current certification period. The level of benefits at recertification must be based on the same anticipated circumstances.

If an application for recertification is submitted after the household's certification period has expired, that application is considered an initial application and benefits for that month must be prorated in accordance with Section 1010.05.10. In addition, if the household submits an application for recertification prior to the end of its current certification period but is found ineligible for the first month following the end of the certification period, then the first month of

any subsequent participation is considered an initial month.

Conversely, if the household submits an application for recertification prior to the end of its current certification period and is found eligible for the first month following the end of the certification period, then that month is not an initial month.

Any household that receives the notice of expiration at the time of certification as discussed in Section 1018.15.05 is not subject to proration for the first month of their new certification period if the deadline for filing an application for recertification falls after the end of their current certification period. However, such households found ineligible for the first month following the end of the certification must have the first month of any subsequent participation considered an initial month.

1010.05.15 *(7 CFR 273.10)* **Anticipated Changes**

Because of anticipated changes, a household may be eligible for the month of application, but ineligible in the subsequent month.

The household is entitled to benefits for the month of application even if the processing of its application results in the benefits being issued in the subsequent month. Similarly, a household may be ineligible for the month of application, but eligible in the subsequent month due to anticipated changes in circumstances. Even though denied for the month of application, the household does not have to reapply in the subsequent month. The same application, used for the denial for the month of application, is used for the determination of eligibility for subsequent months, within the timeliness standards in 1002.65.

1010.05.20 *(7 CFR 273.10)* **Changes in Allotment Levels**

As a result of anticipating changes, the household's allotment for the month of application may differ from its allotment in subsequent months. The agency representative establishes a certification period for the longest possible period over which changes in the household's circumstances can be reasonably anticipated. The household's allotment varies from month-to-month at the time of certification, unless the household elects the averaging techniques in 1010.15.

1010.10 *(7 CFR 273.10)* **ANTICIPATING INCOME - PROSPECTIVE BUDGETING**

For the purpose of determining a household's eligibility and monthly allotment, the agency representative takes into account the income already received by the household during the certification period and any anticipated income the household and the agency representative are reasonably certain will be received during the remainder of the certification period.

If the amount of income that will be received, or when it will be received, is uncertain, the portion of the household's income that is uncertain is not counted by the agency representative.

For example, a household anticipating income from a new source, such as unemployment insurance, may be uncertain as to the timing and amount of the initial payment. These monies are

not anticipated by the agency representative unless there is reasonable certainty concerning the month that the payment will be received and the amount. If the exact amount of the income is not known, that portion which is anticipated with reasonable certainty is considered income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the agency will average income as described in Section 1010.15.

1010.10.05 *(7 CFR 273.10)* **Income in Past Thirty (30) Days**

Income received during the past thirty days is used as an indicator of anticipated income. However, past income is not used for any month in which a change in income has occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the agency representative may use a longer period of past time if it provides an accurate indication of anticipated income.

If the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last thirty (30) days, as one indicator of anticipated income. However, the agency representative must exercise caution in using income from a past season as an indicator of income for the certification period.

In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. In no event may the agency representative automatically attribute to the household the amounts of any past income. The agency representative may not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

1010.10.10 *(7 CFR 273.10)* **Anticipated Income for Month Received**

Income anticipated during the certification period is counted as income only in the month it is expected to be received, unless the income is averaged as allowed in 1010.15. Non-recurring lump- sum payments are counted as a resource starting in the month received and are not counted as income.

1010.10.15 *(7 CFR 273.10)* **Cases with Earnings**

In cases where the head of the household is steadily employed, income from previous months is usually a good indicator of the amount of income which can be anticipated in the month of application and subsequent months. The method used to determine income must be fully documented in the case.

Hourly and Piece Work Wages

When income is received on an hourly wage or piece work basis, weekly income may fluctuate if the wage earner works less than eight (8) hours some days or is required to work overtime on others.

When determining the amount of anticipated income, review pay stubs from the previous four (4) weeks in order to determine a weekly average.

Withheld Wages

Wages withheld at the request of the employee must be considered income to the household in the month the wages would otherwise have been paid by the employer. However, wages withheld by the employer as a general practice, even if in violation of law, are not counted as income to the household, unless the household anticipates that it will ask for and receive an advance, or the household anticipates that it will receive income from wages that were previously held by the employer as general practice and that were, therefore, not previously counted as income by the agency.

Advances on wages must only count as income if reasonably anticipated as defined in 1010.10.

1010.10.20 *(7 CFR 273.10)* **Assistance Payments**

Households receiving federal or state assistance payments, such as RIW or GPA benefits, SSI benefits, or Social Security payments on a recurring basis, must not have their monthly income from these sources varied merely because mailing cycles may cause two payments to be received in one month and none in the next month.

1010.15 *(7 CFR 273.10)* **AVERAGING INCOME**

Whenever a full month's income is anticipated but is received on a weekly basis, the agency representative converts the income to a monthly amount by multiplying the weekly income by 4.3333. Whenever a full month’s income is anticipated but is received on a bi-weekly basis, the agency representative converts the income into a monthly amount by multiplying the income by 2.1666.

1010.15.05 *(7 CFR 273.10)* **Annual Income in Shorter Period**

A household that, by contract or self-employment, derives its annual income in a period of time shorter than one year has such income averaged over a 12- month period, provided the income from the contract is not received on an hourly or piece work basis.

Examples of such households may include school employees, share croppers, farmers and other self-employed households. However, these provisions do not apply to migrant or seasonal farm workers. The procedures for averaging self-employed income are described in Section 1016.15. Such income shall not affect more budget months than the number of months in the period over which it is annualized or prorated.

1010.15.10 *(7 CFR 273.10)* **Averaging Educational Assistance**

A household that receives a scholarship, deferred education loan, or other educational grants, has such income, after exclusions, averaged over the period for which it was provided.

1010.15.15 *(7 CFR 273.10)* **When Averaging Income is an Option**

The agency may average a household's income. Income must not be averaged for a destitute household since averaging would result in assigning to the month of application income from future periods which is not available to the destitute household for its current food needs. To average income, the agency representative uses the household's anticipation of income fluctuations over the certification period. The number of months used to arrive at the average income need not be the same as the number of months in the certification period. For example, if fluctuating income for the past thirty (30) days and the month of application are known and, with reasonable certainty, are representative of the income fluctuations anticipated for the coming year, the income from the two known months may be averaged and projected over a certification period of longer than two months.

1010.20 *(7 CFR 273.10)* DETERMINING DEDUCTIONS

Deductible expenses include only certain medical, dependent care, and shelter costs as described in 1008.20.15, 1008.20.20, and 1008.20.25. Education expenses, the cost of doing business for the self-employed, and legally obligated child support paid to a person not in the household are not deductions but are instead income exclusions, and are handled in accordance with Sections 1008.10 through 1008.10.90, Section 1016.15.20 (self- employed households), and Section 1008.20.22 (child support payments).

Categorically eligible SSI recipients entitled to the excess medical deduction and the uncapped shelter expense must receive such deductions, if they incur such expenses, for the period for which they are authorized to receive SSI benefits or the date of the SNAP application whichever is later as discussed in the categorical eligibility provisions (Section 1016.40). Such individuals who are entitled to restored benefits in accordance with those provisions must have their benefits restored using these special deductions if they have such expenses.

1010.20.05 *(7 CFR 273.10)* Disallowed Expenses

An expense covered by either an excluded reimbursement or vendor payment, except an energy assistance vendor payment made under the Low Income Home Energy Assistance Act of 1981, is not deductible. For example, the portion of rent covered by an excluded vendor payment such as a Section 8 housing subsidy, is not calculated as part of the household's shelter costs.

Furthermore, expenses are only deductible if the service is provided by someone outside of the household, and the household makes a money payment for the service. For example, a dependent care deduction is not allowed if another household member provides the care, or compensation for the care is provided in the form of an in-kind benefit such as food.

If the household reports an allowable medical expense at the time of certification but cannot provide verification at that time, and if the amount of the expense cannot be reasonably anticipated based upon available information about the individual's medical condition and public or private medical insurance coverage, the household shall have the non-reimbursable portion of the medical expense considered at the time the amount of the expense or reimbursement is reported and verified.

1010.20.10 *(7 CFR 273.10)* **Billed Expenses Deducted in Month Due**

Except as provided in 1010.20.20., a deduction is allowed in the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. For example, rent which is due each month is included in the household's shelter costs, even if the household has not yet paid the expense. Amounts carried forward from past billing periods are not deductible even if included with the most recent billing and actually paid by the household. In any event, a particular expense may only be deducted once.

1010.20.15 *(7 CFR 273.10)* **Anticipating Expenses**

The agency representative calculates a household's expenses based on those expenses the household expects to be billed for during the certification period. Anticipation of an expense is based on the most recent month's bills, unless the household is reasonably certain a change will occur. The SNAP allotment is adjusted for the remainder of the certification period and, if necessary, a supplemental allotment is provided for the month in which the change is verified. The household may elect to average its expenses (see Section 1010.20.20).

At certification and recertification, the household shall report and verify all medical expenses if it has not elected to take the standard medical deduction (those households with medical expenses over one hundred and seventy six dollars ($176)). At certification, households with medical expenses of one hundred and seventy six dollars ($176) or less, but over thirty five dollars ($35) per month will be given the standard medical deduction of one hundred and forty one dollars ($141).

Participating households will remain eligible for the standard medical deduction at recertification if they declare that the medical expenses continue to exceed thirty five dollars ($35) per month. Verification is not required at recertification unless the declaration is questionable. Declaration is a verbal statement, written statement, or appropriate response to a question supplied on a form. No further verification is required.

The household's monthly medical deduction for the certification period shall be based on the information reported and verified by the household, and any anticipated changes that can be reasonably expected to occur during the certification period based on available information about the individual's medical condition, public or private health insurance coverage, and the current verified medical expenses. The household shall not be required to report changes in its medical expenses during the certification period. If the household voluntarily reports a change in its medical expenses, the worker will verify the change in accordance with procedures described in Section 1018.05.15.

1010.20.20 *(7 CFR 273.10)* **Averaging Expenses**

Households may elect to have fluctuating expenses averaged.

Households may also elect to have expenses which are billed less often than monthly averaged

forward over the interval between scheduled billings, or, if there is no scheduled interval, averaged forward over the period the expense is intended to cover. For example, if a household receives a single bill in February which covers a three-month supply of fuel oil, the bill may be averaged over February, March and April. The household may elect to have one-time only expenses averaged over the entire certification period in which they are billed.

Households reporting one-time only medical expenses during their certification period may elect to have a one-time deduction or to have the expense averaged over the remaining months of their certification period. Averaging begins the month the change becomes effective.

For households certified for twenty-four (24) months that have one-time medical expenses, the agency will utilize the following procedure: In averaging any one-time medical expense incurred by a household during the first 12 months, the agency will give the household the option of deducting the expense for one month, averaging the expense over the remainder of the first 12 months of the certification period, or averaging the expense over the remaining months in the certification period. One-time expenses reported after the 12th month of the certification period will be deducted in one month or averaged over the remaining months in the certification period, at the household's option.

1010.20.25 *(7 CFR 273.10)* Averaging Energy Assistance Payments

Except for payments made under the Low Income Home Energy Assistance Act of 1981, any energy assistance payments which a household receives are prorated over the entire heating (or cooling) season for which the payment is intended to cover.

1010.25 *(7 CFR 273.10)* METHOD FOR FIGURING NET MONTHLY INCOME

The following seven (7) steps lead to the determination of a household's SNAP monthly income. In this determination, the rounding technique described in Section 1010.25.10, must be applied.

1. Total Gross Income

   Add the total gross monthly earned income of all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment of a farmer are offset in accordance with Section 1016.15.35.

2. Monthly Net Adjusted Income

   Calculate the earned income deduction as described in Section 1038.07 and subtract that amount from the total gross earned income; add that to the total monthly unearned income, minus income exclusions.

3. Standard Deduction

   Subtract the standard deduction found in Section 1038.05.

4. Excess Medical Deduction

If the household is entitled to an excess medical deduction as provided in 1010.20.15., determine if total medical expenses exceed thirty-five dollars ($35). If so, deduct the standard medical deduction of one hundred and forty one dollars ($141). If the household has medical expenses that exceed one hundred and seventy six dollars ($176) and it elects to verify actual expenses, subtract that portion of medical expenses in excess of thirty five dollars ($35). Dependent Care Deduction

Subtract monthly dependent care expenses, if any.

5. Determining Any Excess Shelter Expense

Add allowable shelter expenses to determine total shelter costs. Subtract from total shelter costs fifty percent (50%) of the adjusted income (the household's monthly income after all the above deductions have been subtracted). The remaining amount, if any, is the excess shelter expense. If there is no excess shelter expense, the net monthly income has been determined. If there is an excess shelter expense, go to the next step.

6. Applying Any Excess Shelter Expense

Subtract the excess shelter expense up to the maximum amount allowed (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other deductions. The maximum amount allowed for the shelter deduction, for those households subject to a shelter maximum, is found in Section 1038.15. For households not subject to a shelter maximum, subtract the full amount of shelter expenses exceeding fifty percent (50%) of net income. The result is the household's net monthly income.

1010.25.10 *(7 CFR 273.10)* Rounding Technique for Calculating Income

In calculating net monthly income, each income information entry is rounded to a whole dollar amount by rounding down for each income entry that ends in 1 through 49 cents and rounding up for each income entry that ends in 50 through 99 cents. Any cents in gross weekly earnings are rounded to the nearest dollar after converting the weekly figure to the monthly figure. However, shelter expenses and medical costs are not rounded until totaled.

Therefore:

1. Round to the nearest dollar:

- Weekly income amounts after converting to monthly amounts;

Example: $100.75 = $436.58 = $437.00

- Monthly income before calculations. Example:

RSDI - $225.63 = $226.00

2. Do not round individual shelter and medical costs until totaled.

Example:		Example:	
Mortgage	$118.50	Prescription	$12.98
Utilities	87.90	Eyeglasses	50.50
Taxes	9.80	Over-the-counter Medication	13.80
Insurance	12.40	Medicare premium	17.00
	$228.60		$94.25
Rounded =	$229.00		$94.00

1010.30 *(7 CFR 273.10)* **DETERMINING HOUSEHOLD ELIGIBILITY**

Households which contain an elderly or disabled member, as defined below, must have their net income, as calculated in 1010.25, compared to the maximum net monthly income eligibility standards defined in Section 1038.25., Table II, for the appropriate household size to determine eligibility for the month.

All other households (which do not contain an elderly or disabled member), must have their gross monthly income compared to the gross monthly income eligibility standards defined in Section 1038.25., Table I, for the appropriate household size to determine eligibility for the month. Following that determination, such households have that income calculated in accordance with 1010.25.

1010.30.05 *(7 CFR 271.2)* **Definition of Elderly or Disabled Member**

Elderly or disabled member means a member of a household who:

1. Is 60 years of age or older;

2. Receives (or is certified to receive) SSI income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act;

3. Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act, interim assistance pending receipt of SSI, disability-related Medicaid under title XIX of the Social Security Act, or disability-based general public assistance (GPA), provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act;

4. Receives federally or state-administered supplemental benefits under section 212(a) of Public Law 93-66;

5. Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act;
6. Is a veteran who has a service-connected or non-service-connected disability which is rated total under Title 38, U.S. Code; or is considered in need of regular aid and attendance or permanently housebound under such title;

7. Is a surviving spouse of a veteran and considered by the VA to be in need of aid and attendance or permanently housebound under title 38; or is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38 and has a disability considered permanent under section 221(i) of the Social Security Act;

8. Is a surviving child of a veteran and is considered permanently incapable of self-support under Title 38 of the U.S. Code; or is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under Title 38 of the U.S. Code and has a disability considered permanently under section 221(i) of the Social Security Act. ("Entitled" as used in this definition refers to those veterans' surviving spouses and children who are receiving the compensation or benefits stated or have been approved for such payments, but are not receiving them.); or

9. Receives an annuity payment under section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act.

1010.30.05.05 *(7 CFR 271.2)* ***Verifying an Elderly or Disabled Member***

The agency must verify disability, as defined in 1010.30.05, as follows:

1. For an individual to be considered disabled under 1010.30.05 - item # 2, the household must provide proof that the disabled individual is receiving (or is certified to receive) benefits under Titles I, II, X, XIV, or XVI of the Social Security Act.

2. For individuals to be considered disabled under item # 3, the household shall provide proof that the individual receives interim assistance benefits pending receipt of SSI; or disability-based Medicaid under Title XIX of the SSA; or disability-related general assistance benefits. The state agency shall verify that the eligibility to receive these benefits is based on disability or blindness criteria which are at least as stringent as those under Title XVI of the Social Security Act.

3. For individuals to be considered disabled under 1010.30.05 - items # 4 or 5, the agency must use the Social Security Administration's (SSA) most current list of disabilities considered permanent under the SSA. If it is obvious to the agency representative that the individual has one of the listed disabilities, the household is considered to have verified disability. If the disability is not obvious to the agency representative, the household must provide a statement from a physician or licensed or certified psychologist certifying that the individual has one of the listed disabilities.

4. For an individual to be considered disabled under 1010.30.05 - item # 6, the household must present a statement from the VA which clearly indicates that the disabled individual is

receiving VA disability benefits for a service or non-service connected disability and that the disability is rated as total or paid at the total rate by the VA.

5. For an individual to be considered disabled under 1010.30.05 - items # 7 and 8, proof by the household that the disabled individual is receiving VA disability benefits is sufficient verification of disability.

6. For individuals to be considered disabled under 1010.30.05 - item # 9, proof must be provided that the individual receives a Railroad Retirement disability annuity from the Railroad Retirement Board and has been determined to qualify for Medicare.

1010.30.10 *(7 CFR 273.10)* **Destitute Households**

The agency representative determines the eligibility for a household considered destitute in accordance with Section 1016.10.05 by computing the gross and net income according to procedures specified in Section 1016.10.25 and comparing, as appropriate, the gross and/or net income to the corresponding income eligibility standards.

1010.30.15 *(7 CFR 273.10)* **Entitlement in Initial Month Only**

For an eligible household, with three (3) or more members that is entitled to no benefits in months other than the initial month, the agency representative denies the household's application on the grounds that its net income exceeds the level at which benefits are issued.

1010.30.20 *(7 CFR 273.10)* **Entitlement in Subsequent Months Only**

For an eligible household that is entitled to no benefits in the initial month of application (in accordance with 1010.05) but is entitled to benefits in subsequent months, the agency representative certifies the household beginning with the month of application.

1010.30.25 *(7 CFR 273.10)* **Change in Income Eligibility Standard**

When a household's circumstances change and it becomes entitled to a different income eligibility standard, the agency representative applies the different standard at the next recertification or when there is a change in the household's eligibility, benefit level or certification period, whichever occurs first.

1010.30.30 *(7 CFR 273.10)* **Households with a Member Aged 59**

If a household contains a member who is 59 years old on the date of application, but who will become 60 before the end of the month of application, the agency representative determines the household's eligibility in accordance with 1010.30.05.

1012.05 *(7 CFR 273.10)* ACTIONS ON ELIGIBLE HOUSEHOLDS

A household's monthly allotment and the prorated initial month allotment are based on the Thrifty Food Plan (See Section 1038.40) for the household's size according to the household's net monthly income. All eligible one and two person households, including those who are categorically eligible due to receipt of RIW, GPA, SSA or a TANF-funded service, receive a minimum monthly allotment of $16 even if the net income tables do not show a benefit amount for their net income level. If the calculation of benefits, in accordance with Section 1010, for an initial month results in an allotment of less than $10 for the household, no benefits are issued to the household for the initial month.

1012.05.05 Verification of Actual Utility Costs

If the household is not entitled to the SUA and actual utility costs cannot be verified before the thirty days allowed to process the application, the household's eligibility and benefit level will be determined without providing a deduction for the unverified expenses
If the household claims expenses for an unoccupied home, the agency representative must verify the household's actual utility expenses if it is not entitled to the SUA for the unoccupied home. If the household incurs expenses for heating or cooling the unoccupied home, the SUA may be used but the household cannot receive the SUA for both an occupied and unoccupied home.

1012.05.10 Verification of Other Deductible Expenses

If a deductible expense must be verified and obtaining the verification may delay the household's certification, the representative advises the household that the household's eligibility and benefit level can be determined without providing a deduction for the claimed but unverified expense. Shelter costs would be computed without including the questionable and/or unverified components. The SUA is used if the household is entitled to claim it.

If the expense cannot be verified within thirty days of the date of application, the agency representative must determine the household's eligibility and benefit level without providing a deduction for the unverified expense. If the household subsequently provides the missing verification, the agency representative redetermines the household's benefits and provides increased benefits, if any, in accordance with the timeliness standards in Section 1018.05.10 on reported changes.

The household is entitled to the restoration of benefits as a result of the disallowance of the expense only if the expense could not be verified within the 30-day processing standard because the agency representative failed to allow the household sufficient time, as discussed in Section 1012.35.10 to verify the expense. If the household would be ineligible unless the expense is allowed, the household's application is handled as provided in Section 1012.05.10.

1012.10 *(7 CFR 273.10)* ESTABLISHING CERTIFICATION PERIODS

A. Definite periods of time are established which households are eligible to receive benefits. At the expiration of each certification period eligibility for food assistance is redetermined based upon a newly completed application or recertification packet, an in-person or phone interview and such verification as is required. Under no circumstances are benefits continued beyond the end of a certification period without a redetermination of eligibility.

B. Change reporters as defined in Section 1018.05.05 are assigned the following certification periods:
   1. Twenty-four (24) months
      Households consisting entirely of unemployable members in which all members are elderly or disabled, as defined in Sec. 1010.30.05.
   2. Twelve (12) months
      a. Households with members who are migrant or seasonal workers
      b. Households subject to Simplified Reporting

1012.10.05 *(7 CFR 273.10)* Conformance with Calendar Months

Certification periods conform to calendar months. At initial application, the first month in the certification period is generally the month of application, even if the household's eligibility is not determined until a subsequent month. For example, if a household files an application in January and the application is not processed until February, and it is assigned a twelve (12) month certification period, that period is January through December. Upon recertification, the certification period begins with the month following the last month of the previous certification period.

1012.10.15 *(7 CFR 273.10)* Length of Certification Periods

Change reporters as defined in Section 1018.10.15 are assigned the following certification periods:

- Unemployable households in which all members are elderly or disabled - twenty-four (24) months.

- Households with members who are migrant or seasonal workers - Up to twelve (12) months.

Households subject to Simplified Reporting are assigned twelve (12) month certification periods.

1012.20 *(7 CFR 273.10)* PROVIDING NOTICES OF ELIGIBILITY/INELIGIBILITY

A. Eligible Households
   1. Every applicant household found eligible is provided a written notice of eligibility as soon as a determination is made but no later than thirty (30) days after the date of initial application. Refer to Section 1002.65 for information on the thirty (30) day processing

standard.

2. The notice informs the household of the following:
   a. Amount of the allotment
   b. Beginning and ending date of the certification period
   c. The right to a hearing and the availability of free legal representation
   d. The household's obligation to report changes in circumstances and of the need to reapply for continued participation at the end of the certification period

B. Ineligible Households
   1. Each household denied eligibility is provided a written notice of denial explaining:
      a. The basis for the denial
      b. The household's right to request a hearing
      c. The telephone number of the DHS Office
      d. The name of a person to contact for additional information
      e. The availability of free legal service

1012.20.05 *(7 CFR 273.10)* **Notice in Cases of Recertification**

The agency representative must provide households that have filed an application by the 15th of the last month of their certification period with either a notice of eligibility or a notice of denial by the end of the current certification period.

The agency representative must provide households that have received a notice of expiration at the time of certification and have timely reapplied with either a notice of eligibility or a notice of denial not later than 30 days after the date the household had an opportunity to obtain its last allotment.

1012.20.10 *(7 CFR 273.10)* **Potential Categorically Eligible Households**

A household that is potentially categorically eligible to receive SNAP benefits (Section 1016.40) but whose NPA SNAP application is denied, must be informed to tell the agency if the household is approved to receive RIW and/or SSI benefits.

1012.25 *(7 CFR 273.2)* **Household-Caused or Agency-Caused Delays**

A notice either of denial or of pending status is provided for applications which are delayed in processing, depending upon the cause of the delay.
These are discussed in Sections 01012.35 through 01012.35.10.

1012.30 *(7 CFR 273.2)* **TIMEFRAME FOR DENYING AN APPLICATION**

A. Cases can be denied prior to the thirtieth (30th) day of application in the following instances:
   1. When the Department has all the required information and verification and can determine that the applicant household is ineligible
   2. When the household overtly refuses to cooperate with the agency representative in completing the application process
   3. When the household requests in writing that the application for SNAP benefits be withdrawn

4. When an agency representative issues a Request for Documentation, and the client does not provide the requested information.

B. If the household has failed to avail itself for a scheduled interview as discussed in Section 1002.55.10.10 and has made no subsequent contact with the agency to express interest in pursuing the application, the household is denied and sent a notice of denial on the thirtieth (30th) day following the date of application. The household must file a new application if it wishes to participate in the program.

C. For a case in which an interview was conducted, the application may be denied prior to the thirtieth (30th) day from the date of application. In this instance the application may be denied on the tenth (10th) day following the date of request for verification if:
   1. At the time of the intake interview, the agency representative provided the household with a list of the missing required verification necessary to determine eligibility for the Supplemental Nutrition Assistance Program; and,
   2. The agency informed the household in writing by means of an RDOC of the ten (10) day requirement for submission of missing verification; and,
   3. The agency representative notified the household in writing of the date by which any missing verification must be provided; and,
   4. The agency representative offered assistance to the household in obtaining verification as required in Section 1002.60.35; and,
   5. The household failed to provide the requested verification within the ten (10) day time frame.

1012.35 *(7 CFR 273.2)* DELAYED ELIGIBILITY DETERMINATIONS

A. If the Department cannot make an eligibility determination within thirty (30) days from the date of application, the cause of delay is determined and an automated notice of pending status is sent to the household on the thirtieth (30th) day.

B. If the application is pending because action by the agency representative is necessary to complete the application process, as described in 1012.35.05, the automated notice informs the household that its application has not been completed and is being processed.

C. If the application is pending because action by the household is necessary to complete the application process, as described in 1012.35.05, the automated notice explains what action the household must take and that its application will be denied if the household fails to take the required action within sixty (60) days of the date the application was filed.

1012.35.05 *(7 CFR 273.2)* Determining Cause for Delay

A. The agency representative shall determine the cause of the delay using the following criteria:
   1. A delay shall be considered the fault of the household if the household has failed to complete the application process even though the agency has taken all the action it is required to take to assist the household. The agency must have taken the following actions before a delay can be considered the fault of the household:
      a. For households that have failed to complete the application form, the agency must

have offered, or attempted to offer, assistance in its completion.

b. If one or more members of the household have failed to register for work, as required in Section 1004.25, the agency must have:
   i. informed the household of the need to register for work
   ii. determined if the household members are exempt from work registration
   iii. given the household at least ten (10)days from the date of notification to register these members

c. In cases where verification is incomplete, the agency must have:
   i. provided the household with a statement of required verification and offered to assist the household in obtaining required verification
   ii. allowed the household sufficient time to provide the missing verification; sufficient time shall be at least ten (10) days from the date of the agency's initial request for the particular verification that was missing

d. For households that have failed to appear for an interview, the agency must notify the household that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview.
   i. If the household contacts the agency within the thirty (30) day processing period, the agency must schedule a second interview.
   ii. If the household fails to schedule a second interview or the subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the twentieth (20th) day but before the thirtieth (30th) day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the thirtieth (30th) day; otherwise, the delay shall be the fault of the household.
   iii. If the household has failed to appear for the first interview, fails to schedule a second interview, and/or the subsequent interview is postponed at the household's request until after the thirtieth (30th) day following the date the application was filed, the delay shall be the fault of the household.
   iv. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

2. Delays that are the fault of the agency include those cases where the agency failed to take the actions described in a. through d. above, and/or the following:
   a. If the household met its obligations in a timely manner but the agency failed to complete the application process promptly.
   b. If the agency representative fails to provide required assistance or fails to give the household sufficient time.

1012.35.10 *(7 CFR 273.2)* **Agency Caused Delay**

A delay is the fault of the agency if it failed to take any of the following actions:

* For households that have failed to complete the application form, the agency representative must have offered, or attempted to offer, assistance in its completion.

* If one or more members of the household have failed to register for work as required in Section 1004.25, the agency representative must have informed the household of the need to register for work and given the household at least 10 days from the date of notification

to register the members.

* In cases where verification is incomplete, the agency representative must have provided assistance when required in Section 1002.60 and allowed the household sufficient time to provide the missing verification. Sufficient time is at least 10 days from the date of the agency representative's initial request for the particular verification that was missing.

* For households that have failed to participate in an interview, the household must have attempted to reschedule the initial interview within 30 days of the date the application was filed. However, if the household has failed to participate in the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the application date, the household must participate in the interview, provide verification, and register members for work by the 30th day; otherwise, the delay shall be the fault of the household. If the household has failed to participate in the first interview and a subsequent interview is postponed at the household's request until after the 30th day following the application date, the delay shall be the fault of the household. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

* Further, the fault may be the agency's if the household met its obligations in a timely manner but the agency failed to complete the application process promptly.

* If the agency representative fails to provide required assistance or fails to give the household sufficient time, the fault is then the agency's. Agency-caused delays include but are not limited to these situations.

1012.40 *(7 CFR 273.2)* ACTION TAKEN IF THE HOUSEHOLD OR AGENCY CAUSES DELAY

A. Household Caused Delay
   1. If a request for documentation notice was issued and the client does not respond within the ten (10) days, and the timeframe remains within the thirty (30) days, the case is denied.
   2. If the Department can not make an eligibility determination by the thirtieth (30th) day of the original application filing date, due to the fault of the household, the household loses its entitlement to benefits for the calendar month of application.
      a. If the household takes the required action within sixty (60) days following the date the application was filed, the Department reopens the case without requiring a new application.
      b. If the household was at fault for the delay in the first thirty (30) day period, but is found to be eligible during the second thirty (30) day period, the Department provides benefits from the date the household provides the required documentation. The household is not entitled to benefits for the calendar month of application when the delay was the fault of the household.
      c. No further action by the Department is required after the notice of denial or 230P is sent if the household failed to take the required action within sixty (60) days following

the date the application was filed.

B. Agency Caused De1ay
   1. Whenever a delay in the initial thirty (30) day period is the fault of the Department, immediate corrective action occurs. A notice of denial cannot be sent for Department caused delays.
      - If a request for documentation was issued and the case remains pending after the thirty (30) days, but the case remains pending after the ten (10) days, but the ten (10) days have not passed and the client provides the documentation within the 10 days, benefits are restored from the date of the original application.
      b. If the household is found to be eligible during the second thirty (30) day period, the household is entitled to benefits retroactive to the date of application. If, however, the household is found to be ineligible, the Department denies the application.
      c. If the case is denied, the household must be advised of its possible entitlement to benefits lost as a result of agency caused delays in accordance with Section 1020.
C. Delays beyond 60 days
   1. If the Department is at fault for not completing the application process by the end of the second thirty (30) day period, and the case file is otherwise complete, the Department shall continue to process the original application until an eligibility determination is reached.
      a. If the household is determined eligible, and the Department was at fault for the delay in the initial thirty (30) days, the household shall receive benefits retroactive to the month of application. However, if the initial delay was the households fault, the household shall receive benefits retroactive from the date the household provides the required documentation.
      b. The Department uses the original application to determine the households eligibility in the months following the sixty (60) day period, or it may require the household to file a new application.
   2. If the Department is at fault for not completing the application process by the end of the second thirty (30) day period, but the case file is not complete enough to reach an eligibility determination, the Department may continue to process the original application, or deny the case and notify the household to file a new application.
      a. If the case is denied, the household must be advised of its possible entitlement to benefits lost as a result of agency caused delays in accordance with Section 1020.
      b. If the Department was at fault for the delay in the initial thirty (30) days, the amount of benefits lost is calculated from the date of the original application. If, however, the household was at fault for the initial delay, the amount of benefits lost would be calculated from the date the household provides the required documentation.
   3. If the household is at fault for not completing the application process by the end of the second thirty (30) day period, the Department denies the application and requires the household to file a new application if it wishes to participate.

1014 (7 CFR 273.11) SPECIAL SITUATION HOUSEHOLDS

1014.05 (7 CFR 273.11) TREATMENT OF SPECIAL HOUSEHOLD SITUATIONS

This section discusses the determination of eligibility for households with special policies or

procedures. The types of households and the section which outlines the policy and/or procedures are:

*	Drug Addicts and Alcoholics in Treatment Programs	Section	1014.10
*	Boarders as Households	Section	1014.15
*	Household with Member On Strike	Section	1014.25
*	Resident Farm Laborers	Section	1014.30
*	Migrant Households	Section	1014.35
*	School Employees	Section	1014.40
*	Residents of Group Living Arrangements	Section	1014.45
*	Residents of Shelters for Battered Persons and Children	Section	1014.50
*	Households Containing Sponsored Alien Member	Section	1014.55
*	Treating Lost Income Due to Noncompliance	Section	1014.60
*	Homeless SNAP Households	Section	1014.65
*	Pre-release Applicants	Section	1014.70

1014.10 *(7 CFR 273.11)* DRUG ADDICTS/ALCOHOLICS IN TREATMENT PROGRAM

Members of eligible households, including single-person households, who are narcotics addicts or alcoholics and who regularly participate in a drug or alcoholic treatment and rehabilitation program on a non-resident basis may use SNAP benefits to purchase food prepared for them during the treatment program by a publicly operated community mental health center or private, non- profit organization or institution authorized by Food and Nutrition Service (FNS) as a retailer or certified by the appropriate state agency, including that agency's determination that the center is a non-profit organization. Resident members (and their children living with them) of such rehabilitation program centers may also voluntarily elect to participate in the program but must do so through an authorized representative.

Residents of treatment centers apply and are certified through the use of an authorized representative who is an employee of and designated by the publicly operated or private non-profit organization or institution that is administering the treatment and rehabilitation program. The organization or institution applies on behalf of the addict or alcoholic's household and receives and spends the SNAP allotment for food prepared by and/or served to the addict or alcoholic together with her or his child(ren) who live with the individual.

1014.10.05 *(7 CFR 273.11)* **Certifying Policy**

Individuals (and their children living with them) who are residents of addict/alcoholic treatment centers must be certified using the same provisions that apply to all other applicant households except that certification is completed through use of the authorized representative as described in 1014.10.

Prior to certifying any resident(s) for SNAP benefits, the agency must verify that the treatment center is authorized by FNS as a retailer if the center wishes to redeem SNAP benefits through a wholesaler or, if not authorized by FNS as a retailer, that it is under Part B of Title XIX of the Public Health Service Act (42 U.S.C., 300x et seq.) "Under Part B of Title XIX of the Public Health Service Act" is defined as meeting the criteria which would make it eligible to receive funds, even if it does not actually receive funding under Part B of Title XIX.

The room payments made to a treatment center are considered shelter costs. When a treatment center charges one fee which includes both room and board, the agency representative must obtain from the treatment center the actual room portion of the room and board fee.

Normal Processing Standards

When normal processing standards apply, the agency representative completes the verification and documentation requirements prior to making an eligibility determination for the initial application.

Expedited Service

For those residents of treatment centers who are entitled to expedited service, the agency representative must make benefits available through the Electronic Benefit Transfer (EBT) card no later than seven (7) calendar days following the filing date. (See section 1016.10.15)

Rights of Certified Residents

Resident households have the same rights to notices of adverse action, hearings, and entitlement to lost benefits as do all other SNAP households.

Exemption from Work Registration

As stated in 1004.25.05, regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non- resident basis, are exempt from work registration requirements.

If the information is questionable, the regular participation of an addict or alcoholic in a treatment program must be verified through the organization or institution operating the program before granting the exemption. To be considered questionable, information on the application must be

inconsistent with statements made by the applicant, other information on this application or previous applications or information known to or received by the agency representative prior to certification.

1014.10.10 *(7 CFR 273.11)* **Basis for Center Participation**

A drug addiction or alcoholic treatment and rehabilitation program means any drug addiction or alcoholic treatment and rehabilitation program conducted by a publicly operated community mental health center or private non-profit organization or institution under Part B of Title XIX of the Public Health Service Act (42 U.S.C., 300x et seq.) It also must be certified by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH) which is responsible for the state's programs for alcoholic and drug addicts under the licensing provisions of Title XIX of the Public Health Service Act as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics.

If an alcoholic treatment and rehabilitation program is located in an Indian reservation and the state does not certify or license reservation-based centers, approval to participate may be granted and the program either is funded by the National Institute on Alcohol Abuse and Alcoholism (NIAAA), or was so funded and has subsequently been transferred to Indian Health Service (IHS) funding.

In addition, the certification of such programs wishing to redeem through wholesalers the SNAP benefits received from or on behalf of their participants, may be authorized by FNS as retailers and show that the treatment program meets the standards required of treatment programs under the supervision of the Department of BHDDH. Approval to participate is automatically withdrawn once a treatment and rehabilitation program no longer meets the criteria which would make it eligible for funding under Part B of Title XIX of the Public Health Service Act.

1014.10.15 *(7 CFR 273.11)* **Treatment Center Responsibilities**

Each treatment and rehabilitation center must provide the appropriate SNAP Supervisor with a list of currently participating residents on a monthly basis. This list must include a statement signed by a responsible center official attesting to the validity of the list.

Once the household leaves the treatment center, the center is no longer allowed to act as the household's authorized representative.
The treatment center must provide the household, if possible, with a change report form which is used to report the household's new address and other circumstances after leaving the center.

The center must advise the household to return the form to the appropriate certification office within ten (10) days.

1014.10.20 *(7 CFR 273.11)* **Treatment Center Must Report Changes**

The treatment center must notify the agency representative, as provided in Section 1018, of changes in the household's income or other household circumstances. The treatment center must also inform the agency representative when the addict or alcoholic leaves the treatment

center.

1014.10.30 *(7 CFR 273.11)* **Claims for Overissuances**

The agency establishes a claim for the overissuance of food benefits on behalf of resident clients if any overissuance is discovered during an investigation or hearing procedure for redemption violations. If FNS disqualifies an organization or institution as an authorized retail food store, the agency suspends its authorized representative status for the same period.

1014.10.35 *(7 CFR 273.11)* **Agency Review of Centers**

An agency representative should conduct periodic random on-site visits to treatment centers to assure the accuracy of the listings and that the certification agency's records are consistent and up to date.

1014.15 *(7 CFR 273.11)* **HOUSEHOLDS WITH BOARDERS**

Boarders are ineligible to participate in the SNAP. However, the household with whom the boarder resides (including the household of the proprietor of a boarding house) may participate in the program, if the household meets all the eligibility requirements for program participation.

Boarders are not to be considered members of participant or applicant households, nor is the income and resources of boarders to be considered available to such households. However, the amount of payment which a boarder gives to a household for lodging and meals must be treated as self-employment income to the household. The procedure for handling self-employment income from boarders and income received by a household that owns and operates a commercial boarding house are set forth in Section 1016.15.50. See Section 1002.30., for the definition of a boarder, who cannot be considered a boarder and what constitutes a reasonable monthly payment.

1014.25 *(7 CFR 273.1)* **HOUSEHOLDS WITH A MEMBER ON STRIKE**

For SNAP purposes, a striker is any person involved in a strike or concerted work stoppage by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

Any employee affected by a lockout, however, must not be deemed to be a striker. Further, an individual who goes on strike and who is exempt from work registration in accordance with 1004.25.05., the day prior to the strike (other than those exempt solely on the grounds that they are employed) must not be deemed to be a striker. Examples of non-strikers who are eligible for participation in the program include, but are not limited to:

- Employees whose work place is closed by an employer in order to resist demands of employees (e.g., a lockout);
- Employees unable to work as a result of striking employees (e.g., truck drivers who are not working because striking newspaper pressmen prevent newspapers from being printed);

and,

- Employees who are not part of the bargaining unit on strike but who do not want to cross a picket line due to fear of personal injury or death.

1014.25.05 *(7 CFR 273.1)* **Effect on Household Eligibility**

A household with a striking member is ineligible to participate in the program unless the household was eligible for benefits on the day prior to the strike and is otherwise eligible at the time of application. However, such a household must not receive an increased allotment as the result of a decrease in the income of the striking member of the household.

1014.25.10 *(7 CFR 273.1)* **Calculating the Level of Benefits**

Pre-strike eligibility is determined by considering the day prior to the strike as the day of application and assuming the strike did not occur. Eligibility at the time of application must be determined by comparing the striking member's monthly income before the strike to the striking member's current monthly income and adding the higher of the two to the current income of non-striking members during the month of application. To determine benefits (and eligibility for a household subject to the net income eligibility standard), deductions must be calculated for the month of application as for any other household. Whether the striker's pre-strike earnings are used or his/her current earnings are used, the earned income deduction is allowed, if appropriate.

Vehicles normally exempt for equity value because they are used for commuting do not lose this exclusion during the strike.

1014.25.15 *(7 CFR 273.1)* **Work Registration**

A striker whose household is eligible to participate under the criteria in this section is subject to the work registration requirements in 1004.25., unless exempt under 1004.25.05., on the day of application.

1014.30 RESIDENT FARM LABORER HOUSEHOLDS

Resident farm laborers are certified differently depending on their primary source of income. They are divided into laborers who work for one employer and those who work for a number of employers throughout one year. The certification periods and eligibility determination procedures differ for each category depending on the predictability of household circumstances.

1014.30.05 Single Employer

Farm laborers whose primary source of income is from regular farm employment with the same employer may be certified for periods up to one (1) year, providing that income can be readily predicted and household circumstances are not likely to change. Such households are normally employed for the entire year and receive a regular monthly salary.

The regularly employed and paid farm workers present little difficulty in assigning the predicted income over a 12-month period. Since the income is regular and should not vary from month to month, the monthly income figure may be used to determine the benefit level for the entire certification period.

1014.30.10 Multiple Employers and Irregular Income

In some instances, the household is paid for work done only during the work season but resides year-round on the farm and may receive advance or deferred payments (sometimes known as furnish) during the non-work season. Where advance or deferred payments are not received, the household most likely will have income from another source and should be treated as a multiple employer household. The eligibility technician may experience some difficulty in assigning an income figure to the farm worker whose income is high during the non-work season and correspondingly low during the work season when income is only from advance or deferred payments. Since the variation in income between the two cycles may be quite substantial, averaging income over the certification period might tend to inhibit participation of such households during the non-work period of low income. Even if income is prorated unevenly over the certification period to account for such variations, the income figure assigned during the low period might not be truly representative of the actual cash available to the household. For this reason, consideration should be given to certifying the household for lesser periods to take into account the income actually available to the household.

1014.35 MIGRANT FARM LABORERS

Since migrant farm laborers usually have little or no income when entering an area, they may qualify for expedited service as discussed in Section 1016.10. Also see Section 1010 for handling income and Section 1012 for certification periods.

1014.35.05 Resources

Particular attention should be paid to real property in the home- base area. Each applicant household is permitted one home and lot as an exemption from resources. If the applicant has a home and lot in Texas and does not own a residence in Rhode Island, the Texas home will be exempted as a resource. As noted in Section 1008.20.25 shelter costs for the home when not occupied by the household because of employment may be allowed under certain circumstances. To be included in the household's shelter costs, the household must intend to return, the current occupants of the home, if any, must not be claiming the shelter costs, and the home must not be leased or rented. Verification requirements for those expenses are discussed in Section 1002.60.

Additionally, the eligibility technician should explore the possibility that out-of-State real property is being rented or is producing income in some way. If such property is producing income, such income must be added to all other household income in determining eligibility and basis of issuance.

1014.35.10 Work Registration

Employable members of migrant households who are not employed at least 30 hours a week or

receiving weekly earnings equal to the Federal minimum wage multiplied by 30 hours must register for and accept suitable employment in the same manner as other persons.

Growers should be made aware of the fact that migrants are being registered with the employment office and that they can obtain workers there.

1014.35.15 Exempt Income of Child in Migrant Households

Some problems are encountered in determining the income of migrant children under 18 years of age who are students when the household receives one payment in compensation for work performed by all household members. Since the earned income of a student under 18 years of age is exempt, the income must be differentiated from the rest of the household's income. Unless income can be identified as being earned specifically by the student, the agency representative must prorate the income equally among the number of household members working and exclude that portion allotted to the student. This provision applies to students who are currently attending school and those who plan to return to school after academic breaks. Individuals are considered children for purposes of this provision if they are under the parental control of another household member.

1014.40 SCHOOL EMPLOYEES

Households that derive their annual income in a period of time shorter than one year should have that income averaged over a 12- month period, provided the income is not received on an hourly or piecework basis. This provision may include teachers and other school employees who are under a contract which is renewable on an annual basis. Such members are considered to receive compensation for an entire year even though pre-determined non- work periods are involved or actual compensation is scheduled for payment during the work periods only.

1014.40.05 Contract Renewal

The renewal process may involve a signing of a new contract each year; be automatically renewable; or, as in cases of school tenure, rehire rights may be implied and thus preclude the use of a written contract altogether.

The fact that such a contract is in effect for an entire year does not necessarily mean that the contract will stipulate work every month of the year. Rather, there may be certain predictable non-work periods or vacations, such as the summer break between school years.

1014.40.10 Income of School Employees

Income from such a contract is considered as compensation for a full year regardless of the frequency of compensation as stipulated in the terms of the contract, as determined at the convenience of the employer, or as determined at the wish of the employee.

The annual income household members received from contractual employment is averaged over a 12-month period to determine the member's average monthly income. To determine household

eligibility, all other monthly income from other household members is added to this average monthly income, and income exclusions and deductions are applied in the normal manner. Once eligibility has been determined, the annualized income may be averaged or prorated over the 12 months before adding it to other monthly income to determine the household's basis of issuance during the certification period.

Certification periods are assigned in accordance with Section 1012.

This paragraph does not apply to recipients of emergency SNAP assistance; in situations where the other party to the contract cannot or will not make payments specified in the contract; or where labor disputes interrupt the flow of earnings specified in the contract.

1014.40.15 Work Registration

If, during non-work periods, the person under contract receives weekly earnings at least equal to the Federal minimum wage, the individual is exempt under Section 100.25.05.

1014.45 *(7 CFR 273.11)* RESIDENTS OF GROUP LIVING ARRANGEMENTS

Disabled or blind (see definitions in Section 1010.30.05) residents of a group living arrangement, as defined in 1000.10.20, may voluntarily apply for the SNAP. If these residents apply through the use of the facility's authorized representative, their eligibility shall be determined as one- person households. If the residents apply on their own behalf, the household size is in accordance with the definition in 1002.35. The agency certifies these residents using the same provisions that apply to all other households. Prior to certifying any residents for SNAP benefits, the agency must verify that the group living arrangement is authorized by FNS or is certified by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals(BHDDH), including that agency's determination that the group living arrangement is a non-profit organization.

1014.45.05 *(7 CFR 273.11)* Use of SNAP Benefits

Eligible residents of a group living arrangement, acting on their own behalf, may use benefits issued to them to purchase meals prepared especially for them at a group living arrangement if the facility is authorized by FNS for that purpose.
The group living arrangement may purchase and prepare food to be consumed by eligible residents on a group basis if residents normally obtain their meals at a central location as part of the group living arrangement services or if meals are prepared at a central location for delivery to the individual residents.

If residents purchase and/or prepare food for home consumption, as opposed to communal dining, the group living arrangement must ensure that each resident's SNAP benefits are used for meals intended for that resident.

1014.45.10 *(7 CFR 273.11)* Group Facility as Authorized Representative

The same provisions applicable to drug and alcoholic treatment centers in Section 1014.10 also

apply when a group living arrangements acts as an authorized representative. These provisions, however, are not applicable if a resident has applied on his/her own.

1014.45.15 *(7 CFR 273.11)* **Certification Policy**

The same provisions applicable in Section 1014.10.05 to residents of treatment centers also apply to blind or disabled residents of group living arrangements who receive benefits under Title II or Title XVI of the Social Security Act when the facility acts as the resident's authorized representative.

1014.45.20 *(7 CFR 273.11)* **Basis for Participation**

Any group living arrangements wishing to redeem SNAP benefits directly through wholesalers must be authorized by FNS as retail food stores. The group living arrangement must be certified by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH) under regulations issued under Section 1616 (e) of the Social Security Act.

Approval to participate is automatically cancelled at any time that a program loses its certification from BHDDH. In such a situation, the household is not entitled to a notice of adverse action.

1014.45.25 *(7 CFR 273.11)* **Group Living Arrangement Responsibilities**

Each group living arrangement must provide the agency with a list of currently participating residents. This list must include a statement signed by a responsible official of the facility attesting to the validity of the list. The agency should require the list on a periodic basis.

Reporting Changes

If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement must notify the agency of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement.

1014.45.30 *(7 CFR 273.11)* **Resident Responsibilities**

If a resident, or a group of residents, applies on her or his own behalf, and if s/he retains use of the benefits, these individuals are entitled to the benefits when they leave.

The household is responsible for reporting the changes in household circumstances to the agency representative.

The resident applying on his/her own behalf is responsible for any overissuance in the same manner as any other household.

1014.45.35 *(7 CFR 273.11)* **Agency Review of Group Living Arrangement**

The agency will conduct periodic random on-site visits to the facility to assure the accuracy of the listings and that the agency's certification records are consistent and up-to-date.

1014.50 *(7 CFR 273.11)* SHELTERS FOR BATTERED PERSONS AND CHILDREN

Prior to certifying its residents, it must be determined that the shelter for battered persons and children meets the definition in Section 1000.10.25 and the basis for this determination must be documented. Shelters having FNS authorization to redeem at wholesalers are considered to meet this definition and it is not required to make any further determination. Each certifying office is required to maintain a list of shelters meeting the definition to facilitate prompt certification of eligible residents.

1014.50.05*(7 CFR 273.11)* Special Certification Procedures

Household Status

Many shelter residents have recently left a household containing the person who has abused them. The former household may be certified for participation in the program, and its certification may be based on a household size that includes the woman and child(ren) who have just left.

A shelter resident who is included in such a certified household may, nevertheless, apply for and (if otherwise eligible) participate in the program as a separate household if such certified household which included them is the household containing the person who subjected them to abuse.

Shelter residents who are included in such certified households may receive an additional allotment as a separate household only once a month.

Income and Resources

Shelter residents who apply as separate households are certified solely on the basis of their income and resources and the expenses for which they are responsible. They are certified without regard to the income, resources and expenses of their former household.

Jointly-held resources are only considered inaccessible in accordance with Section 1006.25.

Room payments to the shelter are considered as shelter expenses.

Expedited Service

Any shelter residents eligible for expedited service must be handled in accordance with the processing standards set forth in Section 1016.10.

1014.50.10 *(7 CFR 273.11)* Required Action on Former Household

The agency representative must take prompt action to ensure that the former household's eligibility or allotment reflects the change in the household's composition. Such action includes either shortening the certification period by issuing a notice of expiration to the former household

of shelter residents or acting on the reported change by issuing a notice of adverse action.

1014.55 *(7 CFR 273.4)* HOUSEHOLDS CONTAINING SPONSORED ALIEN MEMBER

For purposes of determining the eligibility and benefit level of a household in which an eligible sponsored alien is a member, the State agency must deem the income and resources of the sponsor and the sponsor's spouse, if s/he has executed INS Form I-864 or I-864A on or after December 19, 1997, as the unearned income and resources of the legal permanent resident (LPR). The instructions for calculating the amounts of income and resources to be deemed are located in Sections 1014.55.10 and 1014.55.15.

The sponsor's income and resources shall be deemed until the LPR alien gains U.S. citizenship, has worked or can receive credit for forty (40) qualifying quarters of work covered by Title II of the Social Security Act or can be credited with such qualifying quarters under Section 435; and in the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, did not receive any Federal means-tested public benefit during any such period, or s/he or the sponsor dies.

1014.55.10 *(7 CFR 273.4)* DEEMED INCOME OF THE SPONSOR

The monthly income of the sponsor (and sponsor's spouse) who executed INS Form I-864 or I-864A) deemed as that of the eligible sponsored immigrant shall be the total monthly earned and unearned income of the sponsor and sponsor's spouse at the time the household containing the sponsored alien member applies or is recertified for participation, reduced by:

- A twenty percent (20%) earned income amount for that portion of the income determined as earned income of the sponsor and the sponsor's spouse; and

- An amount equal to the monthly gross income eligibility limit for a household equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed or could be claimed by the sponsor or the sponsor's spouse as a dependent for Federal income tax purposes.

If the sponsor has signed an affidavit of support for more than one immigrant, the sponsor's income is pro-rated among the sponsored immigrants. Income is defined according to SNAP policy.

1014.55.15 *(7 CFR 273.4)* DEEMED RESOURCES OF THE SPONSOR

All but one thousand five hundred dollars ($1,500.00) of the total resources of the sponsor (See Section 1006 for countable resources) are deemed available to the sponsored alien.

Non-citizens exempt from income deeming are exempt from resource deeming. (See Section 1014.55.15.05.)

1014.55.15.05 *(7 CFR 273.4)* **EXEMPTIONS FROM SPONSOR DEEMING**

The following classifications of non-citizens are not subject to deeming rules:

- **Sponsor in same SNAP household.** If the sponsor lives in the same household as the non-citizen, deeming does not apply because the sponsor's income and resources are already counted. There is, however, no deeming exemption if the sponsor receives SNAP in another household.

- **Ineligible Member.** If the sponsored non-citizen is ineligible for SNAP benefits because of immigration status (i.e., is not a qualified non-citizen or is an LPR without five (5) years of residency), the sponsor's income is not deemed to other eligible members of the immigrant's household.

- **Immigrant whose sponsor has not signed a legally binding affidavit of support.** This category includes all but family-based and a few employment-based LPRs who applied on or after December 19, 1997 and all immigrants who became LPRs or whose sponsors signed affidavits of support before December 19, 1997. Non-citizens, such as refugees, who are sponsored by an organization or group also fall into this category.

- **Immigrant without sponsors.** In general, qualified non-citizens who enter the country under provisions of immigration law other than the family-sponsored categories do not have sponsors of the type that incur a liability when the immigrant obtains means-tested benefits. Included in this group are refugees, asylees, persons granted withholding of deportation, Amerasians, and Cuban or Haitian entrants. (While it is possible for these individuals to be "sponsored" by an organization such as a church, they are not sponsored on an I-864 Affidavit of Support and that organization does not have to sign a legally binding affidavit of support that would subject that individual to deeming requirements.)

- **Indigent Exception.** If the immigrant's own income and any assistance provided by the sponsor or any other individuals is not enough for the immigrant to obtain food and shelter without the program, the amount of the income and resources attributed to the non-citizen through deeming cannot exceed the amount actually provided for up to a twelve (12) month period. The State agency must notify the U.S. Citizenship and Immigration Services (USCIS) if such determinations are made. An immigrant is considered "indigent" if the sum of the immigrant's household's own income and any cash or in- kind assistance provided by the sponsor or others is less than one hundred thirty percent (130%) of the poverty income line. Each indigence determination is effective for twelve (12) months and may be renewed for additional twelve (12) month periods.

- **Battered Spouse or Child Exception.** Deeming also does not apply during any twelve (12) month period if the non- citizen is a battered spouse, battered child or parent, or child of a battered person providing the battered non- citizen lives in a separate household from the person responsible for the battery. The exemption can be extended for additional twelve (12) month periods if the non-citizen demonstrates that the battery is recognized by

a court, administrative order, or by the USCIS and if the agency administering the benefits determines that the battery has a substantial connection to the need for benefits.

- **Children under eighteen (18) years old.**

- **Immigrant whose deeming period has ended.**

1014.55.20 *(7 CFR 273.4)* **Eligibility Determination**

The amount of income and resources deemed to be that of the sponsored alien in accordance with Sections 1014.55.10 and 1014.55.15, must be considered in determining the eligibility and benefit level of the household of which the alien is a member.

1014.55.35 *(7 CFR 273.4)* **Sponsored Immigrant's Responsibilities**

If an immigrant is subject to deeming, the eligible sponsored immigrant is responsible for obtaining the cooperation of the sponsor and for providing the State agency at the time of application and recertification with the information and documentation necessary to calculate deemed income and resources. The State agency must assist the household in obtaining the necessary verification. If necessary, USCIS through its SAVE program can provide the sponsor's name, address, and Social Security number.

Immigrants who are exempt from deeming do not need to provide information about the sponsor's income and resources.

1014.55.40 *(7 CFR 273.4)* **Verification Requirements**

The agency representative must obtain from the immigrant or immigrant's spouse the following information:

* The income and resources of the immigrant's sponsor and the sponsor's spouse (if any) at the time of the immigrant's application for SNAP assistance.

The agency must verify all other information which is determined questionable and which affects household eligibility and benefit level in accordance with procedures established in Section 1002.60.10 for verifying questionable information and in Section 1002.60.35 for assistance in providing the required verification.

1014.55.40.05 *(7 CFR 273.4)* ***Awaiting Verification***

While the agency representative is awaiting receipt and/or verification from the immigrant of information necessary to carry out the deeming provisions of this section, the sponsored immigrant is ineligible until such time as all necessary facts are obtained.

The eligibility of any remaining household members must be determined. The income and

resources of the ineligible alien (excluding the deemed income and resources of the immigrant's sponsor and sponsor's spouse) are considered available in determining the eligibility and benefit level of the remaining household members in accordance with Section 1014.55.

If the sponsored alien refuses to cooperate in providing and/or verifying needed information, the other adult members of the alien's household must be responsible for providing and/or verifying information required in accordance with the provisions of Section 1002.60. If the information and/or verification is subsequently received, the agency representative acts on the information as a reported change in household membership in accordance with the timeliness standards in Section 1018. If the same sponsor is responsible for the entire household, the entire household is ineligible until such time as needed sponsor information is provided and/or verified. The agency representative should assist aliens in obtaining verification in accordance with the provisions of Section 1002.60.35.

1014.55.50.15 *(7 CFR 273.4)* ***Enforcing Sponsor Liability Claims***

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires sponsors of certain immigrants to meet minimum income requirements and to be financially responsible for immigrants they sponsor. Beginning on December 19, 1997, applications for immigrant visas or an adjustment of status must include a legally-enforceable affidavit of support for family-sponsored immigrants and for employment-based immigrants who are coming to the United States to work for relatives, or for a company where a relative owns at least five percent (5%) of the company.

A sponsor who has signed a legally binding affidavit of support on or after December 19, 1997 for an immigrant s/he sponsored may be liable for reimbursement of the value of SNAP benefits received by that sponsored immigrant. Only the sponsors who signed binding affidavits of support (INS Form I-864) may be responsible for SNAP benefits received by immigrants they sponsor if those benefits were received during the period of time the affidavit of support was in effect.

The affidavit of support remains in effect until the sponsored immigrant becomes a naturalized citizen, can be credited with forty (40) qualifying quarters of work, is no longer an LPR and leaves the United States permanently, or until the sponsor or the sponsored immigrant dies. The sponsor is not responsible for benefits the sponsored immigrant receives after the support period has ended.

If, however, benefits were received by sponsored immigrants during the period when the agreement was in effect, the sponsor or the sponsor's estate is liable to repay the cost of these benefits for ten (10) years after benefits were last received.

Sponsors who fail to support the immigrants they sponsor can be sued by government entities providing means-tested benefits as well as by the immigrants they sponsor. However, the State agency cannot request reimbursement from the sponsor during any period of time that the sponsor receives SNAP benefits.

1014.60 TREATING LOST INCOME DUE TO NONCOMPLIANCE

The agency must ensure that, in most cases, there is no increase in SNAP benefits to households on which a sanction resulting in a decrease in benefits has been imposed for failure to comply with a requirement of a Federal, State, or local welfare program (for example, RIW) which is means-tested and distributes publicly funded benefits.

The procedures for determining SNAP benefits when there is such a decrease in benefits are as follows:

- The agency will calculate the SNAP allotment using the other program's reduced benefit amount, then apply a 20% reduction to that allotment.
- If the person is also non-compliant with work requirements of the SNAP, action is taken according to SNAP Manual Section 1004.25.35, and the 20% reduction is not applied.
- With the exception of agency error cases, if the household's other program benefit is subject to recoupment due to a prior overpayment, the full amount of that program's benefit will be used in the SNAP computation.

1014.65 *(7 CFR 273.11)* HOMELESS SNAP HOUSEHOLDS

Homeless households are permitted to use their SNAP benefits to purchase prepared meals from authorized homeless meal providers. Definitions of terms are:

A Homeless Individual is defined as an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

- A supervised shelter designed to provide temporary accommodations. For example, an emergency shelter or a welfare hotel;
- A halfway house or similar institution which provides temporary residence for individuals intended to be institutionalized;
- A temporary accommodation in the residence of another individual for not more than ninety (90) days; or
- A place not designed for, or ordinarily used, as a regular sleeping accommodation, such as a bus station, a lobby or similar places.

Homeless Meal Provider is a public or private non-profit establishment, approved by the Department of Human Services (DHS), which feeds homeless individuals. Examples of such establishments are soup kitchens and temporary shelters.

1014.65.05 *(7 CFR 278.1)* **Authorization Procedures**

Food and Nutrition Service will authorize as retail food stores those homeless meal providers who apply and qualify for authorization to accept EBT SNAP benefits from homeless SNAP recipients.

Such meal providers must be public or private non-profit organizations; must serve meals which include food purchased by the meal provider; must be authorized by FNS as retail food stores; and must be approved by DHS as providers of meals to homeless individuals. The office of the Chief Casework Supervisor for the SNAP is responsible for approving these establishments as providers of meals for the homeless.

A homeless meal provider is responsible for obtaining approval from DHS and must provide written documentation of such approval to FNS prior to approval of the provider's application for authorization. If such approval is subsequently withdrawn, FNS authorization is also withdrawn. Homeless meal providers serving meals which consist wholly of donated food are not eligible for authorization.

1014.70 *(7 CFR 273.11)* **PRE-RELEASE APPLICANTS**

A household consisting of a resident or residents of a public institution(s) and applying for SSI under the Social Security Administration's Pre-release Program for the Institutionalized, must be allowed to apply for SNAP benefits at the same time prior to the release from the institution. Such a household is certified in accordance with Sections 1010.05 and 1016.35.

1014.75 *(7 CFR 273.25)* **Mini-Simplified SNAP**

The Department of Human Services has been granted a waiver from the Food and Nutrition Service that allows for the implementation of a mini-Simplified SNAP Program. A mini-simplified SNAP program allows the agency to add the SNAP allotment to the RI Works (RIW) grant to calculate the maximum number of hours a RIW parent can participate in the unpaid work experience or community service (see RIW Policy Section 1412.05.05). The mini-simplified SNAP will thereby allow the agency to count the value of SNAP benefits and then deem any hours that fall short of the parents required hours in order to meet the RIW work requirement.

1016 SPECIAL APPLICATION PROCEDURES

1016.05 INTRODUCTION

This section discusses the special application processing procedures for certain types of households and the treatment of income of individuals who are not eligible household members. The situations requiring special treatment and the sections which outline the procedures are:

- Eligibility for Expedited Services Section 1016.10
- Households with Income

from Self-Employment Section 1016.15
- Income/Resources of Ineligible Members Section 1016.20
- Income/Resources of Non-Household Members Section 1016.25
- RIW and GPA Households Section 1016.30
- SSI Households Section 1016.35
- Categorically Eligible Households Section 1016.40

1016.10 *(7 CFR 273.2)* ELIGIBILITY FOR EXPEDITED SERVICE

The following households are eligible for expedited service:

1. Households with less than $150 in monthly gross income, as computed in Section 1010, provided their liquid resources (i.e., cash on hand, checking or savings account, savings certificates and lump sum payments as specified in Section 1008.10.60) do not exceed $100;

2. Migrant or seasonal farmworker households who are destitute as defined in Section 1016.10.05, provided their liquid resources (see above) do not exceed $100; or

3. Eligible households whose combined monthly gross income and liquid resources are less than the household's monthly rent (or mortgage) and utilities.

Expedited service procedures apply at initial application. For households entitled to expedited service, the agency shall make SNAP benefits available to the recipient no later than the seventh calendar day following the date an application was filed. If the agency fails to identify a household as being entitled to expedited service and subsequently discovers that the household is entitled to expedited service, the agency shall provide expedited service to households within the seven day processing standard, except that the processing standard shall be calculated from the date the agency discovers the household is entitled to expedited service.

1016.10.05 *(7 CFR 273.10)* Definition of Destitute a Household

Migrant or seasonal farmworker households may have little or no income at the time of application and may be in need of immediate food assistance, even though they receive income at some other time during the month of application.

Special procedures are used to determine when migrant or seasonal farmworker households in these circumstances may be considered destitute and, therefore, entitled to expedited service and special income calculation procedures. Households other than migrant or seasonal farmworker households must not be classified as destitute.

A household's source of income is its employer, or, in the case of self- employed persons, the self-employment enterprise. A household member who changes jobs but continues to work for the

same employer is considered as still receiving income from the same source. A migrant farmworker's source of income is considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief. A migrant who travels with the same crew chief but moves from one grower to another is considered to have moved from a terminated to a new source.

1016.10.05.05 *(7 CFR 273.11)* ***Destitute Household - Terminated Source***

A household whose only income for the month of application was received prior to the date of application, and was from a terminated source, must be considered a destitute household and provided expedited service.

If income is received on a monthly or on a more frequent basis, it must be considered as coming from a terminated source if it will not be received again from the same source during the balance of the month of application or during the month following the month of application.

If income is normally received less often than monthly, the non- receipt of income from the same source in the balance of the month of application, or in the following month, is inappropriate for determining whether or not the income is terminated. For example, if a household's income is received on a quarterly basis (i.e., on January l, April l, July l, and October l), and the household applies in mid-January, the income should not be considered as coming from a terminated source merely because no further payments will be received in the balance of January or in February. The test for whether or not this household's income is terminated is whether the income is anticipated to be received in April.

Therefore, for households that normally receive income less often than monthly, the income is considered as coming from a terminated source if it will not be received in the month in which the next payment would normally be received.

1016.10.05.10 *(7 CFR 273.11)* ***Destitute Household - New Source***

A household whose only income for the month of application is from a new source is considered destitute and must be provided expedited service if income of more than $25 will not be received from the new source by the tenth calendar day after the date of application.

Income, which is normally received on a monthly or more frequent basis, is considered to be from a new source, if income of more than $25 has not been received from that source within thirty (30) days prior to the date the application was filed.

If income is normally received less often than monthly, it is considered to be from a new source if income of more than $25 was not received within the last normal interval between payments. For example, if a household applied in early January and is expecting to be paid every three (3) months starting in late January, the income is considered to be from a new source if no income of more than $25 was received from that source during October or since that time.

1016.10.05.15 *(7 CFR 273.11)* ***Destitute Household - Both Sources***

A household may receive income from a terminated source prior to the date of application and income from a new source after the date of application, and still be considered destitute if no other income is received in the month of application from the terminated source and if income of more than $25 from the new source will not be received by the 10th calendar day after the date of application.

1016.10.10 *(7 CFR 273.10)* **Screening for Expedited Service**

According to the plan of the local certification office, application procedures are designed to identify a household eligible for expedited service at the time a household requests assistance. An agency representative is assigned responsibility for screening the application when it is filed or on the day the individual comes in to apply.

1016.10.15 *(7 CFR 273.10)* **Expedited Service- Destitute Households**

Households whose only income for the month of application was received prior to the date of application, and was from a terminated source, shall be considered destitute households and shall be provided expedited service. A household may receive income from a terminated source prior to the date of application and income from a new source after the date of application, and still be considered destitute if no other income is received in the month of application from the terminated source and if income of more than twenty-five dollars ($25) from the new source will not be received by the tenth (10th) calendar day after the date of application.

1016.10.15.05 *(7 CFR 273.10)* ***Special Processing - Expedited Service***

For residents of drug addiction or alcoholic treatment and rehabilitation centers who are entitled to expedited service, the agency must make the SNAP benefits available no later than seven (7) calendar days following the date the application was filed.

For a resident of a public institution who applies for benefits prior to his/her release from the institution and who is entitled to expedited service, the date of filing of his/her SNAP application is the date of release of the applicant from the institution.

1016.10.20 *(7 CFR 273.10)* **Out-of-Office Interviews**

If a household is entitled to receive expedited service and is also entitled to a waiver of the office interview, as discussed in Section 1002.55.10, the agency representative must conduct the interview (unless the household cannot be reached) by the sixth (6th) calendar day following the date the application was filed. The first day of this count is the calendar day following application filing.

If the agency representative conducts a telephone interview and must mail the application to the

household for signature, the mailing time involved is not calculated in the expedited service standards specified in Section 1016.10.15. Mailing time only includes the days the application is in the mail to and from the household and the days the application is in the household's possession pending signature and mailing.

If the screening required in Section 1016.10.10 fails to identify a household as being entitled to receive expedited service and the agency subsequently discovers that the household is entitled to receive expedited service, the agency must provide expedited service to a household within the processing standards described in Section 1016.10.15, except that the processing standard is calculated from the date the agency discovers the household is entitled to expedited service.

1016.10.25 *(7 CFR 273.10)* **Determining Eligibility and Benefits**

A destitute household must have its eligibility and level of benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Any income from a new source which is anticipated after the day of application must be disregarded for that month.

Some employers provide travel advances to cover the travel costs of new employees who must journey to the location of their new employment. To the extent that these payments are excluded as reimbursements, receipt of travel advances does not affect the determination of when a household is destitute. However, if the travel advance is by written contract an advance on wages which will be subtracted from wages later earned by the employee, rather than a reimbursement, the wage advance must count as income. Nevertheless, the receipt of a wage advance for the travel costs of a new employee does not affect the determination of whether subsequent payments from the employer are from a new source of income, nor whether a household is considered destitute.

For example, if a household that applies on May 10, has received a $50 wage advance for travel from its new employer on May 1, which, by written contract, is an advance on wages but will not start receiving any other wages from the employer until May 30, the household is considered destitute. The May 30th payment is disregarded, but the wage received prior to the date of application is counted as income.

1016.10.30 *(7 CFR 273.2)* **Verification Procedures - Expedited Service**

The identity of the person making the application and, whenever possible, the household's residency in accordance with Section 1004.10., must be verified through a collateral contact or readily available documentary evidence. Examples of acceptable documentary evidence which the household may provide include, but are not limited to, a driver's license, work or school I.D., voter registration card, or birth certificate.

Once an acceptable collateral contact has been designated, the agency representative must promptly contact the collateral con- tact in accordance with Section 1002.60.25. Although the household has the primary responsibility for providing other types of verification, the agency representative must assist the household in promptly obtaining the necessary verification.

A household entitled to expedited service is asked to furnish a Social Security Number (SSN) for each person or apply for one for each person before the second full month of participation.

A household unable to provide the required SSNs, or who does not have one prior to its next issuance, must be allowed thirty (30) days from the first day of the first full month of participation to obtain the SSN in accordance with Section 1004.40.

All reasonable efforts must be made to verify within the expedited processing standards, the household's residency, income statements (including a statement that the household has no income), liquid resources and all other factors required by Section 1002.60., through collateral contacts or readily available documentary evidence. However, benefits must not be delayed beyond the processing standards described in Section 1016.05, solely because these eligibility factors have not been verified.

A household entitled to expedited service must meet the resource criteria in Section 1006, although verification of resources for expedited service must not cause a delay.

1016.10.30.05 *(7 CFR 273.10)* ***Postponed Verification***

The agency representative should attempt to obtain as much additional verification as possible during the interview, but should not delay the certification of households entitled to expedited service for the full timeframes when it is determined that it is unlikely that other verification can be obtained within these timeframes.

1016.10.30.10 *(7 CFR 273.2)* ***Work Registration***

The agency representative must, at a minimum, require the applicant to register (unless exempt or unless the household has designated an authorized representative to apply on its behalf.) The agency representative may attempt to register other household members but must postpone the registration of other household members if it cannot be accomplished within the expedited service timeframes.

The agency representative may attempt registration for other household members by requesting that the applicant complete the work registration forms for other household members to the best of his/her ability. The agency representative may also attempt to accomplish work registration for other household members in a timely manner through other means, such as calling the household. The agency representative may attempt to verify questionable work registration exemptions, but such verification must be postponed if the expedited service timeframes cannot be met.

1016.10.35 *(7 CFR 273.2)* **Certification Periods - Expedited Service**

Households which are certified on an expedited basis and have provided all necessary verification required in Section 1002.60 prior to certification are assigned a normal certification period.

Non-migrant households eligible for expedited service and applying after the 15th of a month and who are assigned a certification period of longer than two (2) months must be notified in writing that they must provide postponed verification before a third month's benefits are issued.

A migrant household eligible for expedited service and applying after the 15th of a month and who is assigned a certification period of longer than two (2) months must be notified in writing that they must provide postponed verification from sources within the state before a third month's benefits are issued, and must provide all verification from out-of-state sources before being issued benefits for the third month. The notice must also advise the household that if verification results in changes in the household's eligibility or level of benefits, the agency representative must act on these changes without advance notice of adverse action.

Migrants must be entitled to postpone out-of-state verification only once each season. If a migrant household requesting expedited service has already received this exception during the current season, the agency representative must grant a postponement of out- of-state verification only for the initial month's issuance and not for the second month's issuance if the household is applying prior to the fifteenth of the month.

1016.10.40 *(7 CFR 273.2)* Certification Period-Postponed Verification

If verification was postponed, the agency representative certifies the household for the month of application and for those households applying after the fifteenth (15th) of the month, the month of application and the following month. When certified only for the month of application and the following month, the household must complete the verification requirements which were postponed.

When a certification period of longer than two (2) months is assigned, the agency representative must notify the household in writing that no further benefits will be issued until the postponed verification is completed.

Except for a migrant household needing out-of-state verification, when the postponed verification is not completed within thirty (30) days of the date of the application, the agency representative must terminate the household's participation and issue no further benefits.

1016.10.45 *(7 CFR 273.2)* Limit on Expedited Service

There is no limit to the number of times a household can be certified under the expedited procedures provided that, prior to each expedited certification, the household either completes the verification requirements which were postponed at the last expedited certification or has been certified under normal processing standards since the last expedited certification. For example, a household is certified under the expedited procedures in February. If the household again requests expedited service in March, it must provide February's verification or be certified under normal standards. But if the household does not request expedited service until September, it must either: (1) have provided February's verification, or (2) have been certified under the normal certification procedures in the interim. If either of these did not happen, the household is not entitled to expedited service. Households requesting, but not entitled to, expedited service must have their applications processed according to the normal processing standards.

1016.15 *(7 CFR 273.11)* HOUSEHOLDS WITH INCOME FROM SELF-EMPLOYMENT

The certification areas affected by self-employment income are:

- Work Registration Exemption - This determination is made on an individual basis.
- Assignment of Certification Periods - A 12-month certification period may be assigned if the household's annual support is from self-employment.
- Annualization of Self-Employment Income - Self-employment income must be annualized if it represents all a household's annual support, even if received in less than 12 months.
- Deductions for the Costs of Doing Business - These deductions are allowed for all self-employment income.

Owners of Rental Property

Ownership of rental property is considered self-employment although the work registration exemption applies only if one of the criteria in Section 1016.15.06.is met. The income from rental property is discussed in Section 1016.15.10.

1016.15.05 *(7 CFR 273.11)* Work Registration

The receipt of income from self-employment does not automatically exempt a member from the work registration requirement. The member must be actively engaged in the enterprise on a day-to-day basis and the agency representative must determine that the self- employment enterprise either requires at least thirty (30) hours of work per week during the period of certification or an average of thirty (30) hours per week on an annual basis or, if not working thirty (30) hours per week, is receiving weekly earnings at least equal to the Federal minimum wage multiplied by thirty (30) hours.

In instances when the member hires or contracts for another person or firm to handle the daily activities of such enterprise, the member is not considered as self-employed for the purpose of work registration unless the person works in such activity at least thirty (30) hours per week.

1016.15.10 *(7 CFR 273.11)* Income from Rental Property

Income derived from rental property is considered earned income for the twenty percent (20%) earned income deduction only if a member of the household is actively engaged in the management of the property at least an average of twenty (20) hours per week.

Regardless, the cost of doing business is deducted from rental property. If the twenty (20) hours per week criterion is not met, the net income is considered unearned.

1016.15.15 *(7 CFR 273.11)* **Capital Gains are Income**

The proceeds from the sale of capital goods or equipment are calculated in the same manner as a capital gain for Federal income tax purposes. Even if only fifty percent (50%) of the proceeds from the sale of capital goods or equipment is taxed for Federal income tax purposes, the agency representative must count the full amount of the capital gain as income for SNAP purposes.

1016.15.20 *(7 CFR 273.11)* **Costs of Producing Self-Employment Income**

Allowable costs of producing self-employment income include, but are not limited to:

- payment on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery and other durable goods;
- the identifiable costs of labor, stock, raw material, seed and fertilizer;
- interest paid to purchase income-producing property;
- insurance premiums, and taxes paid on income-producing property.

The following items are ***not*** allowable costs of doing business:

- Net losses from previous periods;
- Federal, State, and local income taxes,
- money set aside for retirement purposes, and other work-related personal expenses (such as transportation to and from work), as these expenses are accounted for by the 20 percent earned income deduction
- Depreciation; and
- Any amount that exceeds the payment a household receives from a boarder for lodging and meals.

1016.15.25 *(7 CFR 273.11)* **Averaging Self-Employment Income**

Self-employment income which represents a household's annual support, is annualized over a 12-month period, even if the income is received in only a short period of time during the twelve (12) months. For example, self- employment income received by farmers is averaged over a 12-month period if the income is intended to support the farmer on an annual basis. This self-employment income is annualized even if the household receives income from other sources in addition to self-employment. However, if the averaged annualized amount does not accurately reflect the household's circumstances because the household has experienced a substantial increase or decrease in business, the agency must calculate the self-employment income on anticipated earnings.

The agency must not calculate self-employment income on the basis of prior income (e.g., income tax return) when the household has experienced a substantial increase or decrease in business.

For the period of time over which self-employment is determined, the agency representative adds all gross self-employment income (including capital gains), excludes the cost of producing the self-employment income, and divides the self-employment income by the number of months

over which the income will be averaged.

1016.15.25.05 *(7 CFR 273.11)* ***Monthly Self-Employment Income***

Self-employment income which is received on a monthly basis but which represents a household's annual support is normally averaged over a 12-month period. If, however, the averaged amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business, the agency representative calculates the self-employment income based on anticipated earnings.

1016.15.30 *(7 CFR 273.11)* **Anticipated Self-Employment Income**

For those households whose self-employment income is not averaged but is instead calculated on an anticipated basis, the agency representative adds any capital gains the household anticipates it will receive in the next twelve (12) months (starting with the date the application is filed) and divides this amount by twelve (12). This amount is used in successive certification periods during the next twelve (12) months, except that a new average monthly amount is calculated over this 12-month period if the anticipated amount of capital gains changes. The agency representative then adds the anticipated monthly amount of capital gains to be anticipated monthly self-employment income, and subtracts the cost of producing the self- employment income. The cost of producing the self-employment income is calculated by anticipating the monthly allowable costs of producing the self-employment income.

1016.15.35 *(7 CFR 273.11)* **Monthly Income from Self-Employment**

If it is determined that a household is eligible based on its monthly net income, the household may have the option to have its benefit level determined by using either the same net income which was used to determine eligibility, or by unevenly prorating the household's total net income over the period for which the household's self-employment income was averaged to more closely approximate the time when the income is actually received. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards for the household's size.

If the cost of producing self-employment farm income exceeds the income which is derived from self-employment as a farmer, such losses must be offset against any other countable income in the household. Losses from self-employment farm income are offset in two phases. The first phase is to offset losses against non-farm self-employment income. The second phase is to offset the remaining losses against the total of the household's earned and unearned income. To be considered a self-employed farmer, eligible for this offset of expenses, the farmer must receive or anticipate receiving annual gross proceeds of $1,000 or more from the farming enterprise.

1016.15.40 *(7 CFR 273.11)* **Determining Net Monthly SNAP Income**

To determine the monthly SNAP income for households with income from self-employment enterprises, the monthly net self-employment income is added to any other earned income received by the household. The total monthly earned income, less the twenty percent (20%) earned income deduction, is then added to all other monthly income received by the household.

The standard deduction, dependent care and shelter costs are computed as for any other household and subtracted to determine the monthly net income of the household.

1016.15.50 *(7 CFR 273.11)* **Household with Boarders**

A household that operates commercial boarding houses are considered self-employed and the criteria Sections 1016.15.05 through 1016.15.45., apply. Households with boarders are allowed to deduct the cost of doing business as discussed in Section 1016.15.50.10.

A person paying a reasonable amount for room and board, as discussed in Section 1002.30., is excluded from the household when determining the household's eligibility and benefit level.

Payments from that boarder are treated as self-employment income.

1016.15.50.05 *(7 CFR 273.11)* ***Cost of Doing Business***

After determining the income received from a boarder, the agency representative excludes that portion of the boarder payment which is a cost of doing business. The cost of doing business is equal to one of the following provided that the amount allowed as the cost of doing business does not exceed the payment the household received from the boarder for lodging and meals:

- The cost of the thrifty food plan for a household size that is equal to the number of boarders; or

- The actual documented cost of providing room and meals if the actual cost exceeds the thrifty food plan. If actual costs are used, only separate and identifiable costs of providing room and board to the boarder are excluded.

1016.15.50.10 *(7 CFR 273.11)* ***Deductible Expenses***

The net income from self-employment is added to other earned income and the twenty percent (20%) earned income deduction is applied to the total. Shelter costs which the household actually incurs, even if the boarder contributes to the household for part of the household's shelter expenses, is computed to determine if the household receives a shelter deduction. However, the shelter costs must not include any shelter expenses paid directly by the boarder to a third party, such as to the landlord or utility company.

1016.20 *(7 CFR 273.11)* **INCOME/RESOURCES OF INELIGIBLE MEMBERS**

During the period of time that a household member cannot participate because s/he:

- is an ineligible non-citizen;

- is ineligible for failing to sign the DHS/SAV-1 attesting to his/her U.S. citizenship or immigration status;

- is ineligible because of disqualification for an intentional program violation (IPV);

- is ineligible because of disqualification for failure or refusal to obtain or provide an SSN; or,
- is ineligible because a sanction has been imposed while s/he was participating in a household disqualified for failing to comply with work registration requirements;
- is ineligible due to meeting the time limit for able-bodied adult without dependents

the eligibility and benefit level of any remaining household members must be determined in accordance with the procedures delineated in Sections 1016.20.05 through 1016.20.15.

1016.20.05 *(7 CFR 273.11)* **Ineligible due to IPV or E & T Sanction**

The eligibility and benefit level of any remaining household members of a household containing an individual(s) ineligible because of disqualification for an intentional program violation or individual(s) (non-head(s) of household) disqualified for failure to comply with any of the work requirements in Section 1004.25 are determined as follows:

Income, Resources and Deductible Expenses

The income and resources of the ineligible household member(s) continue to count in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions continue to apply to the remaining household members.

Eligibility and Benefit Level

The ineligible member is not included when determining the household's size for the purpose of:

- Assigning a benefit level to the household;
- Assigning a standard deduction to the household;
- Comparing the household's monthly income with the income eligibility standards; or
- Comparing the household's resources with the resource eligibility limits. The agency representative must ensure that no household's benefit allotment is increased as a result of the exclusion of one or more household member(s).

1016.20.10 *(7 CFR 273.11)* **Other Ineligible Household Members**

Use the following procedures to determine the eligibility and benefit level of any remaining household member(s) of a household containing an individual determined ineligible for SNAP benefits because s/he:

- Is an ineligible non-citizen;
- Failed to attest to his/her citizenship or alien status when applying for SNAP benefits;
- Was disqualified for refusal to obtain or provide an SSN; or
- Was ineligible under Section 1004.27, for meeting the time limit for able-bodied adults without dependents.

Resources: The resources of such an ineligible member(s) continue to count in their entirety to the

remaining household members.

Income: pro-rata share of the income of such an ineligible member(s) is counted as income to the remaining members.

This pro-rata share is calculated by first subtracting the allowable exclusions from the ineligible members' income and dividing the income evenly among the household members, including the ineligible members.

However, if the ineligible member receives no income of his or her own, the RIW payment shall not be prorated.

Deductible Expenses: The twenty percent (20%) earned income deduction applies to the pro-rated income earned by such an ineligible member(s) which is attributed to the household. That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the ineligible members(s), is divided evenly among the household's members, including the ineligible member(s). All but the ineligible members' share is counted as a deductible shelter or dependent care expense for the remaining household members. If the expense is paid in full by an eligible member, the expense is allowed in full for the household. The mandatory SUA will not be prorated--the full SUA will be provided to the household if it is entitled to it.

If a household contains an ineligible member with no income of his/her own, the full shelter and/or dependent care costs are allowed in the determination of eligibility and benefit level for SNAP.

Eligibility& Benefit Level: Such an ineligible member(s) must not be included when determining the household's size for the purposes of:

- Assigning a benefit level to the household;
- Assigning a standard deduction to the household;
- Comparing the household's monthly income with the income eligibility standards; or,
- Comparing the household's resources with the resource eligibility limits.

The agency representative must ensure that no household's benefit allotment is increased as a result of the exclusion of one or more household member(s).

1016.20.15 *(7 CFR 273.11)* Reduction or Termination of Benefits

Whenever an individual is determined ineligible within the household's certification period, the agency must determine the eligibility or ineligibility of the remaining household members based, as much as possible, on information in the case file.

Determined Ineligible for Intentional Program Violation (IPV)

If a household's benefits are reduced or terminated within the certification period because one of its members was determined ineligible because of disqualification for intentional program violation, the agency must notify the remaining members of their eligibility and benefit level at the

same time the ineligible member is notified of his/her disqualification. The household is not entitled to a notice of adverse action but may request a fair hearing to contest the reduction or termination of benefits.

Determined Ineligible for Other Reasons

If a household's benefits are reduced or terminated within the certification period because one or more of its members is an ineligible alien, is ineligible because a sanction has been imposed while s/he was participating in a household disqualified for failing to comply with work requirements, or ineligible because s/he was disqualified for refusal to obtain or provide an SSN, the agency must issue a notice of adverse action in accordance with Section 1018.10 which informs the household of the ineligibility, the reason for the ineligibility, the eligibility and benefit level of the remaining members, and the action the household must take to end the ineligibility.

1016.25 *(7 CFR 273.11)* INCOME/RESOURCES OF A NONHOUSEHOLD MEMBER

For all other non-household members as defined in Section 1002.20., who are not specifically mentioned in 1016.20., such as a roomer, the income and resources of such individuals must not be considered available to the household with whom the individual resides. Voluntary cash payments from a non-household member to the household are considered income under the normal income standards. Vendor payments are excluded as income. If the household shares deductible expenses with the non-household member, only the amount actually paid or contributed by the household is deducted as a household expense. If the payments or contributions cannot be differentiated, the expenses must be prorated evenly among persons actually paying or contributing to the expense and only the household's pro rata share is deducted. The mandatory SUA will not be prorated—the full SUA will be granted to the household if the household is entitled to it.

Consideration of Income When the earned income of one or more household members and the earned income of a non-household member are combined into one wage, the income of the household member(s) is determined as follows:

- If the household's share can be identified, the agency representative counts that portion due to the household as earned income.

- If the household's share cannot be identified, the agency representative must prorate the earned income among all those whom it was intended to cover and counts that prorated portion to the household.

Determination of Benefit Level

Such non-household members must not be included when determining the size of the household for the purposes of:

- Assigning a benefit level to the household;

- Assigning a standard deduction to the household;
- Comparing the household's monthly income with the income eligibility standards; or
- Comparing the household's resources with the resources eligibility limits.

1016.30 *(7 CFR 273.2)* RIW AND GPA HOUSEHOLDS

To facilitate participation in the program, households in which members are applying for RIW and/or GPA (AP households) must be allowed to complete a joint application for SNAP benefits at the same time they apply for such assistance. These households' SNAP eligibility and benefit levels are based solely on SNAP eligibility criteria.

The joint application processing procedures in this section are used for a SNAP household in which some members are receiving RIW and/or GPA and others are receiving SSI. A household consisting of some members who are receiving RIW/GPA/SSI and some not receiving assistance also may file a joint application for SNAP benefits.

The RIW and GPA application form contains all the information necessary to determine a household's SNAP eligibility and level of benefits. The application has a place for the household to indicate if it does not wish to apply for SNAP. The application clearly indicates that the household is providing information for both programs, is subject to the criminal penalties of both programs for false statements, and waives the notice of adverse action.

1016.30.05 *(7 CFR 273.2)* Categorically Eligible Households

The following households are considered categorically eligible for SNAP benefits:

1. A household in which all members receive or are authorized to receive Rhode Island Works (RIW) cash assistance.
2. A household in which all members receive or are authorized to receive SSI.
   a. A resident of a public institution who applies jointly for SSI and SNAP benefits prior to his/her release from the institution, is not categorically eligible for SNAP benefits upon a finding by SSA of potential SSI eligibility prior to release.
   b. This individual is considered categorically eligible at such time as a final SSI eligibility determination has been made and the individual has been released from the institution.
3. A household whose RIW or SSI benefits are suspended or being recouped.
4. A household entitled to RIW benefits but is not paid such benefits because the grant is less than ten dollars ($10).
5. A household in which all members receive or are authorized to receive General Public Assistance (GPA) benefits.
6. A household (including related children) authorized to receive a TANF-funded service. A TANF-funded service includes receipt of the RI Department of Human Services TANF Information Publication. These households must meet the Gross Monthly Income Standards (Table IV or Table V in Section 1038.25) in order to be eligible for a TANF-funded service, and will receive a benefit as long as the normal benefit calculation (the Thrifty Food Plan amount for the household's size reduced by thirty (30) percent of the household's net income in Table II in Section 1038.25) results in a positive benefit amount. Households which would not receive a benefit will be denied.

Categorically eligible households of one and two will receive at least the minimum monthly benefit after the calculation is completed.

Households, whether jointly processed and/or categorically eligible for SNAP benefits, must be certified in accordance with Federal and State laws on food assistance.

A person who is entitled to Medicaid only is not considered a recipient of RIW or SSI benefits.

1016.30.10 *(7 CFR 273.2)* **Single Public Assistance (PA) and SNAP Interview**

The agency representative must conduct a single interview at the initial application for both public assistance (PA) and SNAP purposes. PA households are not required to see a different agency representative or otherwise be subjected to two interview requirements in order to obtain the benefits of both programs.

Following the single interview, the application may be processed by separate workers to determine eligibility and benefit levels for SNAP and PA. A household's eligibility for the SNAP out-of-office interview provision does not relieve the household of any responsibility for a face-to-face interview in order to be certified for public assistance.

1016.30.15 *(7 CFR 273.2)* **Verification Standard**

1. The Department shall verify the following factors for TANF-funded service households:
   a. The household is eligible for the TANF Information Publication by comparing the income of the household to appropriate standards for the SNAP- Only TANF-funded Service household.
   b. The household contains no individuals disqualified in accordance with Sections 1016.40.15 and 1016.40.20.
   c. The household composition meets the definition of a household in accordance with Sections 1002.15 and 1002.15.05.
   d. The verification requirements set forth in Sections 1002.60, and 1002.60.10, with the exception of the requirement to verify resource information
2. The Department shall verify the following factors for households applying for both Public Assistance (PA) and SNAP benefits.
   a. Verification procedures described in Section 1002.60 apply to determine the household's eligibility for SNAP benefits.
   b. Verification procedures described in 1406 NON-FINANCIAL REQUIREMENTS apply to determine both PA and SNAP eligibility.
   c. The agency representative must not delay the household's SNAP benefits if, at the end of thirty (30) days following the date the application was filed, the agency representative has sufficient verification to meet the verification for SNAP purposes but does not have sufficient verification to meet the PA verification rules.

1016.30.20 *(7 CFR 273.2)* **Timeliness Standard**

In order to determine if a household is categorically eligible due to its status as a recipient RIW/GPA/SSI, the agency may temporarily postpone, within the thirty (30) day processing

standard, the SNAP eligibility determination if the household is not entitled to expedited service and appears to be categorically eligible. The agency should postpone denying a potentially categorically eligible household until the thirtieth (30th) day in case the household is determined eligible for RIW, GPA and/or SSI benefits.

Once the RIW, GPA and/or SSI application is approved, the household is considered categorically eligible if it meets all the categorically eligible criteria in Section 1016.40.

Action on the SNAP portion of the application must not be delayed nor may the application be denied on the grounds that the PA determination has not been made. If the agency can anticipate the amount and the date of receipt of the initial PA payment but the payment is not received until a subsequent month, the agency must vary the household's SNAP benefit level according to the anticipated receipt of the payment and so notify the household. The portion of the initial PA payment intended to retroactively cover a previous month is disregarded as a lump sum payment. If the amount or date of receipt of the initial PA payment cannot be reasonably anticipated at the time of the SNAP eligibility determination, the PA payment must be handled as a change in circumstances. However, the agency is not required to send a notice of adverse action if the receipt of the PA grant reduces, suspends or terminates the household's SNAP benefits, provided the household was notified in advance that its benefits may be reduced, suspended or terminated when the PA grant is received.

1016.30.25 *(7 CFR 273.2)* Income Standards for PA Households

All income received by the PA household, including the RIW, GPA, or SSI grant, any special allowances, and any other income, is counted in determining the net monthly SNAP income for basis of issuance purposes unless otherwise excludable for SNAP purposes. Exemptions from income allowed under AP plans for purposes of grant computation are not allowed in determining income for SNAP purposes. PA households receive only the income exclusions and deductions provided in Sections 1008.10 and 1008.20.

1016.30.30 *(7 CFR 273.2)* Certification Periods for PA Households

A household in which all members are contained in a single PA grant should have its SNAP recertification completed, to the extent possible, at the same time it is redetermined for PA.

The agency representative assigns such households a SNAP certification period which expires at the same time as the household's PA redetermination date. In no event must SNAP benefits be continued beyond the end of a certification period.

If a PA household has not had its PA redetermination, and the SNAP recertification is due at the same time, the agency representative must ensure that the SNAP recertification is timely completed. A computer list is generated and the agency representative sends the household a notice of the expiration of its SNAP certification period and recertifies the household in accordance with Section 1018.15.

1016.30.35 *(7 CFR 273.12)* Reporting Changes

Households are not required to report changes in the assistance payment grant. Since the agency representative has prior knowledge of all changes in the assistance payment grant, action must be taken on this information.

Except for PA grant changes, PA households must report changes within ten (10) days. PA households which report a change in circumstances to the PA worker are considered to have reported the change for SNAP purposes.

1016.30.40 *(7 CFR 273.12)* **Actions on Reported Changes**

A household must be notified whenever its benefits are altered as a result of changes in the PA benefits. Adequate time for the agency representative to send a notice of expiration and for the household to timely reapply must be allowed. If the PA benefits are terminated but the household is still eligible for SNAP benefits, members of the household must be advised of SNAP work registration requirements, as appropriate.

1016.30.45 *(7 CFR 273.12)* **Changes with Sufficient Information**

Whenever a change results in the reduction or termination of the household's PA benefits within its SNAP certification period, and the agency representative has sufficient information to determine how the change affects the household's SNAP eligibility and benefit level, the agency representative takes the following actions:

- If a change in household circumstances requires both a reduction or termination in the PA payment and a reduction or termination in SNAP benefits, the agency representative must issue a notice of adverse action for both the PA and SNAP actions. If the household requests a hearing within the period provided by the notice of adverse action, the household's SNAP benefits should be continued on the basis authorized immediately prior to sending the notice. If the hearing is requested for both programs' benefits, the hearing is conducted according to PA procedures and timeliness standards. However, the household must reapply for SNAP benefits if the SNAP certification period expires before the hearing process is completed. If the household does not appeal, the change is made effective in accordance with the procedures specified in Section 1018.05.

- If the household's SNAP benefits are increased as a result of the reduction or termination of PA benefits, the agency representative issues the PA notice of adverse action, but does not take any action to increase the household's SNAP benefits until the household decides whether it will appeal the adverse PA action. If the household decides to appeal and its PA benefits are continued, the household's SNAP benefits may continue at the previous basis. If the household does not appeal, the agency representative makes the change effective in accordance with the procedures specified in Section 1018.05 except that the time limits for the agency representative to act on changes which increase a household's benefits are calculated from the date the PA notice of adverse action period expires.

1016.30.50 *(7 CFR 273.12)* **Changes without Sufficient Information**

Whenever a change results in the termination of a household's PA benefits within its SNAP

certification period, and the agency representative does not have sufficient information to determine how the change affects the household's SNAP eligibility and benefit level (such as when a non-custodial parent returns to a household, rendering the household ineligible for public assistance, and the agency representative does not have any information on the income of the new household member), the agency representative does not terminate the household's SNAP benefits but instead takes the following action:

> If the situation requires a reduction or termination of PA benefits, the agency must issue a request for documentation at the same time it sends a PA notice of adverse action. Before taking further action, the agency must wait until the household's PA notice of adverse action period expires or until the household requests a fair hearing, whichever occurs first.
> If the household requests a fair hearing and elects to have its PA benefits continued pending the appeal, the agency must continue the household's SNAP benefits at the same level.
> If the household decides not to request a fair hearing and continuation of its PA benefits, the agency must resume action on the changes.
> If the situation does not require a PA notice of adverse action, the agency must issue a request for documentation. Depending on the household's response to the request for documentation, the agency must take appropriate action, if necessary, to close the household's case or adjust the household's benefit amount.

1016.30.55 *(7 CFR 273.12)* Mass Changes in Public Assistance

When an overall adjustment to public assistance payments is made, corresponding adjustments in households' SNAP benefits are handled as a mass change. When there is at least thirty (30) days advance knowledge of the amount of the public assistance adjustment, SNAP benefits must be recalculated to be effective in the same month as the public assistance change. If there is not sufficient notice, the SNAP change must be effective not later than the month following the month in which the public assistance change was made.

A notice of adverse action is not required when a household's SNAP benefits are reduced or terminated as a result of a mass change in the public assistance grant. However, the agency sends individual notices to such households to inform them of the change. If a household requests a fair hearing, benefits are continued at the former level only if the issue being appealed is that SNAP eligibility or benefits were improperly computed.

1016.35 SSI HOUSEHOLDS

On January 1, 1974, the SSI program for the aged, blind, and disabled replaced the former federally aided public assistance categories of OAA, AB, and APTD in the 50 states and the District of Columbia. Due to the specific provisions of law, SSI recipients require special handling for SNAP purposes.

1016.35.05 *(7 CFR 273.10)* SSI/SNAP Joint Application Process

Households applying simultaneously for SSI and SNAP must be subject to food stamp eligibility criteria, and benefit levels must be based solely on such criteria until the household is considered categorically eligible. However, households in which all members are either RIW or SSI

recipients or are authorized to receive RIW or SSI benefits as defined in Section 1016.40., must be eligible for SNAP based on their RIW/SSI status in accordance with the provisions for categorical eligibility for SNAP benefits.

When a household, with an SSI application pending, is denied SNAP benefits as an NPA household, it must be informed on the notice of denial of the possibility of categorical eligibility if the person becomes an SSI recipient.

1016.35.10 SSA Responsibility

The SSA will accept and complete SNAP applications received at the SSA office from SSI households and forward them, attached to a transmittal form (FSP- 100), within one (1) working day after receipt of a signed application to the SNAP office. SSA must verify those items for which verification can be made at the time of the interview from either SSA records or from documents provided by the applicant.

The SSA also refers non-SSI households and those in which not all members have applied for or receive SSI to the SNAP office. Applications from such households are considered filed on the date the signed application is taken at the SNAP office, and the normal and expedited processing time standards begin on that date.

The SSA must also screen all applications for entitlement to expedited services on the day the application is received at the SSA office and should mark "Expedited Processing" on the first page of all applications that appear to be entitled to such service. The SSA informs households which appear to meet the criteria for expedited service that benefits may be issued sooner if the household applies directly at the SNAP office.

The household may take the application from SSA to the SNAP office for screening and processing of the application.

If SSA takes an SSI application or redetermination on the telephone from a member of a pure SSI household, a SNAP application must also be completed during the telephone interview. In such cases, the SNAP application is mailed to the claimant for signature and for return to either the SSA office or the SNAP office. SSA should forward any SNAP applications it receives to the SNAP office.

The SSA sends a notice to SSI recipients redetermined for SSI, by mail, informing them of their right to file a SNAP application at the SSA office (if they are members of a pure SSI household) or at their local SNAP office, and their right to an out- of-office SNAP interview to be performed by an agency representative.

SSA distributes an information sheet, provided by the DHS, to all pure SSI households informing such households of the address and telephone number of the household's correct SNAP office; the remaining actions to be taken in the application process; and, a statement that a household should be notified of the SNAP determination within thirty (30) days and can contact the SNAP office if it receives no notification within thirty (30) days, or has other questions or problems. It also includes the client's rights and responsibilities (including fair hearings, authorized representatives,

out- of- office interviews, reporting changes and timely reapplication), information on how and where to obtain SNAP benefits, and how to use SNAP benefits (including the commodities clients may purchase with the SNAP benefits).

1016.35.15 DHS Responsibility

Except for applications taken from residents of public institutions prior to their release, the SNAP office must make an eligibility determination and issue SNAP benefits to eligible SSI households within thirty (30) days following the date the application was received by the SSA. Applications are considered filed for normal processing purposes when the signed application is received by SSA. The expedited processing time standards begins on the date the SNAP office receives a SNAP application. SNAP applications and supporting documentation sent to an incorrect SNAP office must be sent to the correct office by the receiving office within one (1) working day of their receipt.

The agency must make an eligibility determination and issue SNAP benefits to a resident of a public institution who applies jointly for SSI and SNAP benefits within thirty (30) days following the date of his/her release from the institution. Expedited processing time standards for such an applicant must also begin on the date of his/her release from the institution. SSA will notify the DHS of the date of the applicant's release. If, for any reason, DHS is not notified on a timely basis of the applicant's release, the Department must restore lost benefits, in accordance with Section 1020, back to the date of release.

The SNAP office should not require pure SSI households to see an agency representative or to have an additional interview.

The SNAP application is processed by the SNAP office. The SNAP office should not contact the household further in order to obtain information for certification for SNAP benefits, unless:

- the application is improperly completed;
- mandatory verification is missing; or,
- certain information on the application is determined to be questionable.

In no event would the applicant be required to appear at the SNAP office to finalize the eligibility determination.

The SNAP office should screen all applications received from the SSA for entitlement to expedited service on the day the application is received at the correct SNAP office. All SSI households entitled to expedited service are certified in accordance with procedures explained in Section 1016.10 except that the expedited processing time standard begins on the date the application is received at the correct SNAP office.

1016.35.15.05 *(7 CFR 273.2)* ***Verification***

The SNAP office should ensure that information required in accordance with Section 1002.60 is verified prior to certification for initial application. A household entitled to expedited

certification services is processed in accordance with procedures described in Section 1016.10.

SSI benefit payments may be verified through information supplied by SSA or through verification provided by the household.

1016.35.20 *(7 CFR 273.2)* **Certification Period**

The SNAP office certifies pure SSI households in accordance with Section 1012.10.15.25 or 1012.10.15.30, as appropriate. In jointly processed cases in which the SSI determination results in denial and the agency representative believes that SNAP eligibility or benefit levels may be affected, the agency representative sends the household a notice of expiration advising that the certification period will expire the end of the month following the month in which the notice is sent and that it must reapply if it wishes to continue to participate.

The notice must also explain that its certification period is expiring because of changes in circumstances which may affect SNAP eligibility or benefit levels and that the household is entitled to an out-of-office interview.

1016.35.25 *(7 CFR 273.12)* **Changes in Circumstances**

Households must report changes in accordance with the requirements in Section 1018.05.05. The agency representative processes changes in accordance with Section 1018.05.15.

Within ten (10) days of learning of the determination of the application for SSI through SDX, the household, advisement from SSA, or from any other source, the agency should take required action in accordance with Section 1018.05.15.

1016.35.30 *(7 CFR 273.17)* **Restoration of Lost Benefits**

The agency representative must restore to the household benefits which were lost whenever the loss was caused by an error by the SNAP office or by the SSA office through joint processing.

Such an error includes, but is not limited to, the loss of an applicant's SNAP application after it has been filed with SSA. Lost benefits are restored in accordance with Section 1020.

1016.35.35 *(7 CFR 273.14)* **Recertification**

The agency must provide SSI households with a notice of expiration in accordance with Section 1018.15.05 except that such notification should inform households consisting entirely of SSI recipients that they are required to have an interview prior to being certified and may have that interview in the office, face to face, or by telephone.

The agency representative must complete the application process and approve or deny timely applications for recertification in accordance with procedures in Section 1018.05.

Pure SSI households which have received a SNAP notice of expiration are entitled to make a timely application for SNAP recertification at the SSA office. SSA must accept the application of

a pure SSI household and forward the completed application, transmittal form and any available verification to the SNAP office. When SSA accepts and refers the application in such a situation, the household must not be required to appear at a second office interview, although the agency representative may conduct an out-of-office interview by telephone, or face-to- face, if/as necessary.

In cases where pure SSI households apply for SNAP recertification at the SSA office, an application must be considered filed for normal processing purposes when the signed application is received by SSA.

1016.35.40 Work Registration

A household member who is applying simultaneously for SSI and SNAP benefits has the requirement for work registration waived until:

- s/he is determined eligible for SSI and is thereby exempt from work registration; or,

- s/he is determined ineligible for SSI and, when applicable, a determination of her/his work registration status must then be made through recertification procedures in accordance with Section 1016.35.35, or through other means.

1016.40 *(7 CFR 273.2)* CATEGORICALLY ELIGIBLE HOUSEHOLDS

Any household (except those listed in Section 1016.40.20) in which all members receive, or are authorized to receive, RIW, GPA and/or SSI benefits is considered eligible for SNAP benefits because of its members' status as RIW, GPA and/or SSI recipients.

A household which receives zero RIW benefits is considered as authorized to receive benefits from the RIW program.

Categorical eligibility must also be assumed at recertification in the absence of a timely RIW redetermination. If a SNAP household is subsequently terminated from RIW benefits at the redetermination, the procedures in Section 1018.05.15 pertaining to changes are followed.

1016.40.05 *(7 CFR 273.2)* Eligibility Factors Deemed

The eligibility factors which are deemed for SNAP eligibility without the required verification because of the household's RIW, GPA or SSI status are:

- the resource limit;
- the gross and net income limits;
- social security number information;
- sponsored immigrant information; and
- residency.

The eligibility factors which are deemed for SNAP eligibility without the required verification because of the household's expanded categorical eligibility status due to receipt of a TANF-funded

service are:

- the resource limit;
- the gross and net income limits.

1016.40.10 *(7 CFR 273.2)* **Verification of Questionable Factors**

If any of the following factors are questionable, the agency must verify, in accordance with Section 1002.60, that the household which is considered categorically eligible:

- Contains only members who are RIW, GPA TANF-funded service (TANF Information Publication) or SSI recipients;

- Meets the household definition (Section 1002.15);

- Includes all persons who purchase and prepare food together in one SNAP household regardless of whether or not they are separate units for RIW, GPA or SSI purposes; and

- Includes no person(s) who has been disqualified from the Supplemental Nutrition Assistance Program.

1016.40.15 *(7 CFR 273.2)* **Households Not Categorically Eligible**

Under no circumstances should any household be considered categorically eligible if any member of that household is disqualified for:

- an intentional program violation in accordance with Section 1034
- or if head of household fails to comply with the work requirements in Section 1004.25.

These households are subject to all SNAP eligibility and benefit provisions.

1016.40.20 *(7 CFR 273.2)* **Persons Not Considered Household Members**

No person is included as a member in any household that is otherwise categorically eligible if that person is:

- An ineligible non-citizen as defined in Section 1004.20;
- An ineligible student under the provision in Section 1004.35.; or,
- A person who is institutionalized in a non-exempt facility as defined in Section 1002.40.
- A household member that refuses to comply with the work requirements. For households in receipt of a TANF-funded service,the resources of this household member continue to count in their entirety to the remaining household members.

1016.40.25 *(7 CFR 273.2)* **Timeliness Standards**

For a household filing a joint application for RIW/GPA and SNAP benefits, or a household which has a RIW/GPA and/or SSI application pending, and that is denied SNAP benefits but is later

determined eligible to receive RIW/GPA and/or SSI and is otherwise categorically eligible, the agency must provide benefits using the original application and any other pertinent information occurring subsequent to that application. Except for residents of public institutions who apply for SSI and SNAP benefits prior to their release from a public institution, SNAP benefits must be paid from the beginning of the period for which SSI benefits are paid, the original SNAP application date or December 23, 1985, whichever is later. For this reason, the denied application of a potentially categorically eligible household should be easily retrievable.

The agency must not interview the household again but should use any available information to update the application and/or make either mail or telephone contact with the household (or its authorized representative) to determine any change in circumstances. Any change must be initialed and the updated application resigned by an authorized household member or the authorized representative. In no event can benefits be provided prior to the date of the original SNAP application filed on or after December 23, 1985.

Any household which is determined eligible for RIW or GPA within the thirty (30) day SNAP processing time and is categorically eligible for SNAP benefits must be provided benefits back to the date of the SNAP application. Benefits for this initial month are prorated in accordance with Section 1038.35.

For a household which files a joint application and is subsequently found categorically eligible after being denied SNAP benefits, its benefits for the initial month must be prorated from the date from which the RIW, GPA or SSI benefits are payable or the date of the original SNAP application, whichever is later.

The agency must reevaluate the original application either at the household's request or when it becomes otherwise aware of the household's RIW, GPA and/or SSI eligibility. Such a household must be informed on its notice of denial to notify the agency if its RIW, GPA or SSI benefits are approved.

For a household which files a joint application for SNAP and PA, and whose PA application is subsequently denied, its SNAP eligibility is determined or continued on the basis of the original application filed jointly for PA and SNAP purposes and any other documented information obtained subsequent to the application which may have been used in the PA determination and which is relevant to SNAP eligibility or level of benefits.

In this instance, a copy of the application form is made, as well as any information pertinent to the SNAP portion of the case and forwarded to the appropriate SNAP Certification Office, attention of the Supervisor.

The agency must notify a household of the need for a new application. If a required new application is filed within thirty (30) days of the original application, the filing date of the new application must be the original filing date of the joint application.

1018.05 *(7 CFR 273.12)* CHANGES DURING THE CERTIFICATION PERIOD

For reporting changes during a SNAP household's certification period, there are two (2) classifications. A household is either a "change reporter" or a "simplified reporter". A household that is designated as a "change reporter" must report any change in circumstances, income, resources, and expenses which occur during their certification period within ten (10) days of the change. A "simplified reporter" household must submit an Interim Report Form in its sixth month of certification. With the exception of the interim report, a simplified reporting household's sole reporting requirement is to report changes in income which bring the household's gross income in excess of the 130% Gross Income Eligibility Standard for that size household by the tenth day of the month following the month in which the change occurred.

The responsibilities of households and agency representatives are discussed in Sections 1018.05.05 and 1018.05.10.

1018.05.05 *(7 CFR 273.12)* Responsibilities of Households

Certain Supplemental Nutrition Assistance Program (SNAP) households are considered change reporters and are required to report changes within ten (10) days of the date the changes become known to the household as outlined in Section 1018.05.05.02.

The following types of households are change reporters:

- Households with no earned income and in which all members are elderly or disabled; and
- Households which include migrant and seasonal farmworkers.

All other SNAP households are considered Simplified Reporters and are subject to Simplified Reporting and Interim reporting requirements.

These households are required to submit an Interim report at six (6) months. With the exception of the Interim report, simplified reporters are only required to report when their gross monthly income exceeds the 130% Gross Income Eligibility Standard for their household size by the tenth day of the month following the month in which the change occurred.

Policy and procedures for Simplified Reporting (SR) households are outlined in Section 1018.05.05.03.

How Changes are Reported

The change may be reported in person, by telephone, or by mail, or by using the Change Report Form. For Change Reporters, the ten (10) day period begins with the date the change becomes

known to the household.

When Changes are Reported

An applicant household must report all factors related to its SNAP eligibility and benefits at the certification interview.

Changes, as noted above, which occur after the interview but before the date of the notice of eligibility, must be reported by the household within ten (10) days of the date of the notice.

1018.05.05.02 *(7 CFR 273.12)* ***Change Reporting Household Reporting Requirements***

Households subject to change reporting (CR) are required to report the following changes in circumstances within ten (10) days of becoming aware of the change in accordance with Section 1018.05.05.

- Changes in sources of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income;
- Changes in the amount of gross monthly earned income of more than one hundred dollars ($100) from the amount last used to calculate the household's allotment;
- Changes in the amount of unearned income of more than fifty dollars ($50), except for a change in RIW or GPA cash assistance;
- All changes in household composition, such as the addition or loss of a household member;
- Changes in residence and the resulting change in shelter costs;
- Acquisition of a licensed vehicle not excluded under Section 1006.15;
- When cash on hand, stocks, bonds, and money in a bank account or savings institution reach or exceed a total of two thousand, two hundred and fifty dollars ($2,250) or (three thousand, two hundred and fifty dollars ($3,250) for households that consist of, or include a member who is age sixty (60) or over or disabled. RIW/SNAP change reporting households must report changes in assets when they exceed the RIW resource limit of one thousand dollars ($1,000).
- Changes in the legal obligation to pay child support.

1018.05.05.03 *(7 CFR 273.12)* ***Simplified Reporting Household Requirements***

Households subject to Simplified Reporting (SR) are required to submit an Interim Report at six months. With the exception of the Interim Report, these households are required to report only when their monthly income exceeds the SNAP Gross Income Eligibility Standard for their household size. No other change reporting is required during the certification period. If a household has an increase in its income, it must determine its total gross income at the end of the month. If the total gross income exceeds the household's SNAP Gross Income Eligibility

Standard, the household must report the change within ten (10) days after the end of the month in which its income increased.

Simplified Reporting only applies to the SNAP Program. Other assistance programs, such as the Rhode Island Works (RIW) cash assistance, Child Care Assistance Program (CCAP), and Medicaid, have their own reporting requirements.

However, RIW households must report whenever cash on hand, stocks, bonds, and money in a bank account or savings institution reach or exceed a total of one thousand dollars ($1,000).

1018.05.05.05 *(7 CFR 273.12)* ***Failure to Report Changes***

If the agency representative discovers that the household failed to report a change as required by Section 1018.05.05.02 or 1018.05.05.03, as appropriate, and as a result, received benefits to which it was not entitled, the agency representative refers a claim of overissuance against the household in accordance with Section 1022. Individuals are not terminated for failing to report a change, unless the individual is disqualified in accordance with the intentional program violation disqualification procedures specified in Section 1034.

1018.05.10 *(7 CFR 273.12)* **Responsibilities of the Agency**

The agency representative does not impose any SNAP reporting requirements on households except as outlined in Section 1018.05.05. Nor does the agency representative treat the submission of the report of change as a waiver of the household's right to a notice of adverse action.

For households comprised entirely of elderly and/or disabled members, the agency representative will send the household a Mid-Certification Reminder Letter on or about the 15th day of the twelfth month of its certification (see Sec. 1012.10.15.30). The letter reminds the household of its responsibility to report any changes as described in Section 1018.05.05 within ten (10) days and gives the name, office address, and telephone number of the agency representative to contact if such a change occurs.

The agency representative is required to hand a Change Report Form (SNAP-200) to change reporting (CR) households, at both the time of the certification interview, and at the time of the recertification interview. The agency representative is required to mail a form to a change reporting household whenever a Change Report Form is received in the mail from the household. (A change reporting household must be in possession of a Change Report Form at all times.) Although change reporting households should be encouraged to complete and return the Change Report Form when a change is being reported, changes reported over the telephone or in person by the household are acted on in the same manner as those reported on the Change Report Form.

1018.05.10.05 *(7 CFR 273.12)* ***Interim Report Procedures***

All SNAP households are subject to Interim reporting requirements, with the exception of the following households:

- Households with no earnings and in which all members are elderly or disabled; and

- Households which include migrant and seasonal farmworkers.

Household composition and financial circumstances at the time of application will be the basis of the SNAP benefit amount for the first half of the certification period unless the household reports a change during the certification period before the Interim Report period. The household composition and financial circumstances reported on the Interim Report will be the basis of the SNAP benefit amount for the remainder of the certification period unless the household reports additional changes following the filing of the Interim Report.

Household Responsibilities

In the fifth (5th) month of certification, households subject to interim reporting will receive an Interim Report Form in the mail. Households must complete the form in its entirety and mail the form along with the required verifications back to the agency by the fifth (5th) day of the sixth (6th) month of certification.

Any responsible household member or authorized representative may complete the Interim Report. At the household's request, the agency can provide assistance to the household in completing the report. A household that submits an Interim Report by the fifth (5th) day of the sixth month of the certification period is considered to have made timely report. Failure to return the Interim Report Form will result in closure of SNAP benefits.

NOTE: An application (SNAP or combined application with SNAP-related questions completed) can be accepted in lieu of an Interim Report Form if it is received in the month the Interim Report is due, or the following month. If an application in lieu of an Interim Report is used to reinstate benefits, an interview is not required, and all verification rules applicable to Interim Report processing instead of application processing apply.

Agency Responsibilities

Upon receipt of an interim report, the worker reviews the report; determines if any additional information is needed; contacts the household as needed to obtain further information or verification (giving the household at least ten (10) days to provide information); and determines eligibility and benefits for the remainder of the certification period.
If a household fails to return the Interim Report Form by the fifth (5th) day of the sixth (6th) month of the certification period, the agency must send a warning notice to the household.

The household will have ten (10) days from the mail date to return the Interim Report Form, along with all of the necessary verifications or the case will auto-close by the end of the sixth (6th) month of the household's certification period.

The agency must assess the returned Interim Report Form for completeness (including the necessary verifications). If the Interim Report is incomplete or lacks required verifications of reported changes, the agency must send a request for documentation (RDOC) and the original Interim Report form back to the household. The household will have ten (10) days to supply the missing information, verification, or to complete the form.

An Interim Report form is incomplete if:

- The case name, head of household, responsible household member or authorized representative has not signed the form;
- The household fails to submit verification of changes in earned income, changes in unearned income, or residency; or
- The household fails to provide information needed to determine eligibility or benefit level.

Note: If a household marks "no change" on the Interim Report Form, the report should not be considered incomplete.

Reinstatement of Benefits

If an eligible household files a complete interim report after the case has been closed, but before the end of the report month (month in which the report is due), the agency shall reopen the case without requiring the household to file an application and shall approve benefits no later than ten (10) days after the household normally receives benefits.

If a household files a complete interim report after the end of the report month but before the end of the month following the month in which it was due, the household will be required to file a new application.

1018.05.10.10 *(7 CFR 273.12)* ***Interim Report Verification Requirements***

In order to determine eligibility for the second half of the household's certification period, the household must supply verification of certain eligibility factors. The household must provide the following information:

- Changes of more than fifty dollars ($50) in unearned income (excluding changes in public assistance or general assistance programs when jointly processed with SNAP cases);
- Changes in the source of income;
- Changes in either:
  - The wage rate, salary, or full-time or part-time employment status; or
  - The monthly earned income if more than one hundred dollars ($100) difference from the amount used to calculate benefits
- Changes in household composition;
- Changes in residence and resulting changes in shelter costs;
- Acquisition of a non-excludable vehicle;
- Resources that reach or exceed $2,250 ($3,250 if a household includes a member who is age 60 or over, or is disabled); and
- Changes in legally obligated child support payments

If verification of changes in earned or unearned income is not provided, benefits shall be terminated. If the household fails to provide sufficient information or verification regarding a deductible expense (dependent care, shelter, medical or child support expenses) the following

applies:

- An RDOC is issued requesting the missing documentation and if client does not respond within the 10 day timeframe with required documentation to support the change, the case continues to be processed. If this occurs, the household must be notified that a deduction or deductions were not allowed since verification was not provided, and that benefits will be redetermined if the verification is subsequently provided.
- If there is an existing verified deduction in the case record for the certification period under review, the agency uses such verified deduction in the calculation of benefits for reported increases that are not verified.
- Reports of a decrease in a deductible expense can be changed without verification by the client

1018.05.15 *(7 CFR 273.12)* **Action on Changes**

The agency representative informs the household of its reporting requirements and responsibilities within the required time period. The agency is required to take prompt action on all changes of which it becomes aware to determine if the change affects the household's eligibility or allotment. Exception: during the certification period, the agency representative shall not act on changes in the medical expenses of households eligible for the medical expense deduction if the information comes from a source other than the household and which, in order to take action, require the worker to contact the household for verification. The worker shall act on those changes that s/he learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household. Even if there is no change in the allotment, the agency representative documents the reported change in the case record, hands or mails another Change Report Form to the household, and notifies the household of the receipt of the Change Report Form. If the reported change affects the household's eligibility or allotment, the adjustment is also reported to the household. The agency representative also advises the household of additional verification requirements, if any, and informs it that failure to provide verification results in increased benefits reverting to the original allotment.

Whenever a change in household composition occurs, i.e., an individual added to the household, the agency representative must check to ensure against duplicate participation by the individual. (See procedures in Section 1002.10.35.) The agency representative documents the date a change is reported, which is computed from the postmark of the Change Report Form, plus two (2) days mailing time, or whenever the change was actually received by the agency, whichever is earlier.

Restoration of lost benefits is provided to any household if the agency representative fails to take action on a change which increases benefits within the specified time limits.

1018.05.20 *(7 CFR 273.12)* **Date of Changes Resulting in an Increase**

For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of fifty dollars ($50) or more in the household's gross monthly income, the agency representative makes the changes effective no later than the first allotment issued ten (10) days after the date the change was reported. However, in no event must these changes take effect any later than the month following the

month in which the change is reported.

Therefore, if the change is reported after the 20th of a month, and it is too late for the agency representative to adjust the following month's allotment, the agency representative must approve a supplement for the household to obtain the increase in benefits by the 10th day of the following month, or the household's normal issuance cycle in that month, whichever is later. For example, if a household reports a one hundred dollar ($100) decrease in income any time in May, its June allotment would be increased. If the household reports the change after May 20 and it is too late to adjust the amount of the June benefit, the agency representative would approve a supplemental benefit within ten (10) days after the normal issuance date for June.

1018.05.25 *(7 CFR 273.12)* **Changes Not Requiring Supplemental Allotment**

For changes which result in an increase in a household's benefits and do not require the issuance of a supplementary allotment as required in Section 1018.05.20., the agency representative makes the change effective no later than with the first allotment issued ten (10) days after the date the change was reported to the agency. For example, a $30 decrease in income reported on May 15 would increase the household's June allotment. If a $30 decrease was reported on May 28, the household's allotment would be increased for July.

1018.05.30 *(7 CFR 273.12)* **Changes Which Reduce Benefits**

If the household's benefit level decreases or the household becomes ineligible as a result of the change, the agency must issue a notice of adverse action within ten (10) days of the date the change was reported unless one of the exemptions to the notice of adverse action in Section 1018.10.15 applies. When a notice of adverse action is used, the decrease in the benefit level must be made effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used because one of the exemptions in Section 1018.10.15 applies, the decrease must be made effective no later than the month following the change. Verification which is required by Section 1002.60 must be obtained prior to recertification.

1018.05.35 *(7 CFR 273.12)* **Mass Changes**

Certain changes are initiated by the State or Federal government which may affect the entire caseload or significant portions of the caseload. These changes include adjustments to the income eligibility standards, the shelter and dependent care deductions, the Maximum SNAP Allotments, and the standard deduction; annual and seasonal adjustments to the state's utility standards; periodic cost-of-living adjustments to Retirement, Survivors, and Disability Insurance (RSDI), Supplemental Security Income (SSI), and other Federal benefits; adjustments to RIW or General Public Assistance (GPA) payments; and other changes in the eligibility criteria based on legislative or regulatory actions.

1018.05.35.05 *(7 CFR 273.12)* ***Federal SNAP Changes***

These include Federal adjustments to eligibility standards, allotments and deductions, and State adjustments to utility standards. These adjustments must go into effect for all households at a specific point in time. Adjustments in the Maximum SNAP Allotments must be effective in accordance with dates listed in Section 1038.40.05. An adjustment in the shelter and dependent care deductions, the standard deduction and the eligibility standards must be effective in accordance with dates listed in Sections 1008.20.05 and 1008.20.25.

Although a notice of adverse action is not required, an individual notice to households of these changes is sent. Prior publicity of adjustments is made:

- Through the news media;
- By placing posters in certification offices, issuance locations or other sites frequented by certified households; or
- By issuing general notices mailed to households.

1018.05.35.10 *(7 CFR 273.12)* ***Mass Changes in Public Assistance***

When there is an overall adjustment to public assistance payments, RIW or GPA, corresponding adjustments in the household's SNAP benefits are handled as a mass change.

When the agency has at least thirty (30) days advance knowledge of the amount of the RIW and/or GPA adjustment, the agency makes the change in benefits effective in the same month as the RIW and/or GPA change. If the agency does not have sufficient notice, the SNAP change is effective no later than the month following the month the RIW and/or GPA change was made.

A notice of adverse action is not required when a household's SNAP benefits are reduced or terminated as a result of a mass change in the RIW and/or GPA grant. However, an individual notice is sent to the household informing them of the change. If a household requests a hearing, benefits are continued at the former level only if the issue being appealed is that SNAP eligibility or benefits were improperly computed.

1018.05.35.15 *(7 CFR 273.12)* ***Mass Changes in Federal Benefits***

The agency must establish procedures for making mass changes to reflect cost- of-living adjustments (COLAs) in benefits and any other mass changes under RSDI, SSI, and other programs such as veteran's assistance under Title 38 of the United States Code and the Black Lung Program, where information on COLAs is readily available and is applicable to all or a significant number of those programs' beneficiaries. Households are not responsible for reporting changes in COLAs. The agency is responsible for automatically adjusting a household's SNAP benefit level.

The change is reflected no later than the second allotment issued to households issued after the month in which the change becomes effective.

1018.05.40 *(7 CFR 273.12)* **Notice for Mass Changes**

When the agency makes a mass change in SNAP eligibility or benefits by simultaneously converting the caseload or that portion of the caseload which is affected, or by conducting individual desk reviews in place of a mass change, it must notify all households whose benefits are reduced or terminated in accordance with the requirements of this paragraph, except for mass changes made under Section 1018.05.35.05.

At a minimum, the agency must inform the household of:

- The general nature of the change;
- An example of the effect of the change on a household's allotment;
- The month in which the change takes effect;
- The household's right to a fair hearing;
- The household's right to continue benefits and under what circumstances benefits are continued pending a fair hearing;
- General information on whom to contact for additional information; and
- The liability the household will incur for any overissued benefits if the fair hearing decision is adverse.

The agency must notify the household of the mass change or the result of the desk review on the date the household is scheduled to receive the allotment which has been changed. The agency must notify the household of the mass change as much before the household's scheduled issuance date as reasonably possible, although the notice need not be given any earlier than the time required for advance notice of adverse action.

The household is entitled to request a fair hearing when it is aggrieved by the mass change. A household which requests a fair hearing due to a mass change is entitled to continued benefits at its previous level only if the household meets three criteria:

- The household does not specifically waive its right to a continuation of benefits;
- The household requests a fair hearing in accordance with Section 1032; and
- The household's fair hearing is based upon improper computation of SNAP eligibility or benefits, or upon misapplication or misinterpretation of Federal law or regulation.

1018.10 *(7 CFR 273.13)* NOTICE OF ADVERSE ACTION

Prior to any action to reduce or terminate a household's benefits within the certification period, the agency representative must, except as provided in Section 1018.10.15., provide the household timely and adequate advance notice before the adverse action is taken.

1018.10.05 *(7 CFR 273.13)* Adequate Notice of Adverse Action

The notice of adverse action is considered adequate if it explains in easily understandable language:

- the proposed action;
- the reason for the proposed action;
- the household's right to request a fair hearing;
- the telephone number to contact for additional information;
- the availability of continued benefits;
- the liability of the household for any overissuances received while awaiting a fair hearing decision if such decision is adverse to the household; and,
- the availability of free legal representation.

1018.10.10 *(7 CFR 273.13)* Timely Notice of Adverse Action

The notice of adverse action is considered timely if the advance notice period conforms to the adequate notice period of the public assistance caseload, provided that the period includes at least ten (10) days from the date the notice is mailed to the date upon which the action becomes effective. Also, if the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the request must be considered timely received.

1018.10.10.05 (7 CFR 273.13) Exception to the Timely Notice Requirement

The agency representative may notify a household that its benefits will be reduced or terminated, no later than the date the household receives, or would have received, its allotment, if the following conditions are met:

- The household reports the information which results in the reduction or termination;
- The reported information is in writing and signed by the household;

- Based solely upon the household's written information, the agency representative can determine the household's allotment or ineligibility;

- The household retains its right to a fair hearing.

- The household retains its right to continued benefits by requesting a fair hearing within the time period provided by the notice of adverse action.

- The agency representative continues or reinstates the household's previous benefit level, if required, within five (5) working days of the household's request for a fair hearing.

1018.10.15 *(7 CFR 273.13)* **Exemptions from Notice Requirements**

Individual notices of adverse action are not provided in the following situations:

- Mass Change

  The state initiates a mass change as described in Section 1018.05.35.

- Notice of Death

  The agency representative determines, based on reliable information that all members of a household have died.

- Move from Project Area

  The agency representative determines, based on reliable information that the household has moved from the state. The agency shall inform the household of its termination no later than its next scheduled issuance date. The agency shall not delay terminating the household’s participation in order to provide advanced notice.

- Completion of Restoration of Lost Benefits

  The household has been receiving an increased allotment to restore lost benefits, the restoration is complete, and the household was previously notified, in writing, when the increased allotment would terminate.

- Anticipated Changes in the Monthly Allotment

  The household's allotment varies from month to month within the certification period to take into account changes which were anticipated at the time of certification, and the household was so notified at the time of certification.

- Benefit Reduction Upon Approval of the Household's RIW/GPA

- Application

  The household jointly applied for RIW/GPA and SNAP benefits and has been receiving SNAP benefits pending the approval of the RIW/GPA grant and was notified at the time of certification that SNAP benefits would be reduced upon approval of the RIW/GPA grant.

- Disqualification for Intentional Program Violation

  A household member is disqualified for intentional program violation, in accordance with Section 1034 or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member. A notice must be sent to a currently participating household prior to a reduction or termination of benefits if a household member is found through a disqualified recipient match to be within the period of disqualification for an intentional program violation penalty determined in another state. The notice requirements for individuals or households affected by intentional program violation disqualifications are explained in Section 1034.

- Expedited Service Approvals with Postponed Verification

  The agency has assigned a longer certification period to a household certified on an expedited basis and the household has received written notice that the receipt of benefits beyond them month of application is contingent on its providing verification which was initially postponed and that the agency may act on the verified information without further notice.

- Conversion from Cash/SNAP Repayment to Benefit Reduction

  Converting a household from cash and/or SNAP repayment to benefit reduction as a result of failure to make agreed-upon repayment, as discussed in Section 1024.

- Resident of Drug/Alcoholic Treatment Center or Group Living Arrangement

  The agency is terminating the eligibility of a resident of a drug or alcoholic treatment center or a group living arrangement if the facility loses either its certification from the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH) or has its status as an authorized representative suspended due to disqualification as a retailer by FNS. However, residents of group living arrangements applying on their own behalf are still eligible to participate.

- Household Request

  The household voluntarily requests, in writing or in the presence of an agency representative, that its participation be terminated. If the household does not provide a written request, the agency must send the household a letter confirming the voluntary withdrawal. Written confirmation not entail the same rights as a notice of adverse action except that the household may request a fair hearing.

- Previous Notification Received Regarding Collection of a Claim

  The agency initiates recoupment of a claim against a household which has previously received a notice of adverse action with respect to such claim.

1018.10.20 *(7 CFR 273.13)* **Continued Benefits Pending Hearing Decision**

If a household requests a hearing and continuation of benefits within the advance adverse notice period, and its certification period has not expired, the household's participation in the program is continued on the basis authorized immediately prior to the notice of adverse action, unless the household specifically waives continuation of benefits. If a hearing request is not made within the period provided by notice of adverse action, benefits are reduced or terminated as provided in the notice. However, if the household establishes that its failure to make the request within the advance notice period was for good cause, the agency representative provides for reinstatement of benefits on the prior basis. When benefits are reduced or terminated due to mass change, participation on the prior basis is reinstated only if the issue being contested is that SNAP eligibility or benefits were improperly computed, or that a federal law or regulation is being misapplied or misinterpreted by the agency representative.

1018.10.20.05 *(7 CFR 273.13)* ***Changes in Benefits Before Hearing Decision***

Once continued or reinstated, benefits are not reduced or terminated prior to the receipt of the official hearing decision unless:

- the certification period expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the agency representative pending the hearing official's decision on the disputed action;

- the hearing official makes a preliminary determination, in writing and at the hearing, that the sole issue is one of federal law or regulation and that the household's claim that the agency improperly computed the benefits or misinterpreted or misapplied such law or regulation is invalid;

- a change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

- a mass change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending.

The agency promptly informs the household, in writing, if benefits are reduced or terminated pending the hearing decision.

1018.15 *(7 CFR 273.14)* RECERTIFICATION

The agency must complete the recertification process if the household meets all requirements and finishes the necessary processing steps, and approve or deny timely applications for recertification prior to the end of the household's current certification period. In addition, any eligible household must be provided an opportunity to participate by its normal issuance cycle in the month following the end of its current certification period.

However, the household loses its right to uninterrupted benefits for failure either to attend any interview scheduled on or after the deadline for timely filing of the application for recertification or to submit all necessary verification within the timeframe established by the agency as long as the timeframe elapses after the deadline for filing a timely application for recertification. Although a household loses its right to uninterrupted benefits for such failures, the household must not be denied at that time, unless it refused to cooperate or the certification period has lapsed. If the household loses its right to uninterrupted benefits due to such failures but is otherwise eligible after correcting such failures, the agency must, at a minimum, provide benefits within thirty (30) days after the date the application was filed. In addition, the agency may, at its option, either provide benefits by the household's next normal issuance date or provide uninterrupted benefits to a household determined eligible despite such failures.

Denials, including those for failure to complete the interview or provide missing verification, must be completed either by the end of the current certification period or within thirty (30) days after the date the application was filed as long as the household has had adequate time for providing the missing verification

The agency must not continue benefits to the household beyond the end of the certification period unless the household has been recertified. The joint processing requirements in Section 1016.30, for RIW and GPA households continue to apply to applications for recertification.

1018.15.05 *(7 CFR 273.14)* Notice of Expiration of Certification

The agency must provide each household with a notice of expiration at the end of its certification prior to the start of the last month of the household's certification period. RIW and GPA households whose applications were jointly processed for SNAP benefits and RIW or GPA benefits in accordance with Section 1016.30 need not receive a notice of expiration if they are recertified for SNAP at the same time as their RIW or GPA redetermination.

1018.15.10 *(7 CFR 273.14)* Receipt of the Notice by the Household

The agency representative does not impose any SNAP reporting requirements on households except as outlined in Section 1018.05.05. Nor does the agency representative treat the submission of the report of change as a waiver of the household's right to a notice of adverse action.

For households comprised entirely of elderly and/or disabled members, the agency representative will send the household a Mid-Certification Reminder Letter on or about the 15th day of the twelfth month of its certification (see Sec. 1012.10.15.30). The letter reminds the household of its

responsibility to report any changes as described in Section 1018.05.05 within ten (10) days and gives the name, office address, and telephone number of the agency representative to contact if such a change occurs.

The agency representative is required to hand a Change Report Form (RIFS-200) to change reporting (CR) households, at both the time of the certification interview, and at the time of the recertification interview. The agency representative is required to mail a form to a change reporting household whenever a Change Report Form is received in the mail from the household. (A change reporting household must be in possession of a Change Report Form at all times.) Although change reporting households should be encouraged to complete and return the Change Report Form when a change is being reported, changes reported over the telephone or in person by the household are acted on in the same manner as those reported on the Change Report Form.

1018.15.15 *(7 CFR 273.14)* **Recertification Interview**

Any household receiving a notice of expiration must participate in any interview scheduled by the agency on or after the date the application is timely filed in order to retain its right to uninterrupted benefits. The agency may schedule the interview prior to the date the application is timely filed, provided the household is not denied at that time for failing to participate in the interview. The agency must schedule the interview on or after the date the application was timely filed if the interview has not been previously scheduled, or the household failed to participate in an interview scheduled prior to that time and has requested another interview. If the household does not avail itself for any interview scheduled in accordance with this section, the agency need not initiate any further action.

1018.15.20 *(7 CFR 273.14)* **Provision of Uninterrupted Benefits**

The agency must act to provide uninterrupted benefits to any household determined eligible after the household has timely filed an application, attended an interview in accordance with the requirements in this section, and submitted all necessary verification. The agency must take action to provide uninterrupted benefits within the following time standards even if, to meet these standards, the agency must provide an opportunity to participate outside the normal issuance cycle.

Households Certified for One Month

Households that were certified for one (1) month or certified for two (2) months in the second month of the certification period and have met all required application procedures are notified of their eligibility or ineligibility and, if eligible, be provided an opportunity to participate no later than thirty (30) calendar days after the date the household had an opportunity to obtain its last allotment.

Households Certified Twelve Months or Longer

For all other households that have met all the required application procedures, the agency must approve or deny the application and notify the household of its determination by the end of the current recertification period. In addition, for households determined eligible, the agency must

provide an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period. Any household not determined eligible in sufficient time to provide for issuance in that timeframe due to a time period allowed for submitting any missing verification must receive an opportunity to participate, if eligible, within five (5) working days after the household supplies the missing verification. A households that has timely submitted an application for recertification or Interim Report Form but, due to agency error, is not determined eligible in sufficient time to provide for issuance by the household's next normal issuance cycle must receive an immediate opportunity to participate upon being determined eligible.

1018.15.25 *(7 CFR 273.14)* **Agency Failure to Act**

Agency failure to provide an opportunity to participate within the timeframes in Sections 1018.05.10.05 and 1018.15 to an eligible household which has filed a timely Interim Report or application for recertification and met all processing steps in a timely manner is considered an administrative error. Such households are entitled to restoration of lost benefits if, as a result of such error, the household was unable to participate for the month following the expiration of the Interim Report timeframes or certification period.

1018.15.30 *(7 CFR 273.14)* **Household Failure to Act**

A household which submits a timely application for recertification and meets all other processing steps in a timely manner has the right to receive uninterrupted benefits.

However, a household which fails to participate in an interview in accordance with the requirements in this section or to submit any missing verification loses its right to uninterrupted benefits as long as such failures occur after the deadline for filing a timely application for recertification. Households which refuse to cooperate in providing required information must be denied.

A household which submits a timely application for recertification but is either interviewed and/or submits all verification in an untimely manner (but before the end of its current certification period) need not be provided uninterrupted benefits. For eligible households under these circumstances, the agency must, at a minimum, provide the household an opportunity to participate within thirty (30) calendar days after the date the application was filed.

Any application not submitted in a timely manner is treated as an application for initial certification, except for an application received within thirty (30) days after the certification period expires. Previously verified unearned income of households need not be verified if the source has not changed and the amount has not changed by more than fifty dollars ($50) or one hundred dollars ($100) for earned income.

Previously verified actual utility expenses that have not changed by more than twenty-five dollars ($25) also do not have to be verified. The agency must ensure that any eligible household that did not submit a timely application for recertification is provided an opportunity to participate within thirty (30) calendar days after the application is filed. If the household's application for

recertification is received after the household's certification period has expired, the household's benefits must be prorated in accordance with Section 1038.35.

A household which received a notice of expiration at the time of certification and that is otherwise eligible must not have benefits for the first month of the new certification period prorated if it files its application for recertification by the filing deadline contained in the notice of expiration.

If the agency is unable to provide an eligible household with an opportunity to participate within thirty (30) calendar days after the date the application was filed due to the time period allowed for submitting any missing verification, the agency must provide the household an opportunity to participate within five (5) working days after the date the household supplies the missing verification.

1020 (7 CFR 273.17) RESTORATION OF LOST BENEFITS

1020.05 *(7 CFR 273.17)* ENTITLEMENT TO RESTORATION OF BENEFITS

Benefits are restored to a household whenever:

- the loss was caused by an agency error; and/or,
- there is a statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits; and/or,
- there is an administrative disqualification for intentional program violation which was subsequently reversed as specified in 1020.25.

Benefits must be restored even if a household is currently ineligible.

Benefits are restored for not more than twelve (12) months prior to whichever of the following occurred first:

- The date the agency receives a request for restoration from a household; or,
- The date the agency is notified or otherwise discovers that a loss to a household has occurred.

The agency must restore to a household benefits which were found by any judicial action to have been wrongfully withheld. If the judicial action is the first action the recipient has taken to obtain restoration of lost benefits, then benefits must be restored for a period of not more than twelve (12) months from the date the court action was initiated.

When the judicial action is a review of the agency action, the benefits must be restored for a period of not more than twelve (12) months from the first of the following dates. The date the agency receives a request for restoration; if no request for restoration is received, the date the fair hearing action was initiated; but, never more than one (1) year from when the agency is notified of, or discovers, the loss.

1020.05.05 *(7 CFR 273.17)* **No Restoration of Benefits**

Benefits are not restored if a household is otherwise at fault.

Examples of errors for which benefits are not restored:

- A household does not report a change which increases benefits;
- A household fails to provide verification without good cause; or,
- A household provides incorrect information caused by household error, which results in loss of benefits.

1020.10 *(7 CFR 273.17)* **ERRORS DISCOVERED BY THE AGENCY**

If the agency representative determines that a loss of benefits has occurred, and a household is entitled to restoration of these benefits, action to restore the benefits must automatically be taken. No action by the household is necessary. However, benefits are not restored if the benefits were lost more than twelve (12) months prior to the month the loss was discovered by the agency in the normal course of business, or were lost more than twelve (12) months prior to the month the agency representative was notified in writing, or orally, of a possible loss to a specific household. The household is notified of its entitlement, the amount of benefits to be restored, any off-setting that was done, the method of restoration, and the right to appeal through the hearing process if the household disagrees with any aspect of the restoration of lost benefits.

1020.15 *(7 CFR 273.17)* **DISPUTED BENEFITS - RIGHT TO A HEARING**

If it is determined that a household is entitled to restoration of lost benefits, but the household does not agree with the amount to be restored as calculated by the agency representative or any other action taken by the agency representative to restore lost benefits, the household may request a hearing within 90 days of the date the household is notified of its entitlement. If a hearing is requested prior to or during the time benefits are being restored, the household receives the lost benefits as determined by the agency representative pending the results of the hearing. If the hearing decision is favorable to the house- hold, the agency representative restores the lost benefits in accordance with that decision.

1020.15.05 *(7 CFR 273.17)* **Time Limits For A Hearing**

If a household believes it is entitled to restoration of lost benefits but the agency representative, after reviewing the case file, does not agree, the household has 90 days from the date of the agency determination to request a hearing. The agency representative restores lost benefits to the household only if the hearing decision is favorable to the household. Benefits lost more than twelve (12) months prior to the date the agency was initially informed of the household's possible entitlement to lost benefits are not restored.

1020.20 *(7 CFR 273.17)* COMPUTING THE AMOUNT TO BE RESTORED

After correcting the loss for future months and excluding those months for which benefits may have been lost prior to the twelve (12) month time limit described in 1020.10, 1020.15 and 1020.15.05, the amount of the restoration is authorized as outlined in this section. A notice is sent documenting how the amount to be restored was calculated and the reason lost benefits were restored.

1020.20.05 *(7 CFR 273.17)* Incorrect Allotment

If the household was eligible, but received an incorrect allotment, the amount to be restored is the difference between the actual and the correct allotment. The loss of benefits is calculated only for those months the household participated.

Delay, Denial or Termination of Benefits

If the loss was caused by an incorrect delay, denial, or termination of benefits, the months affected by the loss must determined as follows:

- If an eligible household's application was delayed, the months for which benefits were lost are determined in accordance with procedures in Section 1012.35 for determining whether the delay was caused by the household or the agency representative.

- If an eligible household's application was erroneously denied, the month the loss initially occurred is the month of application, or for an eligible household filing a timely reapplication, the month following the expiration of its certification period.

- If a household's benefits were erroneously terminated, the month the loss initially occurred is the first month benefits were not received as a result of the erroneous action.

After determining the date the loss initially occurred, the loss is calculated for each month subsequent to that date until either the first month the error is corrected or the first month the household is found ineligible.

1020.20.10 *(7 CFR 273.17)* Determination of Eligibility for Restoration

For each month affected by the loss, the agency representative must determine if the household was actually eligible. In cases which have no information in the household's case file to document that the household was actually eligible, the agency representative advises the household of what information must be provided to determine eligibility for those months. For each month the household cannot provide the necessary information to demonstrate its eligibility, the household is ineligible.

1020.20.15 *(7 CFR 273.17)* **Calculation of Benefits for Restoration**

For the months the household was eligible, the agency representative calculates the allotment the household should have received. If the household received a smaller allotment than it was eligible to receive, the difference between the actual and correct allotments equals the amount to be restored.

1020.20.20 *(7 CFR 273.17)* **Offsetting Claims**

If a claim against a household is unpaid or held in suspense as provided in Section 1024 "Collection of Claims" the amount to be restored must be offset against the amount due on the claim before the balance, if any, is restored to the household. Prior to offsetting a claim, verify with the Collection, Claims and Recoveries (CCR) Unit the correct balance of the claim. When a claim is offset, an AP-154A must be completed and forwarded to the CCR Unit so that the recoupment file can be updated.

Example: A household received $20 allotment for the months of January, February and March when it should have received $40 each month. The agency has a claim of $25 against the household. The amount to be restored is computed as follows:

DATE	ALLOTMENT ELIGIBLE FOR	AMOUNT RECEIVED	DIFFERENCE
JANUARY	$ 40.00	$ 20.00	$ 20.00
FEBRUARY	40.00	20.00	20.00
MARCH	40.00	20.00	20.00

Total	$ 60.00
Amount Offset by Claim	$ 25.00
Amount to be Restored	$ 35.00

At the point in time when the household is certified and receives an initial allotment, the initial allotment must not be reduced to offset prior claims, even if the initial allotment is paid retroactively.

1020.25 *(7 CFR 273.17)* **IPV RESTORATION RESTRICTIONS**

An individual disqualified for an intentional program violation is entitled to restoration of any benefits lost during the months that s/he was disqualified, not to exceed twelve (12) months prior to the date of agency notification, only if the decision which resulted in disqualification is subsequently reversed. For example, an individual would not be entitled to restoration of lost benefits for the period of disqualification based solely on the fact that a criminal conviction could not be obtained, unless the individual successfully challenged the disqualification period imposed by an administrative disqualification in a separate court action.

Calculating Lost Benefits for IPV

For each month the individual was disqualified, not to exceed twelve (12) months prior to agency notification, the amount restored, if any, is determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate.

If the household received a smaller allotment than it should have received, the difference equals the amount to be restored.
Participation in an administrative disqualification hearing in which the household contests the agency assertion of intentional program violation is considered notification that the household is requesting restored benefits.

1020.30 *(7 CFR 273.17)* **METHOD OF RESTORATION**

Regardless of whether a household is currently eligible or in- eligible, the agency representative must restore lost benefits to a household by issuing an allotment equal to the amount of benefits that were lost. This allotment is added to the current EBT account. This amount is in addition to the benefit a currently eligible household is entitled to receive.

1020.35 *(7 CFR 273.17)* **CHANGES IN HOUSEHOLD COMPOSITION**

Whenever lost benefits are due a household in which the household's membership has changed, the agency representative restores the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the agency representative cannot locate or determine the household that contains a majority of household members, the agency representative restores the lost benefits to the household containing the head of the household at the time the loss occurred.

1022 *(7 CFR 273.18)* ***CLAIMS AGAINST HOUSEHOLDS***

1022.03 *(7 CFR 273.18)* **CLAIM DEFINED**

A recipient claim is an amount owed because of:

- Benefits that are overpaid, or
- Benefits that are trafficked. Trafficking is defined as buying or selling of benefit instruments such as EBT cards for cash or consideration other than eligible food.

This claim is a Federal debt subject to rules governing Federal debts. DHS must establish and collect the claim according to the following rules and those located in policy Section 1024.

1022.05 *(7 CFR 273.18)* ESTABLISHING CLAIMS AGAINST HOUSEHOLDS

A claim referral is the identification of a potential overpayment that needs to be investigated and established as a claim by the CCR/Fraud Unit.

There are three (3) types of claims:

1. Intentional Program Violation

Any claim for an overpayment or trafficking resulting from an individual committing an intentional program violation (IPV) as defined in Section 1034.15 when:

- An administrative disqualification hearing official or a court of appropriate jurisdiction has determined that a household member committed an IPV; or
- An individual is disqualified as a result of signing a waiver of her/his disqualification hearing as discussed in Section 1034.30; or
- An individual is disqualified as a result of signing a disqualification consent agreement in a case referred for prosecution as discussed in Section 1034.40.

Prior to the determination of an intentional program violation or the signing of either a waiver of right to a disqualification hearing or a disqualification consent agreement in cases of deferred adjudication, the claim against the household is handled as an inadvertent household error claim.

2. Inadvertent Household Error

An inadvertent household error is any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household. This includes instances when the household unintentionally received benefits, or more benefits than it was entitled to receive, pending a fair hearing decision.

3. Agency Error

An agency error is any claim that for an overpayment caused by the agency's action or failure to take action.

The following individuals are responsible for paying a claim:

- Each person who was an adult member of the household when the overpayment or trafficking occurred;
- A sponsor of an alien household member is the sponsor was at fault; or
- A person connected to the household, such as an authorized representative,

who actually traffics or otherwise causes an overpayment or trafficking.

1022.10 *(7 CFR 273.18)* INADVERTENT HOUSEHOLD/AGENCY ERROR CLAIM

A claim is established against a household for an overissuance which was caused by a misunderstanding or an inadvertent error on the part of the household, including continuation of benefits pending a hearing decision; or is the result of an agency error.

Claims include only those months of overissuance that have occurred within at least twelve (12) prior to the date the agency becomes aware of the overissuance.

1022.10.05 *(7 CFR 273.18)* Inadvertent Household Error Claim

Instances of inadvertent household error which may result in a claim include, but are not limited to, the following:

- The household unintentionally failed to provide the agency with correct or complete information;
- The household unintentionally failed to report to the agency changes in its household circumstances; or
- The household unintentionally received benefits, or more benefits than it was entitled to receive, pending a fair hearing decision because the household requested a continuation of benefits based on the mistaken belief that it was entitled to such benefits.

1022.10.10 *(7 CFR 273.18)* Agency Error Claim

Instances of agency error which may result in a claim include, but are not limited to, the following:

- The agency failed to take prompt action on a change reported by the household;
- The agency incorrectly computed the household's income or deductions, or otherwise assigned an incorrect allotment;
- The agency continued to provide a household SNAP allotments after its certification period had expired without benefit of a reapplication determination; or
- The agency failed to provide a household a reduced level of SNAP benefits because its cash assistance amount changed.

The actual steps for calculating an agency error claim are:

1. Determine the correct amount of benefits for each month that a household received an overpayment.

2. Subtract the correct amount of benefits from the benefits actually received. The result is the amount of the overpayment.
3. Reduce the overpayment amount by any EBT benefits expunged from the household's EBT benefit account. The difference is the amount of the claim.

1022.10.15*(7 CFR 273.18)* **When a Claim Cannot be Established**

Neither an inadvertent household error claim nor an agency error claim is established if the overissuance occurred as a direct result of the agency's failure to ensure that a household fulfilled the procedural requirements of signing the application form or completing a current work registration form.

1022.10.20 *(7 CFR 273.18)* **Determining Initial Month of Overissuance**

In all cases involving inadvertent household error or agency error claims, the first month of overissuance is the month the change would have been effective had it been reported in a timely manner with allowance for the advance notice period. In no instance, however, is the first month of overissuance any later than two (2) months from the month in which the change in household circumstances occurred. The agency representative determines the initial month of overissuance as follows:

Households Subject to Change Reporting Requirements

- Failure to Report Change Within Ten (10) Days

If, due to a misunderstanding on the part of the household, the household failed to report a change in its circumstances within ten (10) days of the date the change became known to the household, the first month affected by the household's failure to report is the first month the change would have been effective had it been reported in a timely manner.

Example:
The household received UI on July 25th but, due to a misunderstanding, did not report to the agency until August 18th. The first month of overissuance would be September (which is the month the change would have been effective).

- Change Reported Timely

When a household reports the change on time, but the agency representative does not act on the change in a timely manner, the first claim month is still the first month the change would have been effective.

Example:
A household reported on May 6th that a change in medical expenses occurred on May 5th. The change should have been made for June 1st but was not made until July 1st. The first month of overissuance was June.

If the Notice of Action was required but not sent, the agency representative assumes, for the

purpose of calculating the claim, that the maximum advance notice period would have expired without the household requesting a hearing.

Example:
A household reported the change on May 25th. After Allowing the ten (10) day advance notice time, the change would have been made for July 1st. July, therefore, is the first month of overissuance if the change was not made.

Benefits Issued Pending Hearing Decision

If a household requests the continuation of benefits pending a fair hearing decision, and receives an overissuance because its position is not sustained by the hearing decision, the first month of overissuance is the month that the change would have been effective had the household not asked for the continuation of benefits.

Example:
A household appeals an action intended for August 1st and subsequently receives a fair hearing decision sustaining the agency. August is the first month of overissuance.

Households Subject to Simplified Reporting Requirements

If the household is a simplified reporting household and the change which resulted in an overissuance of SNAP benefits occurred during the certification period and was not required to be reported, according to the simplified reporting requirements as outlined in section 1018.05.05.03, the overissuance shall be calculated from the date of recertification, which is the time the household was required to report the change.

Example:
A simplified reporting household is granted SNAP benefits in August. A household member begins working in October, within the household's certification period. The additional household income does not exceed 130% of the federal poverty level. If this information is reported at the next recertification in January, there is no overissuance of SNAP benefits as the household was not required to report the income change, according to the guidelines for a simplified reporting household. If the household does not report this income change at the recertification, January is the first month of overissuance.

1022.10.25 *(7 CFR 273.18)* **Amount of the Claim Referral**

The field representative determines the correct amount of SNAP benefits the household should have received for those months the household participated while the overissuance was in effect.

The actual steps for calculating a claim are:

1. Determine the correct amount of benefits for each month that a household received an overpayment. Do NOT apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim.

2. Subtract the correct amount of benefits from the benefits actually received. The result is the amount of the overpayment.
3. Reduce the overpayment amount by any EBT benefits expunged from the household's EBT benefit account. The difference is the amount of the claim.

The agency representative determines that amount for active cases by entering the correct information in the appropriate months in STAT to reflect the actual income, resources, or household circumstances during the period of the overpayment. The agency representative records the circumstances pertaining to the overissuance in the case notes.

The agency representative refers the overpayment to CCR/Fraud and documents the reason for the overpayment, the time period and amount of the overpayment, and enters a reference to the above-mentioned case note entry. The CCR/Fraud Unit then reviews each claim and institutes appropriate collection action. Before initiating collection action, the CCR Unit verifies, as appropriate, that the SNAP benefits were utilized. If the benefits were utilized, collection action is initiated as outlined in Section 1024.

1022.15 *(7 CFR 273.18)* CRITERIA FOR ESTABLISHING AN IPV CLAIM

A claim must be handled as an intentional program violation (IPV) claim only in the following instances:

- An administrative disqualification hearing (ADH) officer has determined that a household member has committed an intentional program violation.
- A court of appropriate jurisdiction has determined that a household member has committed an intentional program violation.
- An individual is disqualified as the result of signing a waiver of right to a disqualification hearing.
- An individual is disqualified as the result of signing a consent agreement in a case referred for prosecution.

Prior to the determination of any of the above, a claim is handled as an inadvertent household error claim.

1022.15.05 *(7 CFR 273.18)* Amount of the IPV Claim Referral

For each month that a household received an overissuance due to an act of intentional program violation, the agency must determine the correct amount of SNAP benefits, if any, the household was entitled to receive. The amount of an intentional program violation claim is calculated back to the month the act of intentional program violation occurred, regardless of the length of time that elapsed until the determination of intentional program violation was made. However, the agency must not include in its calculation any amount of the overissuance which occurred in a month more than six (6) years from the date the overissuance was discovered.

1022.15.10 *(7 CFR 273.18)* **Determining Initial Month of Overissuance**

If the household member is determined to have committed an intentional program violation by failing to report a change in the household's circumstances, the first month affected by the household's failure to report is the first month in which the change would have been effective had it been reported. In no instance, however, is the first month of overissuance any later than two (2) months from the month in which the change in household circumstances occurred.

Example:
The household receives income on July 25th and allegedly does not disclose this information to the agency. The first month of overissuance would, therefore, be September.

1022.15.15 *(7 CFR 273.18)* **Determining the Amount of the IPV Claim**

If the household received a larger allotment than it was entitled to receive, the agency representative must establish a claim against the household equal to the difference between the allotment the household received and the allotment the household should have received. When determining the amount of benefits the household should have received, the agency representative must not apply the twenty percent (20%) earned income deduction to earned income which the household failed to report in a timely manner in accordance with Section 1018.05.05.

1022.17 *(7 CFR 273.18)* **TRAFFICKING-RELATED CLAIMS**

Claims arising from trafficking-related offenses will be the value of the trafficked benefits as determined by:

- The individual's admission;
- Adjudication; or
- The documentation that forms the basis for the trafficking determination.

1022.20 *(7 CFR 273.18)* **OFFSETTING CLAIM PRIOR TO RESTORING BENEFITS**

When calculating the amount of the claim, any amount of underissuance not yet restored in accordance with Section 1020, must be offset against the claim. The agency then institutes collection action for the remaining balance.

When there is any restoration of lost benefits which is used to offset an established claim, the balance of the claim is reduced by the amount of the offset.

1022.25 **RESPONSIBILITY OF THE CCR/FRAUD UNIT**

Upon receipt of an electronic referral of an overpayment of SNAP benefits, the CCR/Fraud Unit representative determines whether the referral is due to agency error, inadvertent household

error, or appears to meet the definition of intentional program violation (IPV). As appropriate, prior to any investigation, the Unit verifies that the benefit was used. The amount of the claim is calculated based on the referral. The date that the agency receives all of the documentation necessary to calculate a claim is known as the discovery date. The discovery date may be prior to or equal to the established date.

Collection action may be postponed on any claim where referral for possible prosecution is being made because collection action will prejudice the case.

Claims

Collection action on an alleged IPV claim may be handled initially as an inadvertent household error claim based on the amount of, and the circumstances relating to, the claim until a determination of an intentional program violation is made at either an administrative disqualification hearing or, where appropriate, through the court.

Upon receipt of the referral and obtaining other evidence of alleged intentional program violation, the Fraud Manager assigns the case for investigation.

Upon completion of the investigation, from the facts presented and/or obtained, a decision is made to reclassify the claim, recommend the case for disqualification, or refer the case for prosecution through the Attorney General's Office.

If disqualification is recommended, an administrative disqualification hearing is initiated by forwarding the recommendation to the Administrative Disqualification Hearing Office for scheduling. (See Section 1034.)

When final disposition of the case is received from the Attorney General's office or the court, the CCR/Fraud Unit sends a copy to the Administrative Disqualification Hearing Office, which in turn informs the agency representative, either through the Regional Manager or Chief Supervisor of such disposition so that appropriate action(s), if indicated, takes place.

1024 *(7 CFR 273.18)* ***COLLECTION OF CLAIMS***

1024.05 *(7 CFR 273.18)* **INTRODUCTION**

All actions pertaining to the collection of outstanding claims in the Supplemental Nutrition Assistance Program (SNAP) are handled by the Collections, Claims and Recoveries/Fraud (CCR/Fraud) Unit of the Department of Human Services.

1024.10 *(7 CFR 273.18)* **CRITERIA FOR COLLECTION ACTION**

The agency must initiate collection action against the household on all inadvertent household or agency error claim referrals unless the claim is collected through offset, or one of the following conditions applies:

- The amount of the claim referral is less than one hundred twenty-five dollars ($125),

and the claim cannot be recovered by reducing the household's allotment. This threshold does NOT apply for overpayments discovered through the quality control system.

- The agency has documentation which shows that the household cannot be located.

The agency may postpone collection action on inadvertent household error claims in cases where an overissuance is being referred for possible prosecution or for administrative disqualification, and the agency determines that collection action may prejudice the case.

1024.15 *(7 CFR 273.18)* **CRITERIA FOR COLLECTION ACTION ON IPV CLAIMS**

If a household member is found to have committed an intentional program violation (by an administrative disqualification hearing official or a court of appropriate jurisdiction), or has signed either a waiver of hearing as discussed in Section 1034.30, or a consent agreement as discussed in Section 1034.40, the agency must initiate collection action against the individual's household. The agency must initiate such collection unless the household has already repaid the overissuance, the agency has documentation which shows the household cannot be located, or the agency determines that collection action may prejudice the case against a household member referred for prosecution.

The agency initiates collection action for an unpaid or partially paid claim even if collection action was previously initiated against the household while the claim was being handled as an inadvertent household error claim.

In cases where a household member was found guilty of misrepresentation of fraud by a court, or signed a disqualification consent agreement in cases referred for prosecution, the agency requests that the matter of restitution be brought before the court or addressed in the agreement reached between the prosecutor and the accused individual.

1024.20 *(7 CFR 273.18)* **INITIATING THE COLLECTION OF CLAIMS**

A written demand letter entitled, "Demand Letter for Overpayment" is mailed or provided to the household by the CCR/Fraud Unit.

The claim is considered established as of the date of the initial demand letter or written notification.

This letter must inform the household of:

- The amount owed;
- The intent to collect from all adults in the household when the overpayment occurred;
- The type (Intentional Program Violation, Inadvertent Household Error, or Agency Error) and reason for the claim;
- The time period associated with the claim;
- How the claim was calculated; and

- The phone number to call for more information about the claim.
- That, if the claim is not paid, it will be sent to other collection agencies who will use various collection methods to collect the claim.
- The opportunity to inspect and copy records related to the claim.
- Unless the amount of the claim was established at a hearing, the opportunity for a hearing on the decision related to the claim. The household has ninety (90) days to request a hearing and is notified of available free legal representation.
- That, if not paid, the claim will be referred to the Federal government for federal collection action.
- That, if the claim become delinquent, the household may be subject to additional processing charges.
- That the CCR/Fraud Unit may reduce any part of the claim if it believes that the household is not able to repay the claim.
- The household can make written agreement to repay the amount of the claim prior to being referred for Federal collection action.
- The due date or time frame to either repay the claim or make arrangements to repay the claim, thirty (30) days from the date of the initial notification or demand letter, unless the CCR/Fraud Unit is able to impose allotment reduction.
- If allotment reduction is to be imposed, the percentage to be used and the effective date.

For all types of claims: agency error, inadvertent household error, and intentional program violation, the household must also be informed: if the household is participating in the program, that it must repay the entire amount of the claim in cash, check, money order, or funds from an EBT benefit account within ten (10) days of the notice. The household must also be informed that if it does not repay the entire balance, its benefits shall be reduced by the appropriate reduction formula listed in Section 1024.35.20. If the household is not participating in the program, it must be informed that it may elect to repay the entire amount of the claim in cash, check, or money order all at once, repay part of the claim, and then repay the rest in weekly or monthly installments.

As outlined above, the household representative checks off which method of repayment s/he has selected, signs the repayment agreement, and mails it back to the CCR/Fraud Unit.

Any household against which the agency has initiated collection action must be informed of its right to request renegotiation of any repayment schedule to which the household has agreed should the household's economic circumstances change.

If the household pays the claim, payment is accepted and submitted to FNS in accordance with the procedures outlined in Section 1024.45.

1024.20.10 *(7 CFR 273.18)* Households That Fail to Respond

If a household against which collection action for repayment of a claim has been initiated is currently participating in the program does not repay the entire overpayment within ten (10) days of the date the notice was mailed, the agency representative in the CCR/Fraud Unit initiates action to notify the household of a reduction in its household SNAP allotment by

automatic allotment reduction. The agency representative in the CCR/Fraud Unit also records this action.

For a non-participating household which does not respond to the demand letter, additional demand letters are sent on a regular basis. Furthermore, billing notices are sent monthly. These letters are sent until the household has responded by paying, or agreeing to pay the claim; until the criteria for suspending collection action, as specified in Section 1024.25 have been met; or until the agency initiates other collection actions.

The agency may also pursue other collection actions, as appropriate, to obtain restitution of a claim against any household which fails to respond to a written demand letter for repayment. If the agency chooses to pursue other collection actions, and the household pays the claim, payments are submitted to FNS, in accordance with the procedures outlined in Section 1024.45. The agency's retention is based on the actual amount collected from the household through such collection actions.

1024.20.15 *(7 CFR 273.18)* Change in Household Composition

The agency must initiate collection action against any or all of the adult members of a household at the time an overissuance occurred. Therefore, if a change in household composition occurs, the agency may pursue collection action against any household which has a member who was an adult member of the household that received the overissuance. The agency may also offset the amount of the claim against restored benefits owed to any household which contains a member who was an adult member of the original household at the time the overissuance occurred.

Under no circumstances may the agency collect more that the amount of the claim. In pursuing claims, the agency may use any of the appropriate methods of collecting payments listed below.

1024.22 *(7 CFR 273.18)* REPAYMENT AGREEMENT

Any repayment agreement for any claim must contain due dates or time frames for the periodic submission of payments. The agreement must specify that the household will be subject to involuntary collection action(s) if payment is not received by the due date and the claim becomes delinquent.

1024.23 *(7 CFR 273.18)* DELINQUENT CLAIMS

A claim must be considered delinquent if:

1. The claim has not been paid by the due date and a satisfactory payment arrangement has not been made; or

2. A payment arrangement has been established and a scheduled payment has not been made by the due date.

The date of delinquency for a claim under number 1. above is the due date on the initial written notification or demand letter. The claim remains delinquent until payment is received in full, a

satisfactory payment agreement is negotiated, or allotment reduction is imposed.

The date of delinquency for a claim under number 2. above is the due date of the missed installment payment. The claim remains delinquent until payment is received in full, allotment reduction is imposed, or if the CCR/Fraud Unit decides to either to resume or re-negotiate the repayment schedule.

A claim is not considered delinquent if another claim for the same household is currently being paid either through installment agreement or allotment reduction and the CCR/Fraud Unit expects to begin collection on the claim once the prior claim(s) is settled. A claim awaiting a hearing decision is not considered delinquent.

If the hearing officer determines that a claim does in fact exist against the household, the household must be re-notified of the claim. (The language of this notice is left up to the state.)

Demand for payment may be combined with hearing decision letter.

Delinquency must be based on the due date of this subsequent notice and not the initial pre-hearing demand letter sent to the household.

If the hearing officer determines that a claim does not exist, the claim is disposed of in accordance with Section 1024.30.

1024.25 *(7 CFR 273.18)* **COMPROMISING CLAIMS**

The CCR/Fraud Unit may compromise a claim or any portion of a claim that if it can be reasonably determined that a household economic circumstances dictate that the claim will not be paid in three (3) years.

The full amount of the claim (including any amount compromised) may be used to offset benefits owed to the household in accordance with Section 1022.20. Any compromised portion of a claim may be reinstated if the claim becomes delinquent.

1024.30 *(7 CFR 273.18)* **TERMINATING AND WRITING-OFF CLAIMS**

A terminated claim is a claim in which all collection action has ceased. A written-off claim is no longer a receivable subject to Federal and state agency collection and reporting requirements.

If a claim is determined to be invalid, the claim must be discharged and reflected as a balance adjustment rather than a termination unless it is appropriate to pursue the overpayment as a different type of claim (e.g., as an IHE rather than an IPV claim).

Claims must be terminated and written off, when:

- All adult household members are deceased;
- The claim balance is twenty-five dollars ($25) or less and the claim has been delinquent for ninety (90) days or more unless other claims exist against this household resulting

in an aggregate claim total of greater than twenty-five dollars ($25);

- It is not cost effective to pursue the claim any further;
- The claim is delinquent for three (3) years or more, unless it is planned to pursue the claim through Treasury's Offset Program; or
- The household cannot be located.

A terminated and written-off claim may be reinstated if a new collection method or a specific event (such as winning the lottery) substantially increases the likelihood of further collection.

1024.35 *(7 CFR 273.18)* **METHODS OF COLLECTING CLAIMS**

The agency may collect payment for claims using one of the following methods.

1. Reducing benefits prior to issuance, including allotment reduction and offsets to restored benefits;
2. Reducing benefits after issuance. These are benefits from electronic benefit transfer (EBT) accounts;
3. Accepting cash or any of its generally accepted equivalents, including checks, money orders, and credit or debit cards; and
4. Participation in the Treasury Offset Programs (TOP).

1024.35.05 *(7 CFR 273.18)* **Lump Sum Repayment**

Any payment for a claim is accepted whether it represents full or partial payment. The payment may be in any of the acceptable formats listed in Section 1024.35.

1024.35.10 *(7 CFR 273.18)* **Installment Repayment**

For non-participating households, the agency accepts installment payments made for a claim as part of a negotiated repayment agreement.

If the household fails to submit a payment in accordance with its repayment agreement, the claim becomes delinquent and is subject to additional collection actions.

1024.35.15 *(7 CFR 273.18)* **SNAP Benefits for Repayment**

SNAP benefits from an EBT account are accepted as partial or full payment of a claim if the household prefers to use this method of repayment.

1024.35.20 *(7 CFR 273.18)* **Reduction in SNAP Allotment**

CCR/Fraud will automatically collect payments for any claim by reducing the amount of monthly benefits that a household receives.

For an IPV claim, the amount reduced is limited to the greater of twenty dollars ($20) or twenty percent (20%) of the household's monthly allotment or entitlement.

For an IHE or AE claim, the amount reduced is limited to the greater of ten dollars ($10) or ten percent (10%) of the household's monthly allotment.

The agency shall not reduce the initial allotment when the household is first certified.

The agency will not use additional collection methods against individuals in a household that is already having its allotment reduced unless the household voluntarily makes additional payments.

1024.35.22 *(7 CFR 273.18)* **Benefits from EBT Accounts**

A household is allowed to pay its claim using benefits from its EBT account. However, the following requirements must be met:

For collecting from active or reactivated EBT accounts, written permission must be obtained in advance; the agreement must include:

A statement that this collection activity is strictly voluntary;
The amount of the payment;
The frequency of the payments, i.e., whether monthly or one-time only;
The duration of the agreement; and
A statement that the household may revoke this agreement at any time.

For collecting from stale EBT benefits, written notification must be mailed or otherwise delivered that CCR/Fraud intends to apply the benefits to the outstanding claim. The household must be given at least ten (10) days to notify the agency that it doesn't want to use these benefits to pay the claim.

For making an adjustment with expunged EBT benefits, the claim must be adjusted by subtracting any expunged amount from the EBT benefit account of which the agency becomes aware.

A collection from an EBT account must be non-settling against the benefit drawdown account.

1024.35.25.05 *(7 CFR 273.18)* ***Treasury Offset Programs (TOP) Participation***

Section 3701 of the Debt Collection Act, as amended by the Debt Improvement Act of 1996, Federal P.L. 104-134, authorizes the U.S. Treasury to collect delinquent claims through what is called Treasury's Offset Programs (TOP).

DHS through the Claims Collection/Fraud Unit will certify claims to Food and Nutrition Service for the purpose of referring delinquent claims for collection by Treasury. In order for this method of collection to be utilized, the CCR/Fraud Unit must determine that the claim is past due and legally enforceable. A claim is considered legally enforceable through the process of the establishment of the claim (see Section 1022 of this Manual).

After reasonable but unsuccessful efforts have been made to collect the claim (described in Section 1024 of this Manual), it is considered past due.

1024.35.25.05.05 *(7 CFR 273.18)* ***Criteria for Claims for TOP Referral***

The claim must meet the following requirements for Treasury Offset Programs (TOP) procedure.

The claim must be:

- an agency error, inadvertent household error, or intentional program violation;
- at least twenty-five dollars ($25) (may be a cumulative amount);
- delinquent for no longer than ten (10) years and no less than one hundred and twenty (120) days unless a debt has been reduced to a final judgment entered by a court ordering the debtor to pay the debt - such debts are not subject to the ten (10) year limit;
- submitted in the name of one individual or must be reduced by any amount submitted as a separate claim for other individuals who are jointly or severally liable for the claim; and
- Not involved in a bankruptcy stay or discharged in bankruptcy.

In addition, the agency must notify the individual of the intended action prior to offset and of her or his appeal rights.

1024.35.25.05.10 *(7 CFR 273.18)* ***TOP Notice Requirements and Appeals***

The CCR/Fraud Unit will notify the individual of its intent to refer a claim to Treasury Offset Programs (TOP) and give the individual ninety (90) days to appeal the intended referral by presenting evidence that all or part of the claim is not past due or legally enforceable. The pre-offset notice shall contain the following information:

A. The amount of the claim;

B. That the individual has been previously notified of the claim and prior collection efforts have been made;

C. That the claim or debt is past due and legally enforceable;

D. The individual's social security number;

E. That the claim is to be referred to TOP unless the claim is paid within thirty (30) days of the date of the letter or makes other repayment agreements acceptable to the CCR/Fraud Unit;

F. Instructions about how to pay the claim, and the name, address, and telephone number of a worker in the CCR/Fraud Unit who can discuss the claim and the

intended intercept with the individual.

G. That the individual has the right to appeal the offset by presenting evidence that all or part of the claim is not past due or legally enforceable. The notice will advise the individual that:

(1) The individual is entitled to appeal the intended referral for offset. The appeal request must be in writing and must be received by CCR/Fraud Unit not later than ninety (90) days after the date of the pre-offset notice.

(2) The written request for an appeal must include evidence or documentation that the claim is not past due or legally enforceable.

(3) An appeal is not considered received until the individual provides such evidence or documentation. (The contact person identified on the notice will discuss questions about presenting evidence with individuals who call to discuss the intended referral for offset.)

(4) The individual must present her/his social security number as identification with the appeal.

The notice must also state that a claim may not be referred for offset where a bankruptcy stay is in effect or if the claim has been discharged in bankruptcy.

Finally, the individual will be informed that s/he may want to contact the IRS in order to protect the refund of spouses not liable for the claim.

CCR/FRAUD UNIT REVIEW OF APPEALS

Any evidence presented by the individual must be considered, and a determination made whether the claim is past due and enforceable. The individual must be notified in writing of the review determination.

If the determination is made that the claim does not meet the requirements for offset, in addition to notifying the individual, appropriate corrective action must be taken.

If DHS decides that the claim meets the requirements for offset, the notice of the review determination of the appeal must state that the agency intends to refer the claim for offset. The decision letter also notifies the individual that s/he may appeal that decision to Food and Nutrition Service (FNS) within thirty (30) days of the date of the notice of the decision. The address of the regional FNS office, including the line "TOP Offset Officer" will be contained in the decision letter. The individual is also advised to include her/his social security number with the appeal.

FNS REVIEW OF APPEALS

When FNS receives a timely appeal, the FNS Field Office will take one of two actions before the date CCR/Fraud Unit is required to certify files to FNS. If time permits, FNS will complete the

review and notify the individual and the CCR/Fraud Unit. If not, FNS will notify CCR/Fraud Unit that it has not completed its review and the claim must be deleted from its final files certified to FNS for intercept. When FNS receives an appeal from a state agency decision, it will request documentation from the CCR/Fraud Unit. FNS will notify the CCR/Fraud Unit and the individual of its review decision.

After FNS review, if a determination is made that the debt is past due and legally enforceable, the individual will be notified and advised by FNS that s/he has the right to pursue other appeals through the courts. If FNS determines that the claim is not past due and legally enforceable, FNS will request that CCR/Fraud Unit take any appropriate corrective action. The CCR/Fraud Unit will take any necessary corrective action and will notify the individual of its action.

1024.40 *(7 CFR 273.18)* SUBMISSION OF PAYMENTS

The agency retains the value of funds collected for inadvertent household error, intentional program violation, or agency error claims. This amount includes the total value of allotment reductions to collect claims, but does not include the value of benefits not issued as a result of a household member being disqualified. The State's letter of credit will be amended on a quarterly basis to reflect the State's retention of twenty percent (20%) of the value of inadvertent household error claims collected and thirty-five percent (35%) of the value of intentional program violation claims collected, as well as full retention by FNS of all agency error overissuance recoveries.

Reporting Payments to FNS

The CCR/Fraud Unit submits on a quarterly basis, Form FNS-209, Status of Claims Against Households, to detail the activities relating to claims against households. This report is due no later than thirty (30) days after the end of each calendar quarter and must be submitted to FNS even if the agency has not collected any payments. In addition to reporting the amount of funds recovered from inadvertent household error and intentional program violation claims each quarter on Form FNS-209, the agency must also report these amounts on other letter of credit documents. In accounting for inadvertent household error and intentional program violation claims collections, the agency must include cash or SNAP benefit repayments and the value of allotments recovered or offset by restoration of lost benefits.

However, the value of benefits not issued during periods of disqualification must not be considered recovered allotments and is not used to offset an intentional program violation claim. In addition, the agency must establish controls to ensure that officials responsible for intentional program violation determinations do not benefit from the State share of recoveries.

Change in Claim Status

The agency may retain any amounts recovered on a claim being handled as an inadvertent household error claim prior to obtaining a determination by an administrative disqualification hearing official or a court of appropriate jurisdiction that intentional program violation was committed, or receiving from an individual either a signed waiver or consent agreement, at the rate applicable to intentional program violation claims, once the determination or signed document is obtained. In such cases, the agency must include a note in an attachment to the quarterly report

form, FNS-209, which shows the additional amounts being retained on amounts already recovered as a result of the change in status of the claim.

Negligence

In cases where FNS has billed the agency for negligence, any amounts collected from households which were caused by the agency's negligence must be credited by FNS. When submitting these payments, the agency includes a note as an attachment to the FNS-209 of this section which shows the amount that should be credited against the State's bill.

1024.40.05 *(7 CFR 273.18)* **Overpayment of a Claim**

If a household has overpaid a claim, the agency must pay the household any amounts overpaid as soon as possible after the overpayment becomes known. The household is paid by whatever method the agency deems appropriate, considering the household's circumstances. Overpaid amounts of a claim which have previously been reported as collected via the FNS-209, and which have been repaid to the household, must be reported in the appropriate column on the FNS-209 for the quarter in which the repayment occurred. The amount of the repayment is subtracted from the total amount collected. The appropriate retention rate is applied to the reduced collection total.

1024.50 *(7 CFR 273.18)* **CLAIMS DISCHARGED THROUGH BANKRUPTCY**

The agency acts on behalf of, and as, FNS in any bankruptcy proceeding against bankrupt households owing SNAP claims.

The agency possesses any rights, priorities, interests, liens or privileges, and participates in any distribution of assets, to the same extent as FNS. Acting as FNS, the agency has the power and authority to file objections to discharge, proofs of claims, exceptions to discharge, petitions for revocation of discharge and any other documents, motions or objections which FNS might have filed. Any amounts collected under this authority must be transmitted to FNS as provided in Section 1024.45.

1024.55 *(7 CFR 273.18)* **ACCOUNTING PROCEDURES**

The agency is responsible for maintaining an accounting system for monitoring claims against households. This accounting system shall consist of both the system of records maintained for individual debtors and the accounts receivable summary data maintained for these debts.

At a minimum, the accounting system must be designed to readily accomplish the following:

- The date of discovery;
- The reason for the claim;
- The calculation of the claim;
- The date the claim was established;
- The methods used to collect the claim;
- The amount and incidence of any claim processing charges;
- The reason for the final disposition of the claim;
- Any collection made on the claim; and

- Any correspondence, including follow-up letters, sent to the household.

At a minimum, the accounting system must also identify the following for each claim:

- Those households whose claims have become delinquent;
- Those situations in which an amount not yet restored to a household can be used to offset a claim owe by the household; and
- Those households with outstanding claims that are applying for benefits.

When required, the accounting system must also produce:

- Accurate and supported outstanding balances and collections for established claims; and
- Summary reports of the funds collected, the amount submitted to FNS, the claims established and terminated, any delinquent claims processing charges, the uncollected balance, and the delinquency of the uncollected debt.

The accounting system must also reconcile summary balances reported to individual supporting records on a periodic basis.

1024.60 *(7 CFR 273.18)* **INTERSTATE CLAIMS COLLECTION**

In cases where a household moves out of the area under the agency's jurisdiction, the agency should initiate or continue collection action against the household for any overissuance to the household which occurred while it was under the agency's jurisdiction. The agency which overissued benefits to the household has the first opportunity to collect any overissuance.

However, if the agency which overissued benefits to the household does not take prompt action to collect, then the agency which administers the area into which the household moves should initiate action to collect the overissuance. Prior to initiating action to collect such overissuance, the agency which administers the area into which the household moves must contact the agency which overissued benefits to ascertain that it does not intend to pursue prompt collection. The State share of any collected claims, as provided in Section 1024.45 is retained by the State agency which collects the overissuance.

1028 PROTECTIVE SERVICES FOR CHILDREN

1028.05 PROTECTIVE SERVICES

The procedures described herein were developed in accordance with applicable Rhode Island State Law and official Department of Human Services (DHS) policy for the provision of protective services to children. Procedures for the following situations are provided:

- Community neglect or abuse complaints received by DHS personnel.

- Potential neglect or abuse situations discovered by DHS personnel.

1028.05.05 R.I. General Laws on Child Abuse and Neglect

In accordance with the following provisions of Rhode Island State Law, in the event of actual or suspected cases of child neglect or abuse, DHS personnel are required to determine the following:

RIGL 40-11-3. Duty to Report - Deprivation of Nutrition or Medical Treatment

Any person who has reasonable cause to know or suspect that any child has been neglected or abused as defined herein, shall, within twenty-four (24) hours, transfer such information to the Department of Children, Youth and Families (DCYF), or its agent, who shall cause the report to be investigated immediately. As a result of such reports and referrals, protective social services shall be made available to such children in an effort to safeguard and enhance the welfare of such children and to provide a means to prevent further neglect or abuse. The said DCYF shall establish and implement a single, statewide, toll- free telephone known to operate twenty-four (24) hours per day, seven (7) days per week, for the receipt of reports concerning child neglect or abuse, which reports shall be electronically recorded and placed in the central registry established by Section 42-72-7. Such electronically recorded records, properly indexed by date and other essential identifying data, shall be maintained for a minimum of three (3) years. The DCYF shall establish rules and regulations requiring hospitals, health-care centers, emergency rooms and other appropriate health facilities to report, on a quarterly basis, information concerning the number of children treated for specific injuries and the number of cases reported by these institutions as suspected child abuse.

Such reporting shall include immediate notification to the DCYF of any instance where parents of an infant has requested deprivation of nutrition that is necessary to sustain life and/or who have requested deprivation of medical or surgical intervention that is necessary to remedy or ameliorate a life- threatening medical condition, if the nutrition or medical or surgical intervention is generally provided to similar nutritional, medical or surgical-conditioned infants, handicapped or non-handicapped.

Nothing in this section shall be interpreted to prevent a child's parents and physician from discontinuing the use of life-support systems or non- palliative treatment for a child who is terminally ill where, in the opinion of the child's physician exercising competent medical judgment, the child has no reasonable chance of recovery from said terminal illness despite every appropriate medical treatment to correct such condition.

RIGL 40-11-3.1 Duty to Report Death of Child Due to Child Neglect or Abuse

Any person required to report under the provisions of this title, who has reasonable cause to know or suspect that a child has died as a result of child neglect or abuse, shall immediately transfer such information to the DCYF or its agent who shall cause such report to be investigated immediately. Upon receipt of such a report, the DCYF or its agent shall immediately transfer such information to the local law enforcement agency or the state police as well as to the office of the medical examiner. The office of the medical examiner shall investigate the report and communicate its preliminary findings, orally within seventy-two (72) hours, and in writing within seven (7) working days to the

appropriate law enforcement agency, to the DCYF and if the person who made such report is an employee or a member of the staff of a hospital, to the hospital.
The office of the medical examiner shall also communicate its final findings and conclusions, with the basis therefore, to the same parties within sixty (60) days.

RIGL 40-11-4 Immunity from Liability

Any person participating in good faith in making a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.

Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from such report.

RIGL 40-11-6.1 Penalty for Failure to Report

Any person, official, physician or institution required by this chapter to report known or suspected child neglect or abuse, or to perform any other act who knowingly fails to do so or who shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred ($500) dollars or imprisonment for not more than one (1) year, or both.

In addition, any person, official, physician or institution who knowingly fails to perform any act required by this chapter, or who knowingly prevents another person from performing a required act shall be civilly liable for the damages proximately caused by such failure.

1028.10 POSSIBLE INDICATIONS OF CHILD NEGLECT/ABUSE

There are many indications that family may be in trouble. Any one of them may not mean anything or may have other explanations. However, if there are a number of them, or if they occur frequently, child neglect or abuse may be suspected. The material presented under this topic is organized into four broad areas: physical abuse, emotional abuse sexual abuse and neglect.

1028.10.05 Physical Abuse

The potential indicators of physical abuse discussed in this section are organized into categories relating to the child's appearance, the child's behavior, and the parent's or caretaker's behavior.

Child's Appearance

- Unusual and/or unexplained bruises, welts, burns, fractures, or bite marks.
- Frequent injuries, always explained as "accidental".
- Injuries which do not coincide with the explanation given.

Child's Behavior

- Reports injury by parents.
- Unpleasant, hard to get along with, demanding, often does not obey.
- Frequently breaks or damages things.

- Alternatively is unusually shy, avoids other people including children; seems too anxious to please; seems too ready to let other people say and do things to him/her without protest.

- Frequently late or absent, or often comes to school much too early; hangs around after school is dismissed.
- Avoids physical contact with others.
- Wears long sleeves or other concealing clothing to hide injuries.
- Child's story of how a physical injury occurred is not believable; it does not seem to fit the type or seriousness of the injury observed.
- Child seems frightened of parents, or shows little or no distress at being separated from parents.
- Child is apt to seek affection from any adult.

Parent's or Caretaker's Behavior

- Uses harsh or inappropriate discipline which does not seem right for the age, condition or "offense" of the child.
- Offers an explanation of child's injury that does not make sense, does not fit the injury, or offers no explanation at all.
- Seems unconcerned about the child.
- Views the child in a negative way - as always bad or evil.
- Misuses alcohol or other drugs.
- Attempts to conceal child's injury or to protect identity of person responsible.

1028.10.10 Emotional Abuse

The potential indicators of emotional abuse discussed in this section are organized into categories relating to the child's appearance, the child's behavior and the parent's or caretaker's behavior.

Child's Appearance

- Signs may be less obvious than in other forms of mistreatment. Behavior is the best indication.

Child's Behavior

- Self-destruction, apathetic, depressed, withdrawn, passive.
- Shows lack of positive self-image.
- Problems in school - either experiencing academic failures, developmental delays or appears hyperactive, "driven."
- Seems overly anxious when faced with new situations or people, or displays a pseudo-maturity inconsistent with age.
- Disorganized, distrustful, or rigidly compulsive.
- Takes on adult rules and responsibilities, including those of a parent.
- Appears autistic, delusional, paranoid, engages in excessive fantasizing.
- Throws tantrums; seems impulsive, defiant, antisocial, aggressive, constantly tests limits.
- Fearful, hyperactive, lack of creativity and exploration.

- Difficulty in making friends and dealing with others, or lack of familiar attachment and excessive peer dependence.
- Is excessively fearful, anxious, prone to nightmares, or is oblivious to hazard and risks.

Parent's or Caretaker's Behavior

- Blames or belittles child.
- Is cold and rejecting; withholds love.

Treats children in the family unequally.

- Does not seem to care much about child's problem.

1028.10.15 Sexual Abuse

Child's Appearance

- Has torn, stained, or bloody underclothing.
- Experiences pain or itching in genital areas.
- Has venereal disease.

Child's Behavior

- Appears withdrawn or engages in fantasy of baby-like behavior.
- Has unusual or excessive interest or knowledge of sexuality.
- Has poor relationships with other children.
- Is unwilling to participate in physical activities.
- Is engaging in delinquent acts or runs away.
- States that s/he has been sexually assaulted by parent or guardian.
- Acts like an adult, not a child.

Parent's or Caretaker's Behavior

- Very protective or jealous of child (especially regarding child's relationship with opposite sex).
- Encourages child to engage in prostitution or sexual acts.
- Excessive interest in the child's sexual development.
- Misuses alcohol or drugs.
- Is frequently absent from home.

1028.10.20 Neglect

The potential indicators of neglect discussed in the section are organized into categories relating to the child's appearance, the child's behavior and the parent's or caretaker's behavior.

Child's Appearance

- Often not clean.
- Comes to school without breakfast, often does not have lunch or lunch money.
- Clothes are dirty, do not fit, or unsuitable for the weather.
- Seems to be alone often, for long periods of time.
- Needs glasses, dental care, or other medical attention.

Child's Behavior

- Often tired, has no energy, lethargic.
- Frequently absent from school.
- Begs or steals food.
- Causes trouble in school; often has not done homework; uses alcohol or drugs, engages in vandalism or sexual misconduct.

Parent's or Caretaker's Behavior

- Misuses alcohol or other drugs.
- Has disorganized, unstable home life.
- Seems not to care about what happens; gives impression of feeling that nothing is going to make much difference anyway.
- Lives very much isolated from friends, relatives, neighbors; does not seem to know how to get along with others.
- Has long-term chronic illnesses.
- Has history of neglect as a child.

1028.15 COORDINATING PROTECTIVE SERVICES WITH DCYF

It is the express purpose of this policy that all suspected cases of neglect or abuse must be referred promptly to the DCYF, and as much pertinent information as possible provided to the Child Abuse and Neglect Tracking System (CANTS) at the DCYF to assist in their investigation. Those cases common to the DCYF and DHS will be serviced in a coordinated fashion. This will be accomplished by:

- Delineating the roles and responsibilities of DHS personnel with regard to neglect or abuse;
- Establishing a simplified process for the handling of neglect or abuse cases; and
- Ensuring a standardized reporting process for all DHS offices.

1028.15.05 Responsibility for Ensuring Compliance

For SNAP, the responsibilities of the Program supervisor are:

- To ensure that each SNAP office follows the established procedures for the prompt disposal

of all neglect or abuse complaints;

- To ensure that appropriate action is taken in all suspected or actual neglect or abuse situations; and

- To ensure that all levels of staff are aware of this policy.

1028.15.10 Processing Complaints of Abuse/Neglect

All complaints, however received (mail, telephone, or in person), must be immediately telephoned to CANTS at the DCYF.

The telephone number of the DCYF Division of Protective Services, CANTS, is: 1-800-RI-CHILD. The DHS staff person (all levels of staff) who receives the complaint will inform the complainant of his/her legal responsibilities, record all the appropriate information, telephone CANTS at DCYF about the complaint, and complete the referral form (DHS-10) to CANTS at the DCYF.

Referral Form DHS-10

The DHS-10 form must be used for referring all neglect or abuse cases to CANTS at the DCYF, and is a three (3) copy NCR type document. The pertinent client data, substance of the complaint, and any appropriate additional information must be completed on the form. Copies of the DHS-10 must be distributed as follows:

- The SNAP record (if not active on SNAP, route to the Program Supervisor; and

- The Program Supervisor; and

- The Call Floor Supervisor, CANTS, 101 Friendship Street, Providence, RI 02903.

1028.15.15 Initiating Complaints of Abuse/Neglect

DHS service workers, eligibility technicians, and/or other personnel, may on occasion have reason to suspect or know neglect or abuse among public assistance recipients and non-public assistance recipients as well. (Example: persons applying for assistance who are denied.) If a client is not on assistance, the DHS staff person telephones the complaint to CANTS (1-800-RI CHILD) and follows up by completing a DHS-10 referral form. One copy is sent to the SNAP Supervisor and the remaining two copies are mailed to CANTS at the DCYF.

If client is receiving assistance the DHS staff person telephones the complaint to CANTS (1-800-RI-CHILD) and follows up by completing a DHS-10 referral form. One copy is sent to the appropriate SNAP Supervisor and the remaining two copies are mailed to CANTS at DCYF. If available, any additional pertinent information must be forwarded to CANTS at the DCYF.

1030 (7 CFR 280.1) SNAP ASSISTANCE IN DISASTERS (D-SNAP)

1030.05 *(7 CFR 280.1)* DISASTER DESIGNATION

The Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Food and Nutrition Act of 2008 as amended provides the authority to establish temporary emergency standards of eligibility for households who are survivors of a disaster that disrupts commercial channels of food distribution after those channels have been restored. During a Presidential or an FNS declared disaster where a quick response is needed to meet sudden heavy demand at the SNAP offices and the on-going program cannot meet the food needs of afflicted households, the approach to be used is emergency SNAP issuance.

The Department of Human Services (DHS) will seek approval for authorization to implement Disaster SNAP (D-SNAP) procedures if, after consultation with officials in the disaster area, it is determined that it is necessary.

Households affected by the disaster are certified by the procedures outlined in this section. FNS will specify the period of authorization which cannot be more than one month. If necessary, the State may apply for extension of the one-month period. Staff is notified that the disaster designation is approved by FNS and is advised of the period of authorization.

If the disaster declaration is not approved by FNS, households may be eligible through the ongoing certification procedures using the unusual expense deduction in Section 1008.20.25.

1030.05.05 Certification Agency

Certification for emergency SNAP assistance is by the local DHS Offices which handle certification for the on-going SNAP in that area.
Certification Points

Normally, certification is handled in the DHS offices but, if necessary, to the extent possible, certification locations convenient to disaster victims should be established. In the event of a Presidential-declared disaster, there will be cooperation with FEMA in establishing certification points in Disaster Assistance Centers.

1030.10 ELIGIBILITY AND CERTIFICATION

D-SNAP provides a full month's allotment to households who may not normally qualify for or participate in SNAP. The allotment for a household is equal to the maximum monthly allotment for the household size provided under regular SNAP. D-SNAP allotments are updated yearly and available on the FNS website.

As part of a D-SNAP, DHS may also automatically or individually supplement the regular SNAP benefits of ongoing households affected by the disaster to bring them up to the maximum

allotment or replace benefits for food that was lost during the disaster.

An “Application for Disaster Supplemental Nutrition Assistance" (D-SNAP Application) has been developed for use in certifications in the event of a disaster. To be eligible for D-SNAP, a household must live in the identified disaster area, have been affected by the disaster, and meet the following D-SNAP eligibility criteria:

Household Composition
Household composition is established as of the date the disaster struck. A household includes those people living together, purchasing and preparing food together at the time of a disaster. D-SNAP household does not include those people with whom applicants are temporarily staying due to the disaster.

Residency
The household must have lived or worked in the disaster area at the time of the disaster.

Purchase Food
The household must plan on purchasing food during the disaster benefit period or have purchased food during that time if the benefit period has passed.

Adverse Effects
The household must have experienced at least one of the following adverse effects in order to be eligible.

- Lost or Inaccessible Income. Lost or inaccessible income includes reduction or termination of income, or a delay in receipt of income during the benefit period due to the disaster.
- Inaccessible Liquid Resources. Inaccessible liquid resources (e.g., banks are closed due to the disaster) during the benefit period.
- Deductible Disaster-related Expenses. Out of pocket disaster-related expenses paid (not only incurred) by the household that are not expected to be reimbursed during the 30-day benefit period. This can include damage to or destruction of the household's home or self-employment business.

Eligibility and Participation in Other FNS Programs
A household is not eligible for D-SNAP if it is already being served by the disaster household distribution of USDA Foods, which is separately authorized under disaster regulations. This disaster household distribution program is distinct from the normally operating Food Distribution on Indian Reservations (FDPIR) and The Emergency Food Assistance Program (TEFAP).

Disaster Gross Income Limit
D-SNAP groups income and resources together under one test. The household's take-home income received (or expected to be received) during the benefit period plus its accessible liquid resources minus disaster-related expenses (unreimbursed disaster related expenses paid or anticipated to be paid out of pocket during the disaster benefit period) shall not exceed the Disaster Gross Income Limit (DGIL). Resources are determined on the first day of the benefit period; anything received during the remainder of the benefit period would be counted as income.

Interview
All D-SNAP applicants must have a face-to-face interview. All interviews must be conducted at the D-SNAP site, except in extraordinary circumstances. As in the regular program, households unable to apply in person may choose to designate an authorized representative to apply on their behalf.

If the household fails to meet the above eligibility requirements, eligibility for SNAP assistance is determined in accordance with ongoing program requirements.

1030.10.05 Procedures for Processing Applications

The agency may accept applications for D-SNAP benefits from new households and requests for supplements from ongoing households only during the application period. FNS generally approves application periods of 7 days, though the agency has the option to operate for fewer days if deemed appropriate. In limited circumstances, FNS may consider State request to extend the application period if it appears that demand for D-SNAP benefits remains high after the initial application period has ended.

Verification rules are eased during a disaster to reduce administrative burdens and to reflect the reality that households and eligibility workers may not have access to usual verification sources. Verification requirements in D-SNAP are three-tiered. Identity must be verified; residency and household composition should be verified where possible, and loss/inaccessibility of income or liquid resources and food loss can be verified if questionable.

1030.10.10 Benefit Period and Issuance

The benefit period approved by FNS for each D-SNAP is 30 days, except in extraordinary circumstances. The benefit period begins on the date of the disaster or the date of any mandatory evacuation preceding the disaster. This date is generally the first day of the “Incident Period” provided by the Presidential Disaster Declaration.

SNAP benefits may be issued to the head of the household, the spouse, or an authorized representative. D-SNAP benefits will be issued on an Electronic Benefits Transfer (EBT) card and will be made available as soon as possible and no later than three (3) calendar days (except in questionable cases in which issuance may be delayed up to seven (7) days) from the date the application was filed.

1030.25 QUALITY CONTROL PROVISIONS

The agency must establish and maintain a quality control system in accordance with FNS instructions. Quality Control is an administrative system for documenting the extent of and reasons for errors in the eligibility and basis of issuance of participating households receiving federally funded SNAP benefits. Based on this documentation, action must be taken to reduce the incidence of these errors below pre-established tolerance limits.

Cases which are receiving federally funded SNAP benefits continue to be subject to review under normal quality control procedures to determine the accuracy of the federal SNAP.

1032 (7 CFR 273.15) FAIR HEARINGS

1032.05 *(7 CFR 273.15)* AVAILABILITY OF HEARINGS

A hearing is provided to any household aggrieved by any action of the agency which affects the participation of the household in the SNAP.

At the time of application, each household is informed in writing of its right to a hearing, of the method by which a hearing may be requested, and that its case may be presented by a household member or a representative, such as a legal counsel, a relative, a friend or other spokesperson. In addition, at any time the household expresses to the agency that it disagrees with an agency action, it is reminded of the right to request a hearing.

The household is also informed of the availability of free legal service through Rhode Island Legal Services. Hearing procedures are published and made available to any interested party.

1032.05.05 *(7 CFR 273.15)* Agency Conference

The household is informed of the following optional agency provisions for hearing its complaint:

- A discussion of the disputed issue(s) can be arranged between the household and the agency representative and the appropriate AP or SNAP supervisor.

- If the household prefers, instead of the supervisory conference or following it, an "Adjustment Conference" may be arranged with either the appropriate Chief Casework Supervisor or the SNAP Chief Casework Supervisor.
  This is an informal hearing in which a household has an opportunity to state its dissatisfaction with the agency action. The agency representative presents the facts upon which the action was based. The chief casework supervisor or SNAP assistant administrator determines whether or not the staff decision was made in accordance with appropriate policy.

- Since the household has a right to request and receive an unconditional hearing, the household can proceed directly to a formal hearing review of its complaint.

1032.05.10 *(7 CFR 273.15)* Consolidated Hearings

The agency, at its discretion, may respond to a series of individual requests for hearings by conducting a single group hearing. Only cases where related issues of State and/or Federal law, regulation, or policy are the issues being raised are heard as consolidated hearings. In all group hearings, the policies governing individual hearings are followed. Each individual household is permitted to present its own case or have the case presented by a representative.

1032.05.15 *(7 CFR 273.15)* **Time Period for Requesting Hearings**

A household is allowed to request a hearing on any action by the agency or loss of benefits which occurred in the prior ninety (90) days. Action by the agency includes a denial of a request for restoration of any benefits lost more than 90 days but less than a year prior to the request. In addition, at any time within the certification period, a household may request a hearing to dispute its current level of benefits.

1032.10 *(7 CFR 273.15)* **TIMELY ACTION ON HEARINGS**

Within sixty (60) days of receipt of a request for a hearing, the appeals officer conducts the hearing, makes a decision, and notifies the household and agency representative of the decision.

A decision which results in an increase in household's benefits is implemented within ten (10) days of the receipt of the hearing decision even if the agency representative must approve a supplemental benefit. Decisions which result in a decrease in household benefits are implemented at the next issuance subsequent to the receipt of the hearing decision.

1032.10.05 *(7 CFR 273.15)* **Household Request for Postponement**

The household may request, and is entitled to receive, a postponement of the scheduled hearing. The postponement should not exceed thirty (30) days and the time limit for action on the decision may be extended for as many days as the hearing is postponed. For example, if a hearing is postponed by the household for ten (10) days, the final action is required within seventy (70) days from the date of the request for the hearing.

1032.15 *(7 CFR 273.15)* **EXPEDITED HEARINGS**

The agency expedites hearing requests from households, such as migrant farmworkers, which plan to move from the jurisdiction of the appeals officer before the hearing decision would normally be reached. Hearing requests from these households are processed faster than others, if necessary, to enable them to receive a decision and a restoration of benefits before they leave the area.

Agency Conference

Agency conferences, as discussed in Section 1032.05.05, must be offered to households who wish to contest a denial of expedited service under the procedures in Section 1016.10. Households are advised that use of an agency conference is optional and that it in no way should delay or replace the hearing process.

The agency conference is held with the appropriate Chief Casework Supervisor or the SNAP Chief Casework Supervisor and must be attended by the agency representative responsible for the agency action and his/her supervisor.

An agency conference may lead to a resolution of the dispute. However, a hearing must still be held unless the household makes a written withdrawal of its request for a hearing.

An agency conference for a household contesting a denial of expedited service must be scheduled within two (2) working days, unless the household requests that it be scheduled later or states that it does not wish to have an agency conference.

1032.20 *(7 CFR 273.15)* SUBMITTAL OF A REQUEST FOR A HEARING

The household is requested to submit its appeal to the appropriate office on a DHS-121 (Request for Hearing) and is provided such assistance as is needed in completing this form.

The agency representative completes Section III of the form setting forth clearly and concisely the policy on which the decision at issue was based. The form is then transmitted to the Hearing Office at Central Office.

When an individual who has submitted a request for a hearing in writing does not submit a DHS-121 within seven (7) days from the date requested to do so, the agency representative must complete the DHS-121 with the exception of Section II, staple the written request to the form and submit it to the Hearing Office.

When the individual sends the DHS-121 directly to Central Office, a copy of the form is sent to the appropriate office for completion of Section III. The DHS-121 must be returned to the Hearing Office within seven (7) days. If the district office determines during this period that the individual does not wish to proceed with the hearing, the Hearing Office must be notified. The individual is requested to put this decision in writing to the Hearing Office.

1032.25 *(7 CFR 273.15)* AGENCY RESPONSIBILITIES ON HEARING REQUESTS

Upon request, the agency representative should make available, without charge, the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing. In addition, the household is informed of its right to inspect the Department's past hearing decisions, which are available at the Hearing Office, 600 New London Avenue, Cranston between the hours of 9:00 a.m. to 11:00 a.m. and 1:00 p.m. to 3:00 p.m., Monday through Friday.

If the individual making the request speaks a language other than English, and the agency provides bilingual staff or interpreters who speak the appropriate language, the agency representative ensures that the hearing procedures are verbally explained in that language. Upon request, the agency representative also assists a household with its hearing request. If the household makes an oral request for a hearing, the agency representative completes the procedures necessary to initiate the hearing process. Households must be advised of legal services available from Rhode Island Legal Services, Inc.

The DHS-121A outlines the agency's hearing rules and is available to any interested party.

1032.25.05 *(7 CFR 273.15)* **Denial/Dismissal of Request for Hearing**

The agency must not deny or dismiss a request for a hearing unless:

- the request is not received within the time period specified in paragraph Section 1032.05.15.;
- the request is withdrawn by the household or its representative; or
- the household or its representative fails, without good cause, to appear at the scheduled hearing.

1032.25.10 *(7 CFR 273.15)* **Continuation of Benefits**

If a household requests, within the period provided by the notice of adverse action, a hearing and continuation of benefits and its certification period has not expired, the household's participation in the SNAP Program is continued on the basis authorized immediately prior to the notice of adverse action unless the household specifically waives continuation of benefits. The form for requesting a hearing contains space for the household to indicate whether or not continued benefits are requested. If the household does not positively indicate that it has waived continuation of benefits, the agency representative must assume that continuation of benefits is desired and the benefits are issued accordingly. If the agency action is upheld by the hearing decision, a claim against the household must be established for any overissuance (see Section 1022.)

If a hearing request is not made within the period provided by the notice of adverse action, benefits are reduced or terminated as provided in the notice. However, if the household establishes that its failure to make the request within the advance notice period was for good cause, the agency representative must reinstate the benefits to the prior basis. When benefits are reduced or terminated due to a mass change, participation on the prior basis is reinstated only if the issue being contested is that SNAP eligibility or benefits were improperly computed or that Federal law or policy has been misapplied or misinterpreted.

1032.25.15 *(7 CFR 273.15)* **Reduction or Termination of Benefits**

Once continued or reinstated, benefits must not be reduced or terminated prior to the receipt of the official hearing decision except for the following reasons.

- Expiration of Certification

  The certification period expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the agency representative.

- Issue of Federal Law, Regulation or Policy

  The appeals officer makes a preliminary determination, in writing and at the hearing, that the

sole issue is one of Federal law, regulation or policy and that the household's claim that the agency improperly computed the benefits or misinterpreted or misapplied such law, regulation or policy is invalid.

- Change in Household Eligibility or Benefit Level

  A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action.

- Mass Change

  A mass change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending.

- Notification of Reduction or Termination

  The agency representative must promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

1032.25.20 *(7 CFR 273.15)* **Notification of the Hearing**

When a completed hearing form is received at Central Office, the Appeals Office schedules the date, time, and place of the hearing. A hearing is generally held at the Providence Regional Office but may be held at other regional or district offices, or in an individual's home when circumstances require.

Official notice of the hearing is sent to all parties involved at least ten (10) days before the scheduled hearing date unless the household requests less advance notice to expedite the scheduling of the hearing.

- The individual is notified by use of a DHS-l2lB Hearing Appointment form with an attached copy of the completed DHS-121. Also enclosed is a form entitled Information about Hearings for Applicants and Recipients of Financial Assistance, SNAP, Medicaid, and Social Services (DHS-l2lA), which explains the purpose of the hearing and the basic procedures followed in conducting it.

  If an individual chooses to have legal representation at the hearing, e.g., be represented by an attorney, paralegal, or legal assistant, the representative must file a written Entry of Appearance with the Hearing Office at or before the hearing. The Entry of Appearance acts as a release of confidential information, allowing the legal representative access to the agency case record. (See DHS Manual Section 0102 regarding confidentiality of information.) The Entry of Appearance is also needed for the Hearing Office to confirm the representation for purposes of follow-up, review, requests for continuances, etc.

- The agency representative whose decision is being appealed receives a copy of the DHS-l2lB and the completed DHS-l2l.

- All participants must be promptly notified if the demands of the agency and/or the convenience of the individual make a postponement or other adjustment in the date, time, and/or place of a hearing necessary.

1032.30 *(7 CFR 273.15)* **THE APPEALS OFFICER**

Hearings are conducted by an impartial designee of the Director of DHS. No person who has participated in the issue under review is eligible to serve as appeals officer.

Powers and Duties of the Appeals Officer

The appeals officer has the following powers and duties:

- Administers oaths or affirmations.
- Ensures that all relevant issues are considered.
- Requests, receives and makes part of the record all evidence determined necessary to decide the issue(s) being heard.
- Regulates the conduct and course of the hearing consistent with due process to ensure an orderly hearing.
- May order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the agency.
- Renders a hearing decision in the name of the agency, in accordance with paragraph IX. which resolves the dispute.

1032.35 *(7 CFR 273.15)* **CONDUCT OF THE HEARING & HOUSEHOLD'S RIGHTS**

The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease.

Attendance at the Hearing

The hearing must be attended by a representative of the agency which initiated the action being contested and by the household and/or its representative. The hearing may also be attended by friends and relatives of the household if the household so chooses. However, the appeals officer has the authority to limit the number of persons in attendance at the hearing if it is determined that space limitations exist.

Examination of Documents

The household or its representative must be given adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the agency representative to establish the household's ineligibility or eligibility and allotment must be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If

requested by the household or its representative, the agency representative must provide free copies of the relevant portions of the case file. Confidential information which is protected from release and other documents or records which the household does not otherwise have an opportunity to contest or challenge must not be presented at the hearing or affect the appeals officer's decision.

The Household's Other Rights

In addition to its right to examine its case records, the household also has the opportunity to:

- Examine the Department's past hearing decisions. These are available for inspection at the Hearing Office, 600 New London Avenue, Cranston between the hours of 9:00 a.m. to 11:00 a.m. and 1:00 p.m. to 3:00 p.m., Monday through Friday. An index of decisions is available to facilitate this examination;

- Present the case itself or have it presented by another person (if it is represented by legal counsel, e.g., be represented by an attorney, paralegal, or legal assistant, the legal representative must file an Entry of Appearance at or before the hearing);

- Bring witnesses;

- Advance arguments without undue interference;

- Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses; and,

- Submit evidence to establish all pertinent facts and circumstances in the case.

1032.40 *(7 CFR 273.15)* **THE HEARING DECISION**

Decisions of the appeals officer must comply with Federal law, regulations or policy and be based on the hearing record. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, constitute the exclusive record for a final decision by the appeals officer. This record must be retained for three (3) years and be available, for inspection and copying, to the household or its representative at any reasonable time.

Effect and Content of the Hearing Decision

A decision by the appeals officer is binding on the agency and should summarize the facts of the case, specify the reasons for the decision, and identify the supporting evidence and the pertinent SNAP regulation or policy. The decision becomes a part of the record.

Judicial Review

The household is notified that it has the right to pursue judicial review of an adverse hearing

decision.

1032.40.05 *(7 CFR 273.15)* Notification of the Hearing Decision

The household and the agency representative are notified in writing of:

- the decision;
- the reasons for the decision in accordance with Section 1032.40.05.;
- the available appeal rights; and,
- that the household's benefits will be issued or terminated as decided by the appeals officer. The notice advises that an appeal request may result in a reversal of the decision.

1032.45 *(7 CFR 273.15)* IMPLEMENTATION OF FINAL AGENCY DECISIONS

The agency is responsible for ensuring that all final hearing decisions are implemented within the time limits specified in Section 1032.10.

When the appeals officer determines that a household has been improperly denied program benefits or has been issued a lesser allotment than was due, lost benefits are provided to the household in accordance with Section 1020.

Benefits to households which are leaving the project area are restored before the departure, whenever possible.

When the appeals officer upholds the agency's action, a claim against the household for any overissuance is prepared in accordance with Section 1022.

1034 (7 CFR 273.16) INTENTIONAL PROGRAM VIOLATIONS

1034.05 *(7 CFR 273.16)* ADMINISTRATIVE RESPONSIBILITY

The Claims, Collections, and Recoveries/Fraud Unit (CCR/Fraud Unit) is responsible for investigating any case of alleged intentional program violation and ensuring that appropriate cases are acted upon, either through administrative disqualification hearings or referral to a court of appropriate jurisdiction, in accordance with the procedures outlined in this section.

Administrative disqualification procedures or referral for prosecution action must be initiated whenever there is sufficient documentary evidence to substantiate that an individual has intentionally committed one or more acts of intentional program violation as defined in Section 1034.15. If the CCR/Fraud Unit does not initiate administrative disqualification procedures or refer for prosecution a case involving an overissuance caused by a suspected act of intentional program violation, an inadvertent household error claim is established against the household in accordance with the procedures in Section 1024.

The CCR/Fraud Unit refers the following situations for administrative disqualification hearings:

- Cases in which the facts do not warrant civil or criminal prosecution through the appropriate court systems;

- Cases previously referred for prosecution that were declined by the appropriate legal authority; and

- Cases which were previously referred for prosecution and where no action was taken within a reasonable period of time, and the referral was formally withdrawn by the unit.

The CCR/Fraud Unit must not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction, if the factual issues of the case arise out of the same, or related, circumstances.
The CCR/Fraud Unit initiates administrative disqualification procedures or refers a case for prosecution regardless of the current eligibility of the individual.

1034.05.05 *(7 CFR 273.16)* **Basis for Administrative Disqualification**

The agency bases administrative disqualifications for intentional program violations on the determinations of hearing authorities arrived at through administrative disqualification hearings, in accordance with criteria specified in Section 1034.15, or on determinations reached by courts of appropriate jurisdiction, in accordance with Section 1034.35. However, the agency has the option of allowing accused individuals to waive their rights to administrative disqualification hearings, in accordance with Section 1034.30. If the above option is selected, the administrative disqualification for intentional program violation is based on the waived right to hearing.

1034.05.10 *(7 CFR 273.16)* **Notification to Applicant Households**

The household is informed, in writing, of the disqualification penalties for committing intentional program violation each time it applies for program benefits. The penalties are written in clear, prominent and boldface lettering on the application form.

1034.10 *(7 CFR 273.16)* **DISQUALIFICATION PENALTIES**

Disqualification penalties shall be imposed as follows:

1. Any member of a household that violates a SNAP rule can be barred from the Supplemental Nutrition Assistance Program for one year to permanently, fined up to $250,000, imprisoned up to twenty (20) years or both. S/he may also be subject to prosecution under other applicable Federal and State laws. S/he may also be barred from the SNAP for an additional eighteen (18) months if court ordered. Individuals found to have committed an intentional program violation, either through an administrative disqualification hearing, or by a Federal, State, or local court, or who have signed a waiver of right to an administrative disqualification hearing shall be ineligible to participate in the program:

- For a period of one (1) year for the first violation, with the exceptions in numbers 2

and 3 below;

- For a period of two (2) years for the second violation, with the exceptions in numbers 2 and 3 below; and,

- Permanently for the third occasion of any intentional program violation.

2. Individuals found by a Federal, State, or local court to have used or received SNAP benefits in a transaction involving the sale of a controlled substance (as defined in section 102 of the Controlled Substances Act) shall be ineligible for SNAP benefits:

   * For a period of two (2) years for the first occasion of such violation; and

   * Permanently upon the second occasion of such violation.

3. Individuals found by a Federal, State, or local court to have used or received SNAP benefits in a transaction involving the sale of firearms, ammunition, or explosives shall be permanently disqualified from the SNAP.

4. Individuals convicted of trafficking SNAP benefits for an aggregate amount of five hundred dollars ($500) or more shall be permanently disqualified from the SNAP upon the first occasion of such violation. Trafficking means:

   (1) The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;
   (2) The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, United States Code, for SNAP benefits;
   (3) Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;
   (4) Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or
   (5) Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food.

5. Individuals found by the Department of having made, or convicted in a Federal or State court of having made, a fraudulent statement or representation with respect to their identity or place of residence in order to receive multiple benefits simultaneously under the Supplemental Nutrition Assistance Program shall be ineligible to participate in the program for a ten (10) year period.

6. Individuals disqualified from the Food Distribution Program on Indian Reservations (FDPIR) for an intentional program violation as described in this Section, have the same disqualification imposed on the member of the household under SNAP. In instances where the disqualification is a reciprocal action based on disqualification from the Food Distribution Program on Indian Reservations, the length of disqualification shall mirror the period prescribed by the Food Distribution Program on Indian Reservations. Dual participation in the Food Distribution Program on Indian Reservations (FDPIR) and SNAP shall not be permitted.

7. Individuals found guilty by a court of law for buying and selling illegal drugs or certain prescription drugs in exchange for SNAP benefits will be prohibited from participating in the SNAP for twenty-four (24) months for the first offense and permanently for the second offense.

   If a court fails to impose a disqualification period for the intentional program violation, the agency must impose the disqualification period penalties specified in this section unless it is contrary to the court order. The agency must disqualify only the individual found to have committed intentional program violation or who signed the waiver of right to an administrative disqualification hearing, and not the entire household. Even though only the individual is disqualified, the household is responsible for making restitution for the amount of the overpayment. All intentional program violation claims shall be established and collected in accordance with Sections 1022 and 1024.

1034.15 *(7 CFR 273.16)* CRITERIA FOR DETERMINING AN IPV

The hearing authority must base the determination of intentional program violation on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit, intentional program violation as defined below:

- Made a false or misleading statement, or misrepresented, concealed or withheld facts; or,
- Committed any act that constitutes a violation of the Food and Nutrition Act of 2008, as amended, 7 U.S.C. 2011- 2036, the Supplemental Nutrition Assistance Program regulations, or any State statute relating to the use, presentation, transfer, acquisition, receipt, or possession of SNAP benefits or EBT cards.

1034.20 *(7 CFR 273.16)* ADMINISTRATIVE DISQUALIFICATION HEARINGS (ADH)

An administrative disqualification hearing (ADH) is initiated by Claims, Collections, and Recoveries/Fraud Unit (CCR/Fraud Unit) whenever there is sufficient documentary evidence to substantiate that an individual has committed one or more intentional program violations as defined in Section 1034.15. Such cases include alleged intentional program violation claims in discretionary amounts not feasible for prosecution plus those in which the agency believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system. Other cases may be those previously referred for prosecution, but for which prosecution was declined by the appropriate legal authority.

The agency may initiate an administrative disqualification hearing regardless of the current eligibility of the individual.

If the individual is not eligible for the program at the time the disqualification period is to begin, the disqualification penalty shall be imposed as if the individual were eligible to participate at the time of the penalty imposition.

The administrative disqualification hearing may be conducted regardless of whether other legal action is planned against the household member.

1034.25 *(7 CFR 273.16)* **ADH PROCEDURES**

Administrative disqualification hearings are held by the Administrative Disqualification Hearing Officer, who is an impartial designee of the Director of the Department of Human Services (DHS). No person who has participated in the issue under review is eligible to serve as a Hearing Officer, and hearings are conducted according to procedures outlined Sections 1034.25.05 through 1034.25.55.

The agency publishes clearly written rules of procedure for disqualification hearings (RIFS-155). These procedures are made available to any interested party.

1034.25.05 *(7 CFR 273.16)* **Powers and Duties of the ADH Officer**

The Hearing Officer has the following powers and duties:

- The Hearing Officer administers oaths or affirmations.
- The Hearing Officer must ensure that all relevant issues are considered.
- The Hearing Officer must request, receive, and make part of the record all evidence determined necessary to decide the issues being raised.
- The Hearing Officer must regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing.
- The Hearing Office may order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the agency.
- The Hearing Officer renders a decision in the name of the agency, in accordance with Section 1034.25.30.

1034.25.10 *(7 CFR 273.16)* **Advance Notice of Hearing**

Upon receipt of the referral from the CCR/Fraud Unit, the time, date, and place of the hearing is set by the Administrative Disqualification Hearing Office.

The agency provides written notice to the household member suspected of intentional program violation at least thirty (30) days in advance of the date a disqualification hearing initiated by the State has been scheduled.

The notice may be mailed by first class mail, certified mail-return receipt requested, or by any other method. If the notice is sent first class mail to the individual's address of record being maintained by the Department and is returned as undeliverable, the hearing may still be held.

In instances in which the individual claims good cause for failure to appear based on a showing of non-receipt of the hearing notice, the individual has thirty (30) days after the date of the written notice of the hearing decision to claim good cause. See Section 1034.25.30.

A copy of the State's published hearing procedures (RIFS-155) must be attached to the thirty (30) day advance notice.

A copy of the State's published form Waiver of Right to Administrative Disqualification Hearing (RIFS-121c) must be enclosed with the Advance Notice of Hearing.

If an individual chooses to have legal representation, e.g., be represented by an attorney, paralegal, or legal assistant, the representative must file a written Entry of Appearance with the Hearing Office at or before the hearing. The Entry of Appearance acts as a release of confidential information, allowing the legal representative access to the agency case record. (See DHS Manual Section 0102 regarding confidentiality of information.) It is also needed for the Hearing Office to confirm the representation for purposes of follow-up, review, requests for continuances, etc.

For all administrative disqualification hearings, ten (10) business days prior to the hearing date, the recipient and the agency must exchange a list of any expert witnesses and exchange expert reports to be presented at the hearing. If the recipient does not intend to utilize an expert witness or expert report at the hearing, s/he does not need to exchange such expert witnesses' names and/or reports.

Failure to include such a witness or document prevents that party from presenting that witness or document at the hearing, unless the hearing officer finds that good cause exists for the failure to produce. If good cause is found to exist, the other party may request a continuance to consider and review the previously undisclosed evidence. If the agency representative receives a request to review the evidence and/or case file before the hearing, a review should be planned by contacting the CCR/Fraud Unit.

An expert witness is defined as a witness who possesses a special knowledge in a subject of a scientific, mechanical, professional, or technical nature; an expert report is a writing of an expert witness.

1034.25.15 *(7 CFR 273.16)* **Conduct of the Hearing/Household's Rights**

The household may not be familiar with the rules of order, and it may be necessary to make particular effort to arrive at the facts of the case in a way that makes the household feel at ease.

The household, or its representative, must be given adequate opportunity to examine all documents and records to be used at the hearing, at a reasonable time before the date of the hearing, as well as during the hearing. The contents of the case file, including the application form and documents of verification used by the agency representative to establish the household's ineligibility, or eligibility and allotment, must be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge, or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the agency representative must provide the relevant portions of the case file. All pertinent evidence and documents pertaining to the disqualification hearing will be available for inspection at the Office of the ADH Officer.

Confidential information that is protected from release, and other documents or records which the household will not otherwise have an opportunity to contest or challenge, must not be presented at the hearing to affect the Hearing Officer's decision.

The Household's Other Rights

At the disqualification hearing, the Hearing Officer must advise the household member, or representative, that they may refuse to answer questions during the hearing. This refusal must, in no way prejudice the Hearing Officer's decision on the issues.

In addition to its right to examine records, the household must also have the opportunity to:

- Present the case itself, or have it presented by a legal counsel or other person;
- Bring witnesses;
- Advance arguments without undue interference;
- Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses; and,
- Submit evidence to establish all pertinent facts and circumstances in the case.

Attendance at the Hearing

The hearing is attended by the representative(s) of the agency which initiated the action being contested and by the household and/or its representative. The hearing may also be attended by friends and relatives of the household if the household so chooses. However, the Hearing Officer has the authority to limit the number of persons in attendance at the hearing if it is determined that space limitations exist.

1034.25.20 *(7 CFR 273.16)* **Hearing Decision**

Decisions of the Administrative Disqualification Hearing Officer must comply with Federal law, regulations, or policy, and must be based on the hearing record. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, constitute the exclusive record for a final decision by the Administrative Disqualification Hearing Officer. This record must be retained for three (3) years and must also be available to the household or its representative for inspection and copying at any reasonable time.

Effect and Content of the Hearing Decision

A decision by the Administrative Disqualification Hearing Officer is binding on the agency and must summarize the facts of the case, specify the reasons for the decision, and identify the supporting evidence and the pertinent FCS regulations or policy. The decision becomes a part of the record.

Judicial Review

The household is notified that it has the right to pursue judicial review of an adverse hearing decision.

1034.25.20.05 *(7 CFR 273.16)* ***Notification of the Hearing Decision***

The household and the agency representative are notified in writing of:

- the decision;
- the reasons for the decision, in accordance with Section 1034.25.20; and
- the available appeal rights.

1034.25.25 *(7 CFR 273.16)* **Time Frame for Conduct of the Hearing**

Within ninety (90) days of the date the household member is notified in writing that a hearing has been scheduled, the agency must conduct the hearing, arrive at a decision, and initiate the administrative action to make the decision effective. The household member, or representative, is entitled to a postponement of the scheduled hearing, provided that the request is made at least ten (10) days in advance of the date of the scheduled hearing. However, the hearing must not be postponed for more than a total of thirty (30) days and the agency may limit the number of postponements to one (1). If the hearing is postponed, the above time limits are extended for as many days as the hearing is postponed.

1034.25.30 *(7 CFR 273.16)* **Failure to Appear at the Hearing**

If the household member, or its representative, cannot be located or fails to appear at the hearing without good cause, the hearing is conducted without the household member represented. Even though the household member is not represented, the Hearing Officer is required to carefully

consider the evidence and determine, based on clear and convincing evidence, if an intentional program violation was committed.

If the household member is found to have committed an intentional program violation, but the Hearing Officer later determines that the household member, or representative, had good cause for not appearing, the previous decision must no longer remain valid and the agency must conduct a new hearing. The hearing official who originally ruled on the case may conduct the new hearing.

In instances in which the individual claims good cause for failure to appear based upon a showing of non-receipt of the hearing notice, the individual has thirty (30) days after the date of the written notice of the hearing decision to claim good cause.

In all other instances, the household member has ten (10) days from the date of the scheduled hearing to present reasons indicating good cause for failure to appear.

The individual shall provide evidence of the non-receipt of the hearing notice to the Administrative Disqualification Hearing Officer for consideration.
The Hearing Officer must enter the good cause decision into the record.

1034.25.35 *(7 CFR 273.16)* **Participation While Awaiting a Hearing**

A pending disqualification hearing must not affect the individual's or the household's right to be certified and to participate in the program. Since the agency cannot disqualify a household member for intentional program violation until the hearing official finds that the individual has committed intentional program violation, the agency representative must determine the eligibility and benefit level of the household in the same manner as it would be determined for any other household. For example, if the misstatement or action for which the household member is suspected of intentional program violation does not affect the household's current circumstances, the household would continue to receive its allotment, based on the latest certification action, or be recertified, based on a new application and its current circumstances.

However, the household's benefits must be discontinued if the certification period has expired and the household, after receiving its notice of expiration, fails to reapply. The agency representative should also reduce or terminate the household's benefits if the agency has documentation which substantiates that the household is eligible, or ineligible, for fewer benefits (even if these facts led to the suspicion of intentional program violation and the resulting disqualification hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing. For example, the agency may have facts which substantiate that a household failed to report a change in its circumstances even though the agency has not yet demonstrated that the failure to report involved an intentional act of program violation.

1034.25.40 *(7 CFR 273.16)* **Imposition of Disqualification Penalties**

If the hearing authority rules that the household member has committed an intentional program violation, the household member must be disqualified in accordance with the disqualification

penalties specified in Section 1034.10, beginning with the first month which follows the date the household receives written notification of the hearing decision. However, if the act of intentional program violation which led to the disqualification occurred prior to notification of the disqualification penalties specified in Section 1034.10, the household member must be disqualified in accordance with the disqualification penalties in effect at the time of the offense. The same act of intentional program violation repeated over a period of time must not be separated so that separate penalties can be imposed.

The determination of intentional program violation made by a disqualification hearing official cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay by a court of appropriate jurisdiction or other injunctive remedy.

Even if the individual is not eligible for the program at the time the disqualification penalty is to begin, the disqualification penalty shall be imposed as if the individual were eligible to participate at the time of the penalty imposition.

Once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification continues uninterrupted until completed, regardless of the eligibility of the disqualified member's household. However, the disqualified member's household continues to be responsible for repayment of the overissuance which resulted from the disqualified member's intentional program violation, regardless of its eligibility for program benefits.

1034.25.45 *(7 CFR 273.16)* **Notification of Hearing Decision**

If the hearing official finds that the household member did not commit an intentional program violation, the agency must provide a written notice informing the household member of the decision.

If the hearing official finds that the household member committed an intentional program violation, the agency must provide written notice to the household member prior to disqualification. The notice informs the household member of the decision and the reason for the decision. In addition, the notice informs the household member of date disqualification will take effect. If the individual is no longer participating, the notice must inform the individual that the period of disqualification will be deferred until such time as the individual again applies for, and is determined eligible, for program benefits.

The agency must also provide written notice to the remaining household member(s), if any, of either the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. The procedures for handling the income and resources of the disqualified member are described in Section 1016.20. A written demand letter for restitution, as described in Section 1024.20, is also provided.

1034.30 *(7 CFR 273.16)* **WAIVER OF ADH**

The agency must allow accused individuals to waive their rights to an administrative disqualification hearing. This is only done when the Claims, Collections, and Recoveries/Fraud

Unit (CCR/Fraud Unit) has determined that evidence exists which warrants the scheduling of an Administrative Disqualification Hearing.

After such a determination has been made, the CCRU/Fraud Unit mails the Waiver of Right to Administrative Disqualification Hearing (Form RIFS-121c) to the household member which notifies the individual of a scheduled appointment at which the individual is offered an opportunity to review all the evidence and any other material relating to the claim.

The written notification, conforming to FNS regulations, informs the household member of the possibility of waiving an administrative disqualification hearing. It must include the following information:

- The date that the signed waiver must be received by the agency to avoid the holding of a hearing;
- A signature block for the accused individual, along with a statement that the head of the household must also sign the waiver if the accused individual is not the head of the household, with an appropriately designated signature block;
- A statement of the accused individual's right to remain silent concerning the charge(s), and that anything said or signed by the individual concerning the charge(s) can be used against her/him in a court of law;
- The fact that a waiver of a disqualification hearing will result in disqualification and a reduction in benefits for the period of disqualification, even if the accused individual does not admit to the facts as presented by the agency;
- An opportunity for the accused individual to specify whether or not s/he admits to the facts as presented by the agency;
- The telephone number and, if possible, the name of the person to contact for additional information; and
- The fact that the remaining household member(s), if any, will be held responsible for repayment of the resulting claim.

If the household member suspected of intentional program violation keeps the appointment and/or signs and returns the waiver of right to an administrative hearing within the time frames specified by the agency, the household member must be notified and disqualified in accordance with the disqualification penalties and procedures specified in Sections 1034.10 and 1034.25.40. If the household member does not sign the waiver within the time frame indicated on the letter, the claim is forwarded to the Administrative Disqualification Hearing Office.

1034.35 *(7 CFR 273.16)* **COURT REFERRALS**

The agency refers for prosecution those cases of alleged intentional program violation which

meet the criteria established by the CCR/Fraud Unit. The agency also encourages state prosecutors to recommend to the court that a disqualification penalty, as provided in Section 1034.10, be imposed, in addition to any other civil or criminal penalties for such violations.

1034.35.05 *(7 CFR 273.16)* **Imposition of Penalties - Court Findings**

The agency must disqualify an individual found guilty of intentional program violation for the length of time specified by the court. If the court fails to impose a disqualification period, the agency must impose a disqualification period in accordance with the provisions in Section 1034.10 unless contrary to the court order. If disqualification is ordered, but a date for initiating the disqualification period is not specified, the agency should initiate the disqualification period for currently eligible individuals within forty-five (45) days of the date the disqualification was ordered. Any other court-imposed disqualification must begin within forty- five (45) days of the date the court found a currently eligible individual guilty of civil or criminal misrepresentation or fraud.

If the individual is not eligible for the program at the time the disqualification period is to begin, the disqualification penalty shall be imposed as if the individual were eligible to participate at the time of the penalty imposition.

Once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification continues uninterrupted until completed, regardless of the eligibility of the disqualified member's household. However, the disqualified member's household continues to be responsible for repayment of the overissuance which resulted from the disqualified member's intentional program violation, regardless of its eligibility for program benefits.

1034.35.10 *(7 CFR 273.16)* **Notification of Disqualification**

If the court finds that the household member committed intentional program violation, the agency must provide written notice to the household member. The notice must be provided prior to disqualification, whenever possible. The notice must inform the household member of the disqualification and the date disqualification will take effect. The agency must also provide written notice to the remaining household member(s), if any, of the allotment they will receive during the period of disqualification, or that they may reapply because the certification period has expired. The procedures for handling the income and resources of the disqualified member are described in Section 1016.20. In addition, the agency must provide the written demand letter for restitution described in Section 1024.20.

1034.40 *(7 CFR 273.16)* **DEFERRED ADJUDICATION**

The agency allows accused individuals to sign disqualification consent agreements for cases of deferred adjudication. This option is used for those cases in which a determination of guilt is not obtained from a court due to the accused individual having met the terms of a court order, or which are not prosecuted due to the accused individual having met the terms of an agreement with the prosecutor.

1034.45 *(7 CFR 273.16)* **REVERSED DISQUALIFICATIONS**

In cases where the determination of intentional program violation is reversed by a court of appropriate jurisdiction, the agency must reinstate the individual in the program if the household is eligible. The agency must restore benefits that were lost as a result of the disqualification, in accordance with the procedures specified in Section 1020.

1036 REPLACEMENT OF FOOD CAUSED BY DISASTER OR HOUSEHOLD MISFORTUNE

1036.25 *(7 CFR 274.6)* REPLACEMENT OF FOOD DESTROYED IN A DISASTER OR HOUSEHOLD MISFORTUNE

In cases in which food purchased with SNAP benefits is destroyed in a disaster or household misfortune affecting a participating household, that household may be eligible for replacement of the actual value of loss, not to exceed one month's SNAP allotment, if the loss is reported within ten (10) days and the household's disaster is verified.

This provision applies in cases of an individual household disaster or misfortune, as well as in natural disasters affecting more than one household. Examples of household misfortune include:

- Extended power outage of 4 hours or more
- A flood
- An equipment failure (refrigerator/freezer)
- Loss of electricity due to failure to pay a utility bill

The household must provide verification of the food loss. Prior to issuing a replacement, the State agency shall obtain a signed statement from a member of the household attesting to the household's loss (the SNAP-55 “Request for Replacement of Food Purchased with SNAP Benefits”). If the SNAP-55 is not received by the agency within 10 days of the date of report, no replacement shall be made. If the 10th day falls on a weekend or holiday, and the statement is received the day after the weekend or holiday, the agency shall consider the statement timely received. It shall attest to the destruction of food purchased with the original issuance and the reason for the replacement. This shall be verified through a collateral contact, documentation from a community agency including, but not limited to, the fire department or the Red Cross, a note from a landlord or the power company attesting to an outage or other event.

A household may not make more than one request for replacement benefits for the same incident of loss. However, there is no limit to the amount of replacement requests a household can make for separate incidents of household misfortune or disaster.

In cases where FNS has issued a disaster declaration and the household is otherwise eligible for emergency SNAP benefits in accordance with Section 1030, the household must not receive both the disaster allotment and a replacement allotment.

Mass Replacements

When there is a wide-spread storm or power outage, the agency may apply for and receive a waiver from the Food and Nutrition Service (FNS) allowing for an automated mass replacement of a

percentage of SNAP benefits for households in designated cities and towns. These designated cities/towns will receive an automatic replacement of a percentage of their SNAP benefits. They are not required to submit a SNAP-55 form, nor are they required to verify their food loss. Replacement benefits will automatically be issued and applied to the household's EBT account. If a household submits a SNAP-55 food replacement request after receiving a mass replacement and requests an amount greater than the replacement benefit amount received, the household is entitled to receive the difference between the requested amount and the amount previously replaced (up to the total monthly SNAP benefit allotment for that month).

1037 ELECTRONIC BENEFIT TRANSFER (EBT) SYSTEM

1037.05 *(7 CFR 274.2)* **DELIVERY OF SNAP BENEFITS**

Electronic Benefit Transfer (EBT) is an electronic system which allows recipients to authorize transfer of their SNAP benefits from an EBT account to a retailer account to pay for food products. EBT SNAP benefits are credited to the recipient's account by 5:00 a.m. on the day of issuance.

Benefits are issued on the first of each month and are accessible beginning at 5:00 a.m. on that date with no weekend or holiday delays. Expedited SNAP benefits are processed within the normal timeframes.

Recipients access their SNAP benefits by using a plastic Rhode Island EBT card and their personal identification number (PIN) at point of sale (POS) terminals which display the QUEST logo.

Electronically, the processor verifies the PIN and the account balance and sends an authorization or denial back to the retailer. If approved, the recipient's account is then debited for the amount of the purchase. No fee is charged when SNAP benefits are accessed at POS terminals and no limit is placed on the number of POS transactions in a month.

The amount of SNAP benefits for which a household is eligible is calculated pursuant to policies set forth in SNAP Manual Sections 1000 through 1083. Disputes regarding the amount of SNAP benefits for which a household is eligible are handled pursuant to policies in DHS Manual Section 0110.

Disputes regarding recipients' EBT SNAP account balances are handled by the Rhode Island Customer Service Line at 1-888-979-9939. The Help Line is open twenty-four (24) hours a day, seven (7) days a week and cardholders can view their SNAP benefit balance and prior transactions online at www.ebtedge.com.

SNAP EBT benefits which are accessed through the use of a RI EBT card and personal identification number (PIN) are not replaced.

It is the responsibility of the recipient or authorized representative to keep the RI EBT card and PIN safe from unauthorized use and to immediately report lost or stolen cards to the Rhode Island Customer Service Line at 1- 888-979-9939. The customer service representative

changes the status of the card from "valid" to "lost" or "stolen" thereby protecting any unused benefits. (See Section 1037.10.05: Lost, Stolen, or Damaged EBT Cards.)

1037.05.10 Conversion of EBT SNAP Benefits

The Department has received a waiver from the Food and Nutrition Service to convert EBT SNAP benefits to cash when a recipient moves out of Rhode Island to a state which has not implemented an EBT system or to an EBT state where the RI EBT card is not valid. EBT SNAP benefits are accessible in all states in the United States. Conversion to a cash authorization is performed through the eligibility system link with the E-FUNDS EDGE EBT system and is completed within three (3) days of the request.

1037.10 *(7 CFR 274.2)* ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

Eligible SNAP households access their EBT SNAP benefits by using a plastic RI EBT card along with a personal identification number (PIN). Recipients who receive both RI Works (RIW) cash benefits and SNAP benefits receive one (1) RI EBT card to access both benefits. However, the benefits are maintained in separate EBT accounts.

An EBT card is issued to the applicant in the SNAP/RIW case. In two-parent families, a card is issued to one parent and another card may be issued to the other parent as an authorized representative. (See Section 1037.10.10, EBT Cards for Authorized Representatives.)

RI EBT cards are issued in all SNAP offices.

1037.10.05 *(7 CFR 274.6)* Lost, Stolen, or Damaged EBT Cards

Cardholders must report lost, stolen, or damaged RI EBT cards to the Rhode Island Customer Service Line at 1-888-979-9939. The Customer Service Representative invalidates the card thereby protecting the unused benefit amounts. If someone uses the card before its status has been changed, the benefits cannot be replaced.

No fee is charged for the replacement of any lost, stolen, or damaged RI EBT card. Cardholders may request a new card by completing a DHS EBT-10 form or contacting a DHS field office. The EBT-10 form can be obtained at any DHS field office or on the DHS web site (www.dhs.ri.gov). Arrival of the card should be within three to five business days.

In certain circumstances, an EBT card may be provided at the local SNAP office. The Social Worker or the Eligibility Technician is responsible for determining the instances when it is necessary to provide an EBT card at the office. Circumstances that are beyond a household member's control and necessitate an in-office issuance of an EBT card include:

- a catastrophe caused by fire, flood, or a severe weather condition.
- lost or stolen mail confirmed by the Postal Service;
- unanticipated household emergency or theft;
- domestic violence situation

- homelessness

Cardholders who request four (4) or more replacement EBT cards within a twelve (12) month period may be referred to the Fraud Unit for investigation of misuse or abuse of the EBT card. Documented violations may result in one or more of the following actions:

- Disqualification from the program;
- Recovery through recoupment/restitution (See Sections 1022 and 1024 for policy relating to establishing and collecting claims against households); and/or
- Referral for criminal prosecution

In all cases, the agency shall act to protect households containing homeless persons, elderly or disabled members, victims of crimes, and other vulnerable persons who may lose electronic benefits transfer cards but are not committing fraud.

1037.10.10 *(7 CFR 274.8)* EBT Cards for Authorized Representatives

An authorized representative is a person given permission by the recipient to conduct SNAP transactions on behalf of the SNAP household. In households with an authorized representative, the recipient receives an EBT card and the authorized representative is issued a separate EBT card and personal identification number (PIN). A request for an RI EBT card for an authorized representative is made on form EBT-12, Request for Authorized Representative/Authorized Payee, and is signed by both the SNAP head of household and the authorized representative. If the same individual is acting as both an authorized payee for the family's RIW cash benefits and as an authorized representative for the household's SNAP benefits, only one (1) EBT card is issued. Recipients may cancel their authorized representative/authorized payee at any time by calling the Rhode Island Customer Service Line at 1-888-979-9939. Customer Service immediately cancels the authorized representative's/ authorized payee's access to the household's benefits. However, recipients retain uninterrupted access to their benefits.

1037.15 PERSONAL IDENTIFICATION NUMBER (PIN)

In order to use an RI EBT card, the cardholder must also use a secret four (4) digit number known as a personal identification number or PIN. The cardholder selects a PIN by calling the Rhode Island Customer Service Line at 1-888-979-9939. For replacement RI EBT cards, the recipient may use the same PIN or select a new number.

Authorized representatives must have their own RI EBT card and their own PIN. (See Section 1037.10.10, EBT Cards for Authorized Representatives.)

When using an RI EBT card, the cardholder is allowed four (4) attempts to enter the correct PIN. On the fifth try, the cardholder is locked out of the EBT system until the next day.

However, the card is not confiscated. Cardholders must call the Rhode Island Customer Service Line at 1-888-979-9939 for assistance.

1037.20 *(7 CFR 274.2)* INACTIVE EBT SNAP BENEFIT ACCOUNTS

When EBT SNAP benefits have not been accessed for one (1) year the EBT SNAP benefits are permanently purged from the EBT system. Prior notice is provided the household of an intended action to permanently purge EBT SNAP benefits.

1037.30 *(7 CFR 274.2)* EBT ADJUSTMENTS

The agency may make adjustments to benefits posted to household accounts after the posting process is complete but prior to the availability date for household access in the event benefits are erroneously posted.

The agency shall make adjustments to an account to correct an auditable, out-of-balance settlement condition that occurs during the redemption process as a result of a system error. A system error is defined as an error resulting from a malfunction at any point in the redemption process: from the system host computer, to the switch, to the third party processors, to a store's host computer or POS device. These adjustments may occur after the availability date and may result in either a debit or credit to the household.

1037.30.05 *(7 CFR 274.2)* Client-Initiated Adjustments

The agency must act on all requests for adjustments made by client households within ninety (90) calendar days of the error transaction. The agency has ten (10) business days from the date the household notifies it of the error to investigate and reach a decision on an adjustment and move funds into the client account. This timeframe also applies if the agency or entity other than the household discovers a system error that requires a credit adjustment to the household. Business days are defined as calendar days other than Saturdays, Sundays, and Federal holidays.

1037.30.10 *(7 CFR 274.2)* Retailer Initiated Adjustments

The agency must act upon all adjustments to debit a household's account no later than ten (10) business days from the date the error occurred, by placing a hold on the adjustment balance in the household's account. If there are insufficient benefits to cover the entire adjustment, a hold shall be placed on any remaining balance that exists, with the difference being subject to availability only in the next future month.

1037.30.10.05 *(7 CFR 274.2)* Notice of EBT Adjustment/Right to a Hearing

The household shall be given, at a minimum, adequate notice. The notice must be sent at the time the initial hold is attempted on the household's current month's remaining balance, clearly state the full adjustment amount, and advise the household that any amount still owed is subject to collection from the household's next future month's benefits.

The household shall have ninety (90) days from the date of the notice to request a fair hearing. Should the household dispute the adjustment and request a hearing within ten (10) days of the notice, a provisional credit must be made to the household's account by releasing the hold on the adjustment balance within forty-eight (48) hours of the request by the household, pending resolution of the fair hearing. If no request for a hearing is made within ten (10) days of the notice, the hold is released on the adjustment balance, and this amount is credited to the retailer's account. If there are insufficient funds available in the current month to cover the full adjustment amount, the hold may be maintained and settled at one time after the next month's benefits become available.

1038 (7 CFR 273.9) SNAP PROGRAM STANDARDS

1038.05 *(7 CFR 273.9)* STANDARD DEDUCTION

Each household is allowed a standard deduction as outlined below:

Household Size	Standard Deduction Amount
1	$157
2	$157
3	$157
4	$168
5	$197
6+	$226

The amounts above are provided annually by Food and Nutrition Services (FNS) and equal 8.31 percent of the Federal poverty level but not more than 8.31 percent of the Federal Poverty Level (FPL) for a household of six (6).

In any case, the standard deduction for a household shall not be less than one hundred fifty seven dollars ($157).

1038.07 *(7 CFR 273.9)* EARNED INCOME DEDUCTION

A household with earned income shall be allowed a deduction of twenty percent (20%) of all earned income to compensate for taxes, other mandatory deductions from salary, and work expenses.

Please note that the term "earned income" does not include any portion of the income earned under a work supplementation or support program that is attributable to public assistance. For the definition of earned income, see Section 1008.15.05.

Exception: the deduction described above shall not be allowed with respect to determining an overissuance due to the failure of a household to report earned income in a timely manner.

1038.10 *(7 CFR 273.9)* MAXIMUM DEPENDENT CARE DEDUCTION

THIS SECTION IS LEFT BLANK FOR FUTURE USE

1038.15 *(7 CFR 273.9)* **MAXIMUM EXCESS SHELTER DEDUCTION**

The maximum excess shelter deduction is five hundred and seventeen dollars ($517.00) per household per month for households incurring shelter costs. The maximum does not apply to households with an individual age sixty (60) and older and/or a disabled household member.

1038.17 *(7 CFR 273.9)* **HOMELESS HOUSEHOLD SHELTER ESTIMATE**

The standard homeless household shelter estimate defined in Section 1008.20.25 is $143 per household per month.

1038.20 *(7 CFR 273.9)* **UTILITY EXPENSES**

There are three methods of calculating utility expenses for households:

- The standard utility allowance which is used only when the household is billed for heating and/or cooling costs on a regular basis or has received or expects to receive a LIHEAA payment at its current address;

- The actual utility expenses, not including heating and/or cooling costs, which the household incurs and pays for separately. These utility amounts are then added to the rent or mortgage payments (including property taxes, insurance and local assessment) to obtain the total shelter expense; and,

- The standard telephone allowance of $22.50, which is used for a household that incurs the expense of a basic service charge for one telephone and is not eligible to use the standard utility allowance.

1038.20.05 *(7 CFR 273.9)* **Standard Utility Allowance**

The SUA is six hundred and five dollars ($605.00) per household per month based on an annualized (twelve-month) average of utility costs.

The standard utility allowance includes the cost of heating and/or cooling, cooking fuel, electricity, or gas not used to heat or cool the residence, the basic service fee for one telephone, water, sewerage and garbage and trash collection, refer to Section 1008.20.25.05.

1038.25 *(7 CFR 273.9)* **GROSS AND NET INCOME ELIGIBILITY STANDARDS**

The gross or net income eligibility standards for the household size are used to determine the household's eligibility according to the characteristics of the household.

Non-Categorically Eligible Households ***(does not apply to households with elderly or disabled members)***

1. Compare the total gross monthly income of the household to the one hundred thirty percent (130%) maximum gross monthly income limit for the appropriate household size in Table I, below;
2. Compare the total net monthly income of the household (after appropriate deductions) to the maximum net monthly income limit for the appropriate household size in Table II, below.

Households Categorically Eligible due to receipt of a TANF-funded Service
If the household's gross income is at or below one hundred and eighty five percent (185%) of the gross income limit, Table IV, the household meets the criteria for categorical eligibility and is not subject to a resource test. The agency calculates the household's total net monthly income and then compares the total net monthly income of the household (after appropriate deductions) to the maximum net monthly income limit for the appropriate household size in Table II below to determine eligibility for SNAP benefits (see Section 1038.40).

Households Containing a Member(s) Who Is Elderly and Disabled, or a Disabled Veteran or Surviving Disabled Spouse/Child(Ren) of a Veteran

a. Same household status *(An elderly or disabled person/spouse is considered a household member)*
   i. Compare the adjusted net monthly SNAP income of the household, computed in accordance with the instructions in Section 1010, to the maximum net monthly income limits for the appropriate household size in Table II, below.
b. Separate household status *(An elderly or disabled person/spouse is not considered a household member)*
   i. Compare the gross monthly income of all other members in the household to the one hundred sixty-five percent (165%) maximum gross monthly income limit for the appropriate household size in Table III, below.

Elderly/Disabled Not Categorically Eligible Due To Receipt of a TANF-Funded Service
1. Compare the total gross monthly income of the household to the two hundred percent (200%) gross monthly income limit for the appropriate household size in Table V, below.
2. If the household's gross income is over two hundred percent (200%) of the gross income limit, Table V, the household does not meet the criteria for categorical eligibility and is subject to a resource test.
3. The agency then compares the total net monthly income of the household (after appropriate deductions) to the maximum net monthly income limit for the appropriate household size in Table II below to determine eligibility for SNAP benefits (see Section 1038.40).

Elderly/Disabled Categorically Eligible Due to Receipt of a TANF-Funded Service
1. If the household's gross income is at or below two hundred percent of the gross income limit, Table V, the household meets the criteria for categorical eligibility and is not subject to a resource test.
2. The agency then compares the total net monthly income of the household (after appropriate deductions) to the maximum net monthly income limit for the appropriate household size in Table II below in order to determine eligibility for SNAP benefits (See

Section 1038.40).

TABLE I - 130% LIMIT - GROSS MONTHLY INCOME LIMIT			
HOUSEHOLD SIZE	MAXIMUM GROSS MONTHLY INCOME	HOUSEHOLD SIZE	MAXIMUM GROSS MONTHLY INCOME
1	$1,287	9	$4,881
2	$1,736	10	$5,332
3	$2,184	11	$5,783
4	$2,633	12	$6,234
5	$3,081	13	$6,685
6	$3,530	14	$7,136
7	$3,980	15	$7,585
8	$4,430	16	$8,039
+For each additional member over 16, add $451.00			

TABLE II - 100% LIMIT - NET MONTHLY INCOME LIMIT			
HOUSEHOLD SIZE	MAXIMUM NET MONTHLY INCOME	HOUSEHOLD SIZE	MAXIMUM NET MONTHLY INCOME
1	$990.00	9	$3,755
2	$1,335	10	$4,102
3	$1,680	11	$4,449
4	$2,025	12	$4,796
5	$2,370	13	$5,143
6	$2,715	14	$5,490
7	$3,061	15	$5,837
8	$3,408	16	$6,184
+For each additional member over 16, add $347.00			

TABLE III - 165% LIMIT - GROSS MONTHLY INCOME LIMIT			
HOUSEHOLD SIZE	MAXIMUM GROSS MONTHLY INCOME	HOUSEHOLD SIZE	MAXIMUM GROSS MONTHLY INCOME
1	$1,634	9	$6,196
2	$2,203	10	$6,768
3	$2,772	11	$7,341
4	$3,342	12	$7,913
5	$3,911	13	$8,486
6	$4,480	14	$9,059
7	$5,051	15	$9,631
8	$5,623	16	$10,204
+For each additional member over 16, add $572.00			

TABLE IV - 185% LIMIT - GROSS MONTHLY INCOME LIMIT			
HOUSEHOLD SIZE	MAXIMUM GROSS MONTHLY INCOME	HOUSEHOLD SIZE	MAXIMUM GROSS MONTHLY INCOME
1	$1,831	9	$6,947
2	$2,469	10	$7,589
3	$3,108	11	$8,231
4	$3,746	12	$8,873
5	$4,385	13	$9,515
6	$5,023	14	$10,157
7	$5,663	15	$10,798
8	$6,305	16	$11,440
+For each additional member over 16, add $642.00			

TABLE V - 200% LIMIT - GROSS MONTHLY INCOME LIMIT			
HOUSEHOLD SIZE	MAXIMUM GROSS MONTHLY INCOME	HOUSEHOLD SIZE	MAXIMUM GROSS MONTHLY INCOME
1	$1,980	9	$7,510
2	$2,670	10	$8,204
3	$3,360	11	$8,898
4	$4,050	12	$9,592
5	$4,740	13	$10,286
6	$5,430	14	$10,980
7	$6,122	15	$11,674
8	$6,816	16	$12,368
+For each additional member over 16, add $694.00			

1038.35 *(7 CFR 273.10)* **PRORATING ALLOTMENTS FOR THE INITIAL MONTH**

The amount of SNAP benefits which a household receives monthly is determined by subtracting thirty percent (30%) of the household's net monthly income from the Maximum SNAP Benefit Allotment amount for the appropriate household size, or by using the Basis of Issuance Tables. Normally, the household receives that full monthly allotment throughout its certification period.

However, during the initial month, the household may only be entitled to a partial allotment. SNAP benefits are reduced in proportion to the number of days from the date of application until the end of the month. In the case of migrant and seasonal farmworker households, the term “initial month” means the first month for which the household is certified for participation in the SNAP following any period of more than one (1) month during which the household was not certified for participation.

For a household that has not previously participated in the Supplemental Nutrition Assistance Program the first month for which benefits are issued is the initial month.

For a household that has participated in the Supplemental Nutrition Assistance Program, the initial month is the first month for which an allotment is issued following a period during

which the household was not certified for participation, provided that the household did not have an application pending.

Whether the household receives the full monthly allotment or a prorated amount, its eligibility and allotment are still determined in the usual way by considering all the income and resources available to the household for the month.

Standard Thirty (30) Day Month

Rhode Island has elected to average months with twenty-eight (28), twenty-nine (29), and thirty-one (31) days and consider that each calendar or fiscal month has a standard thirty (30) days.

1038.35.05 Instructions for Use of the Proration Table

To determine allotments for the initial month using the Supplemental Nutrition Assistance Allotment Proration Table, read down the left column to the appropriate full monthly allotment and across to the date of application.

1038.35.10 *(7 CFR 273.10)* **Instructions for Use of Proration Formula**

Using the standard 30-day calendar or fiscal month, the initial month benefits can also be prorated by using the following formula, keeping in mind that the date of application for someone applying on the 31st of the month is the 30th:

$$\text{full month's benefits} \times \frac{(31 \text{ minus date of application})}{30} = \text{prorated allotment}$$

The sequence for calculation of the formula is: first, subtract the date of application from 31; second, multiply the result of the subtraction by the full monthly allotment; third, divide the product of the multiplication by 30; and fourth, round down, if necessary.

1038.35.15 Use of Multiplication Factors

If a household's monthly allotment is more than $900, the highest number shown in the tables, calculate the prorated amount by multiplying the full monthly allotment by the factor (shown below) appropriate to the application date, and round the product down to the nearest whole dollar if the allotment ends in 1 through 99 cents. If the computation results in an allotment of less than $10, round down to $0. The multiplication factors are:

DATE OF APPLICATION	MULTIPLICATION FACTOR	DATE OF APPLICATION	MULTIPLICATION FACTOR
1	1.0000	16	.5000
2	.9667	17	.4667
3	.9334	18	.4334

4	.9000	19	.4000
5	.8667	20	.3667
6	.8334	21	.3334
7	.8000	22	.3000
8	.7667	23	.2667
9	.7334	24	.2334
10	.7000	25	.2000
11	.6667	26	.1667
12	.6334	27	.1334
13	.6000	28	.1000
14	.5667	29	.0667
15	.5334	30	.0334
		31	.0334

For example, a household applying on August 20 and certified eligible to receive a monthly allotment of $925, would receive an initial month's allotment of $339 ($925 x .3667 = $339.20, which rounds to $339).

1038.35.20 *(7 CFR 273.10)* **Initial Month Rounding and Benefits**

When using the above formula for determining the prorated allotment, round the product down to the nearest lower whole dollar if it ends in 1 through 99 cents. If the computation results in an allotment of less than $10, round it down to $0 and no issuance is made for the initial month.

1038.40 *(7 CFR 273.10)* **CALCULATING SNAP ALLOTMENTS**

The Maximum SNAP Allotments are based on the Thrifty Food Plan as developed by the U.S. Department of Agriculture and are uniform by household size.

Except for eligible households whose benefits are prorated for the initial month, a household's monthly allotment is equal to the Maximum SNAP Allotment for the household's size reduced by 30% of the household's net monthly income as calculated in Section 1010.25.

After multiplying the net income by thirty percent (30%), the product is rounded up to the next whole dollar prior to subtracting that amount from the Maximum SNAP Allotment.

If the calculation of benefits for an initial month would yield an allotment of less than $10 for the household, no benefits shall be issued to the household for the initial month.

Except during an initial month, all eligible one- and two-person households shall receive minimum monthly allotments equal to the minimum benefit. All eligible households with three or more members which are entitled to $1, $3, and $5 allotments shall receive allotments, of $2, $4, and $6, respectively.

For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements and the provision precluding issuances of less than $10 in an initial month of this section), the agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued.

The benefit level may be determined from the basis of issuance table that follows:

Household Size	Maximum SNAP Allotment	Household Size	Maximum SNAP Allotment
1	$194	9	$1,315
2	$357	10	$1,461
3	$511	11	$1,607
4	$649	12	$1,753
5	$771	13	$1,899
6	$925	14	$2,045
7	$1,022	15	$2,191
8	$1,169	16	$2,337
For each additional member over 16, add $146.00.			

1038.40.05 *(7 CFR 273.10)* **Adjustments to the Maximum SNAP Allotments**

Effective October 1, 1996, and each October 1 thereafter, the maximum SNAP allotments must be based on one hundred percent (100%) of the cost of the Thrifty Food Plan for the preceding June, rounded to the nearest lower dollar.

1082 *(7 CFR 273.2)* ***INCOME & ELIGIBILITY VERIFICATION SYSTEM***

1082.05 *(7 CFR 273.2)* **OVERVIEW AND LEGAL BASIS**

The Department of Human Services (DHS) maintains and uses the income and eligibility verification system (IEVS), as specified in this section. By means of the IEVS, DHS requests wage and benefit information from the agencies identified in this paragraph and uses that information to verify eligibility for, and the amount of, SNAP benefits due to eligible households. Such information must be requested and used with respect to all household members, including any excluded household members as specified in Section 1016.20 whenever the Social Security Number (SSN) of such excluded household members are available to the agency. If not otherwise documented, DHS obtains written agreements from these information provider agencies that they not record any information about individual SNAP households and that staff in those agencies are subject to the disclosure restrictions of Section 1000.30. The wage and benefit information and agencies are:

- Information about net earnings from self-employment, wages, and payments of retirement income maintained by the Social Security Administration (SSA), and Federal Retirement, Survivors and Disability Insurance (RSDI), SSI, and related benefit information available from SSA;

- Unearned income information from the IRS; and,

- Claim information from the Department of Labor and Training (DLT) which administers Unemployment Insurance (UI) and any information in addition to information about wages and UI.

DHS will also exchange with state agencies administering certain other programs in the IEVS, information about SNAP households' circumstances which may be of use in establishing or verifying eligibility or benefit amounts under the SNAP and those programs. DHS may exchange such information with agencies in other states when they determine that the same objectives are likely to be met. These programs are:

- Temporary Assistance for Needy Families (TANF);
- Medicaid;
- Unemployment Insurance (UI);
- SNAP; and
- Any state program administered under a plan approved under Title I, X, or XIV (the adult categories) or Title XVI of the Social Security Act.

DHS provides information to persons administering the Child Support Program (Title IV-D of the Social Security Act) and Titles II (Federal Old Age, Survivors, and Disability Insurance Benefits) and XVI (Supplemental Security Income for the Aged, Blind, and Disabled of the Social Security Act).

Prior to requesting or exchanging information with other agencies, DHS must execute data exchange agreements with those agencies. The agreements specify the information to be exchanged and the procedures to be used in the exchange of information. These agreements are part of the agency's Plan of Operation.

These agreements should cover at least the following areas:

- Identification of positions of all agency officials with authority to request wage information;

- Methods and timing of the requests for, and types of, information, including the formats to be used;

- The safeguards limiting release or disclosure as required by Federal or State law or regulations as discussed in Section 1000.30 and as may be required by other guidelines published by the Department of Agriculture; and,

- Reimbursement agreements, as appropriate, including new developmental costs associated with the furnishing of data.

Agreements with DLT, which provides UI data, must specify agency access no less frequently than twice a month for applicants.

1082.05.05 *(7 CFR 273.2)* **Uses of IEVS Data**

The agency must use information obtained by means of the IEVS for the purposes of:

- Verifying a household's eligibility;
- Verifying the proper amount of benefits;
- Investigating to determine whether participating households received benefits to which they were not entitled; and,
- Obtaining information which may be used in conducting criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled.

1082.05.10 *(7 CFR 273.2)* **Forms of Data Requests and Exchanges**

Requests for wage and benefit information and exchanges of eligibility and benefit information with the programs specified in Section 1082.05 must be in the standardized formats established by the Secretary of Health and Human Services (in consultation with the Secretary of Agriculture), required by the DLT and other states, and in the formats prescribed by the Commissioners of SSA and IRS for SSA and IRS requests.

1082.10 *(7 CFR 273.2)* **REQUESTING/USING INFORMATION FOR APPLICANTS**

Information must be requested at the next available opportunity after the date of application even if the applicant household has been determined eligible by that time. Information about members of applicant households who cannot provide SSNs at application must be requested at the next available opportunity after the agency is notified of their SSNs. Information received within the thirty-day application period must be used to determine household eligibility and benefits, if the information is received timely enough so that it can be used for that determination. However, the agency must make eligibility and benefit determinations without waiting for receipt of IEVS data so as to comply with the timeliness standard of Section 1002.65. Information received from a source after an eligibility determination has been made is used as specified in Sections 1082.15 and 1082.20.

Claim and wage information from the DES, SSA and IRS, must be requested and used as specified in Section 1082.05. Requests to DES should access the most recent DES data available. Requests to SSA and IRS should be submitted according to procedures specified by the respective Commissioners of those organizations.

Any information other than wage and UI which the DES may have, and which DHS determines would be useful in verifying eligibility or benefits of applicant households, should be requested by methods and at intervals to which DHS and DES agree and are to be used as specified in Section 1082.05.

Exchanges of information about applicant households with other programs specified in Section 1082.05 must be made as the DHS and the other programs may agree.

1082.15 *(7 CFR 273.2)* **REQUESTING/USING INFORMATION FOR RECIPIENTS**

With respect to all members of recipient households, the agency must:

- Request information about household members from SSA databases at application. Requests are submitted according to procedures specified by the Commissioner of SSA.

- Request information from IRS annually for all current recipients. Requests are submitted to IRS according to procedures specified by the Commissioner of IRS.

- Exchange information with other programs specified Section 1082.05 as the DHS and these programs may agree.

- Request information about Unemployment Insurance (UI) and State Wage information (SWICA) from the DLT for all SNAP recipients.

- Request from the DLT information other than UI information which the agency determines would be useful in verifying eligibility or benefits of recipient households. Requests should be made by methods and at intervals to which DHS and DLT agree.

1082.20 *(7 CFR 273.2)* **ACTION ON RECIPIENT HOUSEHOLDS**

Except as specified below, the agency must initiate and pursue action on information about recipient households which is received from the sources specified in Section 1082.20 so that case action is complete within thirty (30) days of receipt of that information. Case action includes:

- Review of the information and comparison of it to case record information;

- For all new or previously unverified information received, contact with the households and/or collateral contacts to resolve discrepancies as specified in Section 1002.60.10; and

- If discrepancies warrant reducing benefits or terminating eligibility, notices of adverse action. Such adverse action would be effective according to Section 1018.10 or the retrospective budgeting provisions of Section 1026.10.

The agency may complete the actions specified above after the thirty-day period on no more than twenty percent (20%) of the cases for whom information is received from the data sources specified in Section 1082.15 if:

- The only reason that the actions cannot be completed is the non-receipt of requested verification from collateral contacts; and,

- The actions are completed as specified in Section 1018.05.15 when verification from a collateral contact is received or in conjunction with the next case action when such

verification is not received, whichever is earlier.

- When the above actions substantiate an overissuance, the agency must establish and take action on claims as specified in Section 1022.

1082.25 *(7 CFR 273.2)* **HANDLING INFORMATION OBTAINED FROM IEVS**

The electronic eligibility system matches SNAP recipients with the files containing data from DLT, SSA, and the IRS. This is done for all recipients as specified in Section 1082.15 and for all new applicants accepted on the SNAP since the previous file match as specified in Section 1082.10.

Information obtained from these matches creates and/or modifies unearned income screens in affected cases. Field staff must follow up and determine eligibility for and amount of SNAP benefits. Any resulting overissuances must be referred for claims collection in accordance with Section 1022. Reports on the action taken must be data entered on the appropriate screens in the electronic eligibility system.

1082.25.05 *(7 CFR 273.2)* **IEVS Match Timing**

The eligibility system matches its files with DLT and SSA benefit information on a monthly basis. IRS information is matched once a year based on the previous year's tax data. This information should be used to review and verify the eligibility for and amount of SNAP benefits. Any reduction or termination of benefits must be done in accordance with the standards in Section 1018.10.

Establishment of claims for any overissuances must be done in accordance with Section 1022. The review of IEVS information and IEVS Savings recording must be completed no later than thirty (30) days from the date of the match.

1083 *(7 CFR 273.2)* ***SAVE PROGRAM***

1083.05 *(7 CFR 273.2)* **DEFINITION AND LEGAL BASIS**

The Systematic Alien Verification for Entitlements (SAVE) Program is the United States Customs and Immigration Services (USCIS) operated system for the verification of immigration status of non-citizens applying for SNAP benefits.

Section 121 of the Immigration Reform and Control Act (IRCA) of 1986 mandates the verification of immigration status of non-citizens applying for benefits under certain programs and the exchange of income-related information among state and federal assistance programs and the use of that data in determining eligibility for benefits and payment amounts.

The SAVE Program was established to accomplish the above goals beginning in FY 1989, through the following requirements.

- Statement of Citizenship or Immigration Status

Beginning February 1, 1989, applicants for the SNAP must declare in writing that they are United States citizens or nationals, or that they are in "satisfactory immigration status." The DHS/SAV-1 is used for this declaration of citizenship or immigration status.

To be considered in "satisfactory immigration status," an applicant must provide either:

- Alien registration documentation of proof of immigration registration from the USCIS containing the alien's admission or file number; or,
- Such other documents as constitute reasonable evidence of satisfactory immigration status.

1083.05.05 Presumptive Eligibility

An otherwise eligible documented non-citizen applicant is eligible for benefits unless proven otherwise. No eligible documented non-citizen is denied benefits based solely on an automated computer check. Eligibility is revoked only following a secondary verification procedure.

When an applicant or a recipient is an undocumented non-citizen or a non-citizen not in "satisfactory immigration status," the information regarding such applicant/recipient is used only for the administration of the Department's programs.

1083.05.10 Purpose of IRCA of 1986

The Immigration Reform and Control Act of 1986 (IRCA) reflects the resolve of the Congress and the USCIS to control illegal immigration by using employer sanctions and non-citizen verification for certain assistance programs to reduce incentives for non-citizens to come and remain in the United States illegally, and in addition, to provide a significant cost avoidance potential for federally funded programs.

1083.05.15 Legal Requirements for Documentation

U.S.C. 1304, Title B, Section 264, states that non-citizens in the U.S. must always have immigration documentation in their possession.

All non-citizen applicants for SNAP benefits must present original documentation of non-citizen registration of another form of documentation which the agency determines is reasonable evidence of the non-citizen's immigration status. Most non-citizen applicants should present documentation that contains an Alien Registration Number.

This number is commonly referred to as the A-Number. It references the individual's Alien File at USCIS.

The A-Number contains seven or eight numerical digits preceded by the letter "A," such as, A24 786 899. Each A-Number is unique in that it pertains to one person only. Even minors and infants in the U.S. as immigrants are assigned individual A-numbers.

Some USCIS documents do not contain a photograph of the bearer. When a non-citizen presents such documentation, s/he must present an additional identifying document that includes a photograph, such as a driver's license or an employer badge, whenever possible.

Any non-citizen applicant/recipient claiming that his/her documents were lost or stolen must be referred to the USCIS office to request replacement documentation prior to primary or secondary verification procedures.

1083.10 TYPES OF DOCUMENTATION

Immigration documentation includes, but is not limited to, the following forms. Unless specifically indicated, each shows the Alien Registration Number (A-Number) of the bearer. Some forms, as indicated, have expiration dates. These dates must be checked during the application process to insure that the forms are still valid.

1083.10.05 Lawful Permanent Residence

Use the following USCIS forms as evidence to determine whether a non-citizen is a lawful permanent resident or is an individual permanently residing under color of the law:

- Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence. This form is a temporary identification document issued by an USCIS field office pending issuance of an Alien Registration Receipt Card.

- Form AR-3 and AR-3a, Alien Registration Receipt Card. This form was issued between 1941 and 1949 and pertains to a lawful permanent resident.

- Form-151, Alien Registration Receipt Card. This form was issued prior to June, 1978 and remains valid indefinitely.

- Form I-551, Resident Alien Card. This is the current document given to a lawful permanent resident alien and remains valid indefinitely. This form is commonly referred to as a "green card".

  Legal temporary resident (LTR) aliens who become lawful permanent residents will be issued Form I-551 with a registration number in the 90-million series. In addition, the date such non-citizens are granted LTR status is indicated as the fourth line on the reverse of the form. The fourth line will read: "TEMP RES ADJ DATE - MM/DD/YY." Eligibility for SNAP benefits will exist five (5) years from the date that appears on the reverse of the I-551.

- Form I-551, Resident Alien Card (Conditional Resident Alien). This form is issued to a conditional permanent resident, such as a non-citizen spouse of a U.S. citizen. It is the same form as issued to a permanent resident but is valid for a one-to-two-year period. This document has an expiration date.

- Form I-327, Re-Entry Permit. This form is issued to a lawful permanent alien before s/he leaves the U.S. for a one-to-two-year period. This document has an expiration date.

- Form I-94, Arrival-Departure Record. This form is issued by USCIS to non-immigrant non-citizens. It should be attached to an unexpired foreign passport. However, most refugees will not have passports. The Form I-94 may not include an A-Number nor contain a photograph. The document may bear one of the following annotations:

    - Section 207 - Refugee;
    - Section 208 - Asylum;
    - Section 243(h);
    - Cuban-Haitian Entrant; or,
    - Employment Authorized.
    - Form I-94, Arrival-Departure Record-Parole Edition. This form is issued as above. It may contain one of the following annotations:
    - Section 203(a)(7) - Conditional Entry or
    - Section 212(d)(5) - Parolee.

- Form I-571, Refugee Travel Document. This form is issued by INS to non-citizens who are granted refugee status. This document has an expiration date.

1083.10.10 Legal Temporary Residence

An alien admitted for Legal Temporary Residence (LTR) under Section 245 A(a)(1) of the Immigration Reform and Control Act of 1986 should present one of the following forms:

- INS Form I-689, Fee Receipt. This form is issued to an applicant for status under the legalization (amnesty) or Special Agricultural Workers (SAW) programs. It expires on the date of the legalization interview.

- INS Form I-688A, Employment Authorization Card. This form is issued to an applicant for temporary resident alien status after the initial interview for legalization (amnesty) or SAW status. It expires six months from the date of the issuance. The expiration date is on the card.

- INS Form I-688, Temporary Resident Card. This form is issued to an alien granted LTR status under the legalization or SAW programs. It remains valid until the expiration date stated on the card.

1083.15 *(7 CFR 272.11)* VERIFICATION OF DOCUMENTATION

At the time of application, the agency representative makes two photocopies of both sides of all pertinent original immigration documentation presented for each individual family member.

Use the same procedure as above, if the recipient's documents were not verified during the

application process.

The Systematic Alien Verification for Entitlements (SAVE) Program provides two methods to verify an alien applicant's immigration documentation. These are Primary Verification and/or Secondary Verification.

1083.15.05 Primary Verification

The United States Customs and Immigration Services (USCIS) maintains the Alien Status Verification Index (ASVI) data base for participants in the SAVE program. It contains information regarding over 22 million aliens and is used for the initial automated document verification. This automated process is known as primary verification. The Office of Refugee Resettlement (ORR) has been designated the central non-citizen data information and referral office for DHS.

The ORR is located at 57 Howard Avenue, Cranston, RI 02920.

In general, primary verification is initiated for all applicants (and recipients at recertification) except for those non-citizens having certain immigration status or other special circumstances identified in Section 1083.15.10.

The agency representative uses the following procedures for primary verification when an applicant or recipient presents one of the above forms as verifying documentation.

- Makes two photocopies of both sides of all original verifying documentation, which are kept in the case record. The originals are returned to the applicant/recipient.

- Enters the following information on the Primary Document Verification Request, Form DHS/SAV-2:

    - The A-Number for each individual in the applicant's or recipient's filing unit;
    - The last, first, and middle name, for each individual in the applicant's recipient's household;
    - The agency representative's name, E.I.N. number, SNAP office and SNAP office telephone number.
    - Forwards the DHS/SAV-2, attached to an AP-60 transmittal, to the ORR Data Management Officer.

- Retains the completed DHS/SAV-2, containing the Alien Verification Number, in the case record for further reference. No further check is required, unless the ORR Management Officer annotates the DHS/SAV-2 that the ASVI system displayed "Institute Secondary Verification.

1083.15.10 Responsibilities of the ORR

Upon receipt of the DHS/SAV-2 Form, the ORR Data Management Officer will:

- Access ASVI by entering the A-Number(s) into the data bank;
- Interpret the resulting Alien Status Verification Display;
- Annotate the DHS/SAV-2 with the unique Verification Number issued to each alien by the ASVI system.
- Return the Form DHS/SAV-2, to the appropriate supervisor after checking either the "valid" or the "institute secondary verification" response. The supervisor then forwards the DHS/SAV-2 to the agency representative.
- On a weekly basis, forward a list of the names of those aliens whose documents must be processed for secondary verification to the appropriate Regional Manager.

1083.15.15 Secondary Verification

Secondary Verification provides a more extensive validation procedure, including a thorough search of all applicable automated and paper USCIS files, when problems arise during the visual verification of documentation or during the primary check.

A response during the primary verification to institute a secondary verification means that the present classification in the computer data base (ASVI) indicates something other than permanent resident alien status. In some instances, it simply means that the alien's record is quite new.

Secondary verification must be completed:

- Whenever there is a discrepancy between information on ASVI and information presented by the applicant; and
- Prior to the delay, denial, reduction, or termination of a benefit to any alien applicant for reasons of immigration status.

In most circumstances, the agency representative will execute primary verification prior to initiating secondary verification procedures. However, the following circumstances require that secondary verification be initiated immediately:

- When any one of the items presented as documentation appears to be counterfeit or altered;
- When a non-citizen presents unfamiliar USCIS documentation, or a document that indicates immigration status, but does not contain an Alien Registration Number (A-Number);

- When the document contains an A-Number in the A60 000 000 or A70 000 000 series. These number ranges have not yet been issued;

- When the document contains an A-Number in the A80 000 000. This number range is used for illegal border crossings;

- When the document presented is any form of INS receipt;

- When the document presented is a Memorandum of Creation of Record of Lawful Permanent Residence (Form I-181) or an Arrival-Departure Record (Form I-94) attached to a foreign passport that bears the endorsement "Processed for I-551, Temporary Evidence of Lawful Permanent Residence," and that I-181 or I-94 is over one year old.

Additionally, secondary verification should occur after an automated check when ASVI returns a response of "Institute Secondary Verification," or when there is a material discrepancy between an alien's documentation and the record contained in ASVI. The Data Management Officer will inform the agency representative if such a discrepancy exists.

1083.15.20 Secondary Verification Procedures

When the Data Management Officer returns the DHS SAV-2 indicating the necessity for Secondary Verification, the agency representative initiates the following Secondary Verification procedures by completing a Document Verification Request (Form G- 845) for each applicant/recipient. If a family unit is applying or being recertified, each member requires a separate Form
G-845.

It is essential that the form contain enough information to identify the non-citizen, including:

- Alien Registration or I-94 Number: Enter the A-Number as the letter "A" followed by the correct seven or eight digits, or include the Admission Number, if found on the I-94.

- Applicant's Name: Enter the last, first, and middle name of the applicant/recipient. If the documentation indicates more than one variation of the name, enter all versions. In the case of a recent marriage, the alien may not have furnished the new name to INS. In such cases, enter both the maiden and married names.

- Nationality: Enter the foreign nation or country to which the applicant/recipient owes legal allegiance. This is normally, but not always, the country of birth.

- Date of Birth: Enter the birth date using the MM/DD/YY format. If the complete date of birth is not known, enter the available information.

  NOTE: Some cultures record dates as day, month and year using format DD/MM/YY, for example, 010457 is April 1, 1957. Some aliens continue to provide dates in this fashion. For INS purposes, be sure to transpose the numbers and use the MM/DD/YY format.

- Social Security Number: Enter the alien's nine digit Social Security Number, if known. Whenever possible, copy the number directly from the alien's Social Security card.

- Verification Number: Enter the Verification Number assigned by the ASVI query, if available.

- Photocopy of Document Attached/Other Information Attached: Indicate that USCIS documentation is attached by checking the top box. Use the bottom box if other information is included in support or in lieu of INS document.

- Benefit/Case Number: Mark the blocks showing the program(s) for which the alien is applying or being recertified.

- The agency representative includes her/his name, title, telephone number, and the current date. The name and address of the agency must be typed or stamped in the block labeled "From."

- Upon completion of the Form (s) G-845, make one copy of the form(s) and retain in the case record. A photocopy of all applicable pages of each piece of original immigration documentation must be attached to the original G-845. In addition, the attachments should include copies of:

    - Identification bearing a photograph of the applicant/recipient, whenever possible; and
    - Any other pertinent documents submitted by the alien, such as a marriage record or court order.

Copies of all necessary documentation are stapled to the Form(s) G-845 with a single staple in the upper left-hand corner. Enter in the "To" address area:

USCIS
U.S. Post Office and Federal Building, Room 203 Exchange Terrace
Providence, R.I. 02901

The form and documents should then be folded and placed in a window envelope so that the block labelled "To" appears in the address area. More than one Form G-845 may be mailed in a single envelope. However, the INS discourages bulk mailing of the forms.

1083.15.25 INS Responsibilities Regarding the G-845

The Documentation Verification Request, Form G-845, is a self-reply form. Upon receipt of the G-845, the INS Immigration Status Verifier will:

- Research the non-citizen's records in the USCIS files;

- Complete the response portion of the form(s) by checking all appropriate statements on

the lower half and the back of the form(s) to indicate the applicant's/recipient's immigration status and work eligibility; and

- Return both the form(s) and the attached photocopies of the agency representative within fifteen working days of receipt.

1083.15.30 USCIS Responses to the G-845 Request

The agency representative should take special action when one of the following INS responses are checked:

Response #5.

". . .the document appears valid and relates to an alien who has a pending application". This response is checked when an alien is pending a new immigration status or change of immigration status.

Note that legalization (amnesty) and SAW applicants do not acquire a legally defined immigration status until they are granted temporary lawful resident status.
Response #10.

". . .the document appears valid and relates to an alien who is a non-immigrant". This response is checked to indicate an alien who is temporarily in the U.S. for a specific purpose. This category includes students, visitors, and foreign government officials.

Response #4.

". . .the document appears valid and relates to an alien not employment authorized in the U.S." If found eligible for assistance, special consideration must be provided to those individuals who would be mandatory participants in job training or placement programs.

Response #13.

“USCIS is searching indices for further information". This item is checked if USCIS is withholding documentation pending further investigation. This statement does not imply that the applicant/recipient is an illegal non-citizen or the holder of fraudulent documentation.

Benefits should not be denied based on this statement. If the non-citizen is otherwise eligible, s/he should continue to receive benefits until USCIS sends a final notification regarding the alien's immigration status.

Response #14.

"This document is not valid". This response is checked when a document has expired or when an item appears to be counterfeit or altered. The USCIS will use the back of the form to elaborate on this entry.

If there is a delay beyond fifteen working days in the return of the G-845, the agency representative:

- Apprises his/her supervisor of the delay by sending an AP-48 with the record copy of the unreturned G-845 attached. The AP-48 should note the date the original G-845 was sent to the USCIS.

- Contacts USCIS to determine the cause of the delay.

- Cooperates with the USCIS to correct the problem causing the delay.

1083.20 DISCLOSURE OF IVES INFORMATION

The law provides that the use of information concerning an applicant/recipient can be used only for the administration of the Department of Human Services programs. If it is determined that an applicant/recipient is an illegal alien, this information shall not be disclosed to the USCIS.

Information obtained from both primary and secondary verification of non- citizen applicants/recipients shall not be used by USCIS for administrative, noncriminal immigration enforcement purposes. The USCIS will use the information provided by the user agencies only to the extent necessary to verify the immigration status of the individual.

The SAVE program has been implemented in a manner that provides for verification of immigration status without regard to the sex, color, race, religion, or national origin of the individual involved.

1083.25 HISPANIC NAMES

The following instructions should be used when interpreting and recording Spanish language names. They are the guidelines used by USCIS to file and record most Hispanic names. Note that the instructions do not apply to names from other Latin-based languages, such as, Portuguese, French, Italian, or Rumanian.

First Names

Many Spanish first names consist of more than one word, for example, Maria de los Angeles, Maria de la Luz or Marie del Carmen. When written with a prepositional phrase, as in the examples above, the name should be treated as one first name. If the name is not recorded with a prepositional phrase, for example, Maria Luz or Marie Carmen, it should be considered first and middle names.

In recording Spanish names, nicknames should not be used. Many Spanish first names have equivalent nicknames, which are commonly used as first names, for example, Pancho for Francisco or Pepe for Jose. Make sure that the name given and recorded for an applicant or recipient is the name which actually appears on the verifying documentation.

Surnames

Spanish and Latin American persons customarily use the surnames of both parents. This double surname is derived from the first surname of the father and the first surname of the mother.

Neither name is considered a middle name. The surname of the father precedes that of the mother.

The two surnames may be connected by the word "y" which means "and." For example, Juan Gomez y Conde has Juan as a first name, Gomez as the surname of the father, and Conde as the surname of the mother. Some persons may hyphenate the two surnames, such as, Juan Gomez-Conde. For INS and DHS recording purposes, all double last names are listed, with the father's surname followed by the mother's surname. Juan y Conde is recorded as Juan Gomez Conde. In the LAST NAME sections of the USCIS Form G-845 and the DHS/SAV- 2, enter the above named as "Gomez Conde".

The preposition "de" with articles "el," "la," "los," or "las," appear in many surnames, for example, the signature of an applicant/recipient may be written as Jose de la Torre Munoz.

However, the INS ASVI indexing system ignores prepositions which precede the first surname. Therefore, in the LAST NAME sections of the USCIS form G-845 and the DHS/SAV-2, enter the above name as "Torre Munoz", and record the FIRST NAME as "Jose de la".
The possibility of error when verifying a particular case will diminish if consistency in the USCIS and the DHS filing systems is maintained. A problematic discrepancy could occur should it become necessary to retrieve case information. For example, if the above rule is not followed, the case name may be filed with the "D"s as, de la Torre Munoz, rather than with the "T"s for Torre Munoz.

Married Name for Women

When a Hispanic woman marries, she commonly drops the surname of her mother and adds the first surname of her husband, preceded by the preposition "de." This indicates she is the "wife of" that man. Maria Gomez Garcia, when married to Juan Martinez Ramirez, would become Maria Gomez de Martinez. Her name will be recorded in the USCIS ASVI indexing system as Gomez de Martinez, Maria.

1083.30 ASIAN NAMES

In Asian cultures, the surname usually is written before the given name. Hence, many new immigrants provide first and last name in reverse order, and the names are transposed in USCIS files.

1083.35 SUMMARY OF VERIFICATION REQUIREMENTS

	Initiate Primary	Initiate Secondary
Valid-appearing I-551, I-151, AR-3A, I-688, I-327, or I-571 with an A-Number between A0 000 001 and A59 999 999	X	
Counterfeit-appearing or altered document		X
No A-Number on document		X
A-Number in A60 000 000, A70 000 000, or A80 000 000 series		X
I-688, I-688A or I-689 (Requires Consent of Disclosure if secondary verification is necessary)	X	
I-181, or I-94 in a foreign passport that bears the endorsement "Temporary Evidence of Lawful Admission for Permanent Residence," processed over one year ago		X
Any USCIS receipt		X
Other I-181, or endorsed I-94 on a foreign passport	X	