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**IDAPA 16
TITLE 03
Chapter 04**

16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

000. LEGAL AUTHORITY.

The Idaho Legislature has granted the Department of Health and Welfare authority to enter into contracts and agreements with the Federal government to carry out the purposes of any Federal acts pertaining to public assistance or welfare services. The Department of Health and Welfare has authority to make rules governing the administration and management of the Department's business, pursuant to Sections 56-203 and 39-106(1)(a), Idaho Code. (6-1-94)

001. TITLE, SCOPE, AND PURPOSE.

These rules contain the requirements for application and eligibility for the Food Stamp Program, administered in Idaho by the Department of Health and Welfare for the United States Department of Agriculture. The purpose of the Food Stamp Program is to raise the nutritional level among low-income households whose limited food purchasing power contributes to hunger and malnutrition among members of such households. The process of determining the need for and the level of assistance is the certification procedure. The purpose of these rules is to provide the regulatory basis for that procedure. These rules are to be cited, in full, as Idaho Department of Health and Welfare Rules, IDAPA 16.03.04, "Rules Governing the Food Stamp Program in Idaho". (6-1-94)

002. DEFINITIONS.

For the Food Stamp Program, the following definitions apply: (6-1-94)

01. Administrative Error Claim. A claim resulting from an overissuance caused by the Department's action or failure to act. (6-1-94)

02. Applicant. A person applying for Food Stamps. (6-1-94)

03. Application For Participation. The application form filed by the head of the household or authorized representative. (6-1-94)

04. Authorized Representative. A person designated by the household to act on behalf of the household to apply for or get and use Food Stamps. Authorized representatives include private nonprofit organizations or institutions conducting a drug addiction or alcoholic treatment and rehabilitation center acting for center residents. Authorized representatives include group living arrangement centers acting for center residents. Authorized representatives include battered women's and children's shelters acting for the shelters' residents. Homeless meal providers may not be authorized representatives for homeless Food Stamp recipients. (6-1-94)

05. Battered Women And Children's Shelter. A shelter for battered women and children which is a public or private nonprofit residential facility. If the facility serves others, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. (6-1-94)

06. Boarder. Any person or group to whom a household, other than a commercial boarding house, furnishes meals and lodging in exchange for an amount equal to or greater than the thrifty food plan. Children, parents and spouses in a household must not be treated as boarders. (6-1-94)

07. Boarding House. A licensed commercial enterprise offering meals and lodging for payment to make a profit. (6-1-94)

08. Categorical Eligibility. If all household members are authorized to get TAFI, AABD and/or SSI, the household is categorically eligible. Categorically eligible households are exempt from resource, gross and net income eligibility standards. (7-1-98)

09. Certification Determination. Actions necessary to determine household eligibility including interviews, verification, approval, denial, field investigation, analysis and corrective action necessary to insure prompt, efficient and correct certifications. (6-1-94)

- 10. Claim Determination.** The action taken by the Department establishing the household's liability for repayment when an overissuance of Food Stamps occurs. (6-1-94)
- 11. Client.** A person entitled to or receiving Food Stamps. (6-1-94)
- 12. Coupon.** Any coupon, stamp, access device, or certificate issued pursuant to the Food Stamp Program for the purchase of food. (7-1-98)
- 13. Coupon Allotment.** The total dollar amount of Food Stamps allowed the household during the full or prorated month. (6-1-94)
- 14. Department.** The Idaho Department of Health and Welfare. (6-1-94)
- 15. Disqualified Household Members.** Individuals required to be excluded from participation in the Food Stamp program are Disqualified Household Members. These include: (6-1-94)
- a. Ineligible legal non-citizen who do not meet the citizenship or eligible legal non-citizen requirements. (7-1-98)
 - b. Individuals awaiting proof of citizenship when citizenship is questionable. (6-1-94)
 - c. Individuals disqualified for failure or refusal to provide a Social Security Number (SSN). (6-1-94)
 - d. Individuals disqualified for Intentional Program Violation (IPV). (6-1-94)
 - e. Individuals disqualified for receiving three (3) months of Food Stamps in a three (3) year period in which they did not meet the work requirement for able-bodied adults without dependent children. (7-1-98)
 - f. Individuals disqualified as a fugitive felon or probation or parole violator. (7-1-98)
 - g. Individuals disqualified for a voluntary quit or reduction of hours of work to less than thirty (30) hours per week. (7-1-98)
 - h. Individuals disqualified for failure to cooperate in establishing paternity and obtaining support for a child under eighteen (18). (7-1-98)
 - i. Individuals convicted under federal or state law of any offense classified as a felony involving the possession, use, or distribution of a controlled substance when they do not comply with the terms of a withheld judgment, probation, or parole. The felony must have occurred after August 22, 1996. (3-30-01)
- 16. Documentation.** The method used to record information establishing eligibility. The information must sufficiently explain the action taken and the proof and how it was used. (6-1-94)
- 17. Drug Addiction Or Alcoholic Treatment Program.** Any drug addiction or alcoholic treatment rehabilitation program conducted by a private nonprofit organization or institution or a publicly operated community mental health center under Part B of Title XXIX of the Public Health Service Act (42 USC 300 et seq.). Indian reservation based centers may qualify if FCS requirements are met and the program is funded by the National Institute on Alcohol Abuse under Public Law 91-616 or was transferred to Indian Health Service funding. (7-1-98)
- 18. EBT Handbook.** Idaho Department of Health and Welfare Rules, IDAPA 16.03.20, "Rules Governing Electronic Benefit Transfer (EBT) of Public Assistance, Food Stamps, and Child Support". (7-1-98)
- 19. Electronic Benefit Transfer.** A method of issuing Food Stamps to an eligible household. (7-1-98)
- 20. Eligible Foods.** Any food or food product for human consumption excluding alcohol, tobacco, and hot foods and hot food products ready for immediate consumption. Eligible foods include: (6-1-94)

- a. Garden seeds and plants to grow food for human consumption. (6-1-94)
 - b. Meals prepared for the elderly at a communal dining facility. (6-1-94)
 - c. Meals prepared and delivered by an authorized meal delivery service. (6-1-94)
 - d. Meals served to a narcotics addict or alcoholic who participate and reside in a rehabilitation center program. (6-1-94)
 - e. Meals prepared and served by an authorized group living center to blind or disabled residents who receive benefits under Titles I, II or X, XIV, XVI of the Social Security Act. (6-1-94)
 - f. Meals prepared and served at a shelter for battered women and children to eligible residents. (6-1-94)
 - g. Meals prepared and served by an authorized public or private nonprofit establishment to homeless Food Stamp participants. (6-1-94)
- 21. Eligible Household.** A household living in a project area and meeting the eligibility criteria in these rules. (6-1-94)
- 22. Emancipated Minor.** A person, age fourteen (14) but under age eighteen (18), who has been married or whose circumstances show the parent and child relationship has been renounced such as a child in the military service. (6-1-94)
- 23. Enumeration.** The requirement that each household member provide the Department either their Social Security Number (SSN) or proof that they have applied. (6-1-94)
- 24. Exempt.** A household member who is not required to register for or participate in the JSAP program is exempt. A household member who is not required to register for work is exempt. (6-1-94)
- 24. Federal Fiscal Year.** The Federal fiscal year (FFY) is from October 1 to September 30. (6-1-94)
- 25. Food Assistance.** The Department's Food Stamp Program or Food Distribution Program. (6-1-94)
- 27. General Assistance.** Cash or other aid, excluding in-kind assistance, financed by Federal, state or local government and provided to cover living expenses or other basic needs. This cash or other aid is intended to promote the health and well-being of recipients. (6-1-94)
- 28. Group Living Arrangement.** A public or private nonprofit residential setting serving no more than sixteen (16) residents. The residents are blind or disabled and receiving benefits under Title II or XVI of the Social Security Act, certified by the Department under regulations issued under Section 1616(e) of the Social Security Act, or under standards determined by the Secretary of USDA to be comparable to Section 1616(e) of the Social Security Act. (6-1-94)
- 29. Homeless Person.** A person: (6-1-94)
- a. Who has no fixed or regular nighttime residence. (6-1-94)
 - b. Whose primary nighttime residence is a temporary accommodation for not more than ninety (90) days in the home of another individual or household. (7-1-98)
 - c. Whose primary nighttime residence is a temporary residence in a supervised public or private shelter providing temporary residence for homeless persons. (6-1-94)
 - d. Whose primary nighttime residence is a temporary residence in an institution which provides temporary residence for people who are being transferred to another institution. (6-1-94)
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e. Whose primary nighttime residence is a temporary residence in a public or private place which is not designed or customarily used as sleeping quarters for people. (6-1-94)

30. Homeless Meal Provider. A public or private nonprofit establishment or a profit making restaurant which provides meals to homeless people. The establishment or restaurant must be approved by the Department and authorized as a retail food store by FCS. (7-1-98)

31. Identification Card. The card identifying the bearer as eligible to get and use Food Stamps. (6-1-94)

32. Inadvertent Household Error Claim (IHE). A claim resulting from an overissuance, caused by the household's misunderstanding or unintended error. A household error claim pending an intentional program violation decision. (6-1-94)

33. Income and Eligibility Verification System (IEVS). A system of information acquisition and exchange for income and eligibility verification which meets Section 1137 of the Social Security Act requirements. (6-1-94)

34. Indian General Assistance. The general assistance program administered by the Bureau of Indian Affairs. (6-1-94)

35. Institution Of Higher Education. Any institution which normally requires a high school diploma or equivalency certificate for enrollment. These institutions include colleges, universities, and business, vocational, technical, or trade schools at the post-high school level. (7-1-97)

36. Institution Of Post Secondary. Educational institutions normally requiring a high school diploma or equivalency certificate for enrollment, or admits persons beyond the age of compulsory school attendance. The institution must be legally authorized by the state and provide a program of training to prepare students for gainful employment. (6-1-94)

37. Nonexempt. A household member who must register for and participate in the JSAP program. A household member who must register for work. (6-1-94)

38. Nonprofit Meal Delivery Service. A political subdivision or a private nonprofit organization, which prepares and delivers meals, authorized to accept Food Stamps. (6-1-94)

39. Overissuance. The amount Food Stamps issued exceeds the Food Stamps a household was eligible to receive. (6-1-94)

40. Parental Control. Parental control means that an adult household member has a minor in the household. The minor is dependent financially or otherwise on the adult. Minors, emancipated through marriage, are not under parental control. Minors living with children of their own are not under parental control. (7-1-98)

41. Participation. Participation means a person or household was certified for the Food Stamp Program and is getting Food Stamps. (6-1-94)

42. Program. The Food Stamp Program created under the Food Stamp Act and administered in Idaho by the Department. (6-1-94)

43. Project Area. The state of Idaho has been approved as one project area by the Department of Agriculture. (6-1-94)

44. Public Assistance. Public assistance means Old-Age Assistance (OAA), Temporary Assistance for Families in Idaho (TAFI), Aid to the Blind (AB) and Aid to the Disabled (AD). (7-1-98)

45. Retail Food Store. A retail food store, for Food Stamp purposes means: (6-1-94)

a. An establishment, or recognized department of an establishment, or a house-to-house food trade route, whose food sales volume is more than fifty percent (50%) staple food items for home preparation and consumption. (6-1-94)

b. Public or private communal dining facilities and meal delivery services. (6-1-94)

c. Private nonprofit drug addict or alcohol treatment and rehabilitation programs. (6-1-94)

d. Public or private nonprofit group living arrangements. (6-1-94)

e. Public or private nonprofit shelters for battered women and children. (6-1-94)

f. Private nonprofit cooperative food purchasing ventures, including those whose members pay for food prior to the receipt of the food. (6-1-94)

g. A farmers' market. (6-1-94)

h. An approved public or private nonprofit establishment which feeds homeless persons. The establishment must be approved by FCS. (7-1-98)

46. Spouse. Persons who are: (6-1-94)

a. Ceremonially married under applicable state law; or (6-1-94)

b. Living together, free to marry and holding themselves out as man and wife. (6-1-94)

47. State. Any of the fifty (50) States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands and the Virgin Islands of the United States. (6-1-94)

48. State Agency. The Idaho Department of Health and Welfare. (6-1-94)

49. Student. An individual between the ages of eighteen (18) and fifty (50), physically and mentally fit, and enrolled at least half-time in an institution of higher education. (6-1-94)

50. Supplemental Security Income (SSI). Monthly cash payments under Title XVI of the Social Security Act. Payments include state or Federally administered supplements, such as AABD payments in Idaho. (6-1-94)

51. Verification. The proof obtained to establish the accuracy of information and the household's eligibility. (6-1-94)

003. ABBREVIATIONS.

For the purposes of the Food Stamp Program, the following abbreviations are used. (6-1-94)

01. AABD. Aid to the Aged, Blind and Disabled. (9-1-94)

02. ABAWD. Able bodied adults without dependents. (7-1-98)

03. AFA. Application for Assistance. (7-1-98)

04. ASVI. Alien Status Verification Index. (6-1-94)

05. A/R. The applicant or recipient. (6-1-94)

06. BEER. Beneficiary Earnings Exchange Report. (6-1-94)

	07. BENDEX. Beneficiary Data Exchange.	(6-1-94)
	08. BIA. Bureau of Indian Affairs.	(6-1-94)
	09. BIA GA. Bureau of Indian Affairs-general assistance.	(6-1-94)
(CSA).	10. CIP. The Crisis Intervention Program administered by the Community Services Administration	(6-1-94)
	11. COLA. Cost of Living Allowance (COLA) data received from SSA.	(6-1-94)
Development.	12. CSA. The Community Services Administration of the U.S. Department of Housing and Urban	(6-1-94)
	13. CSS. Bureau of Child Support Services.	(7-1-98)
	14. DHW. The Department of Health and Welfare in Idaho.	(6-1-94)
	15. DOL. Department of Labor of the State of Idaho.	(7-1-98)
	16. EBT. Electronic Benefit Transfer.	(7-1-98)
	17. EE. Eligibility Examiner.	(6-1-94)
	18. EFNEP. Expanded Food and Nutrition Education Program.	(6-1-94)
	19. FCS. The Food and Nutrition Service of the U.S. Department of Agriculture.	(7-1-98)
	20. FFY. Federal fiscal year.	(6-1-94)
	21. FmHA. Farm Home Administration.	(8-1-94)
	22. FMV. Fair market value.	(6-1-94)
	23. FQC. Federal Quality Control.	(6-1-94)
	24. GA. General assistance.	(6-1-94)
	25. HUD. The U.S. Department of Housing and Urban Development.	(6-1-94)
	26. IEVS. Income and Eligibility Verification Systems.	(6-1-94)
	27. IHE. Inadvertent household error.	(6-1-94)
	28. INS. Immigration and Naturalization Service	(6-1-94)
	29. IPV. Intentional program violation.	(6-1-94)
	30. IRS. Internal Revenue Service.	(6-1-94)
	31. JSAP. Job Search Assistance Program.	(6-1-94)
	32. JTPA. Job Training Partnership Act.	(6-1-94)
	33. PA. Public Assistance.	(6-1-94)
	34. RSDI. Retirement, Survivors, Disability Insurance received from SSA.	(6-1-94)

- 35. **SAVE.** Systematic Alien Verification for Entitlements. (6-1-94)
- 36. **SAW.** Special Agricultural Worker. (6-1-94)
- 37. **SDX.** State Data Exchange. (6-1-94)
- 38. **SQC.** State Quality Control. (6-1-94)
- 39. **SRS.** Self Reliance Specialist. (7-1-98)
- 40. **SUA.** Standard utility allowance. (6-1-94)
- 41. **SSA.** Social Security Administration. (6-1-94)
- 42. **SSI.** The Federal Supplemental Security Income Program for the aged, blind or disabled. (6-1-94)
- 43. **SSN.** Social Security number. (6-1-94)
- 44. **SWICA.** State Wage Information Collection Agency. (6-1-94)
- 45. **TAFI.** Temporary Assistance for Families in Idaho. (7-1-98)
- 46. **TPQY.** Third Party Query. (6-1-94)
- 47. **UI.** Unemployment Insurance. (6-1-94)
- 48. **USDA.** United States Department of Agriculture. (6-1-94)
- 49. **VA.** The Veterans Administration. (6-1-94)
- 50. **WIC.** The special supplemental Food Program for Women, Infants, and Children. (6-1-94)
- 004. -- 008. (RESERVED).**
- 009. FEDERAL LAWS.**
The following Federal laws are referred to in these rules: (6-1-94)
 - 01. **Alaska Native Claim Settlement Act.** The Federal law which is codified as 43 USC 1601 through 1628. (6-1-94)
 - 02. **Comprehensive Employment And Training Act Of 1973.** The Federal law codified as 18 USC 665; 29 USC 801, 802, 811 through 822, 841 through 851, 871 through 875, 881 through 885, 891 through 895, 911 through 929, 951 through 956, 961 through 969, and 981 through 993; and 42 USC 2571. (6-1-94)
 - 03. **Disaster Relief Act Of 1970.** The Federal law codified as 42 USC 4451, 4482 and 4485. (6-1-94)
 - 04. **Disposition Of Funds To Grand River Band Of Ottawa Indians.** The Federal law codified as 25 CFR 43n. (6-1-94)
 - 05. **Domestic Volunteer Service Act Of 1973.** The Federal law codified as 5 USC 8332, and 42 USC 3067, 4951 through 4957, 4971 through 4974, 4991, 4992, 5001, 5011, 5012, 5021 through 5023, 5031, 5032, 5041 through 5062, and 5081 through 5085. (6-1-94)
 - 06. **Food Stamp Act Of 1977.** The Federal law codified as 7 USC 2011 through 2027. (6-1-94)
 - 07. **Housing Act Of 1959.** The Federal law codified as 12 USC 24, 1464, 1701, 1703, 1706, 1709,

1710, 1713, 1715, 1717, 1719 through 1721, 1723, 1731, 1747 through 1750; 40 USC 461 and 462; and 42 USC 1401, 1402, 1410, 1415, 1450 through 1453, 1455 through 1457, 1460, 1463, 1476, 1586, 1592, and 1594. (6-1-94)

08. Immigration And Nationality Act. The Federal law codified as 8 USC 1101 through 1503; 18 USC 1114, 1429, and 1546; 22 USC 618 and 1446; 31 USC 530; 49 USC 1 and 177; and 50 USC 1952 through 1955 and 1961. (6-1-94)

09. Internal Revenue Code Of 1954, As Amended. The Federal law codified as 26 USC 1 through 8023, 9001 through 9013, 9021, and 9031 through 9042. (6-1-94)

10. Labor Management Relations Act. The Federal law codified as 29 USC 78, commonly known as the “Taft-Hartley Act”; 18 USC 610; and 29 USC 141 through 144, 151 through 168, 171 through 187, and 193. (6-1-94)

11. National Community Service Act Of 1990. The Federal law which is codified as 29 USC 1552. (6-1-94)

12. National Housing Act. The Federal law codified as 10 USC 4387; 12 USC 24, 371, 1131, 1422, 1426, 1430, 1431, 1462, 1463, 1701 through 1703, 1705 through 1750, 3604 through 3606, and 3631; 15 USC 609; 41 USC 22; 42 USC 1594 and 1855; 48 USC 723, 724, 1425, and 1426; 49 USC 22; and 50 USC 1830, 1883, and 1909. (6-1-94)

13. Omnibus Reconciliation Act. The Federal law codified as 5 USC 553(d)3. (6-1-94)

14. Railway Labor Act. The Federal law codified as 45 USC 160. (6-1-94)

15. Revenue Act Of 1978. The Federal law codified as 26 USC 1 et seq. (6-1-94)

16. Revenue Readjustment Act Of 1975. The Federal law codified as 26 USC 1, 11, 21, 42, 43, 103, 141, 883, 962, 1561, 3402, 6012, 6153, and 6154. (6-1-94)

17. Social Security Act. The Federal law codified as 42 USC 101, 254, 301 through 304, 306, 401 through 406, 408 through 433, 501, 503, 504, 601 through 604, 606 through 611, 620 through 626, 630 through 644, 651 through 662, 701 through 716, 721 through 729, 731, 801 through 805, 901 through 904, 906 through 908, 1101 through 1108, 1201 through 1204, 1206, 1302, 1306 through 1324, 1351 through 1355, 1361 through 1364, 1367, 1371, 1381 through 1385, 1391 through 1397, 1404; and 45 USC 228, 402 through 405, 408 through 411, 413 through 418 and 420 through 422. (6-1-94)

18. Tax Reduction Act Of 1975, As Amended By The Tax Reduction And Simplification Act Of 1977. The Federal law codified as 26 USC 1, 3, 11, 12, 21, 42 through 48, 50, 56, 141, 214, 243, 410, 535, 613, 703, 851, 901, 902, 907, 951, 954, 955, 962, 993, 1034, 1551, 1561, 3304, 3402, 6012, 6096, 6201, 6401, 6428, and 6611; 42 USC 402; 5 USC 5520; 15 USC 1673 and 1675; 26 USC 1, 3, 11, 21, 36, 37, 42 through 44, 51 through 53, 56, 63, 67, 105, 141 through 145, 161, 162, 170, 172, 188, 211, 280, 381, 383, 402, 441, 443, 447, 511, 584, 602, 603, 613, 635, 641, 642, 667, 703, 821, 861, 862, 873, 904, 911, 931, 1034, 1211, 1302, 3402, 6012, 6014, 6096, 6212, 6411, 6501, 6504, 6511, 6601, 6611, 6654, and 7651; and 42 USC 652, 654, 658, 659, 661, 662, 6721 through 6724, 6726, 6727, 6735, and 6736. (6-1-94)

19. Tax Reform Act Of 1976. The Federal law codified as 5 USC 5520; 15 USC 1673 and 1675; 26 USC 1, 3, 11, 21, 36, 37, 42 through 44, 51, 53, 56, 63, 67, 105, 141 through 145, 161, 162, 170, 172, 188, 211, 280, 381, 383, 402, 441, 443, 447, 511, 584, 602, 603, 613, 635, 641, 642, 667, 703, 821, 861, 862, 873, 904, 911, 931, 1034, 1211, 1302, 3402, 6012, 6014, 6096, 6212, 6411, 6501, 6504, 6511, 6601, 6611, 6654, and 7651; and 42 USC 652, 654, 658, 659, 661, 662, 6721 through 6724, 6726, 6727, 6735, and 6736. (6-1-94)

20. Uniform Relocation Assistance And Real Property Acquisitions Policies Act Of 1970. The Federal law codified as 42 USC 1415, 2473, 3307, 4601, 4602, 4621 through 4638, and 4651 through 4655; and 49 USC 1606. (6-1-94)

21. Youth Employment And Demonstration Project Act Of 1977. The Federal law codified as 29 USC 801 through 803, 845, 872, 891 through 895, 962, 968, 981 and 993. (6-1-94)

010. -- 099. (RESERVED).

100. APPLICATION.

To apply for Food Stamps, the household or an authorized representative must complete and file the application form, interview with the Department and verify information. There is no age requirement for applicants. Applicants may bring anyone to the interview. The Department will act on all applications. The Department will grant Food Stamps to eligible households back to the date of application. (6-1-94)

101. APPLICATION FORMS.

Households can file an application the first day they contact the Department. The Department will have Application for Assistance (AFA) (HW 0901) forms readily available to households. The household must turn in page one (1) of the AFA to file for Food Stamps. The Department will provide an AFA to any person making a request. Requests for the application can be made by telephone, in person or by another person. The Department will mail or give the AFA to the person on the day requested. (6-1-94)

102. POSTING INFORMATION.

Signs must be posted and instructions available in Field Offices. The signs must explain the application process. The signs must explain the right to same day filing. (6-1-94)

103. FILING AN APPLICATION.

The AFA must contain the applicant's name, address, signature and application date. A household can file for Food Stamps by turning in page one of the AFA to the Food Stamp office. This protects the application date. If the household is eligible, Food Stamps for the first month will be prorated from the application date. The AFA can be submitted at the Field Office by the household or authorized representative. The AFA can be submitted by mail. (6-1-94)

104. RIGHT TO FILE.

Households have the right to file an application the same day a household or representative contacts the Department. The household must apply during office hours. (6-1-94)

105. APPLICATION DATE.

The application date is the date the AFA is received and date stamped in the Field Office. The exception is a resident of a public institution applying jointly for SSI and Food Stamps before leaving an institution. This filing date is the date the person is released from the institution. (6-1-94)

106. NEW AFA NOT REQUIRED.

A new AFA is not required if the household delays processing thirty (30) days following the application and the Department denies the application, then the household takes the required action within sixty (60) days of the application date. (6-1-94)

107. INTERVIEW NOT REQUIRED BEFORE APPLICATION.

The household does not have to be interviewed before filing the application. (6-1-94)

108. WRONG FIELD OFFICE CONTACTED.

If a household contacts the wrong Field Office, the Department will give the household the address and phone number of the correct Field Office. The Department will offer to forward the AFA to the correct Field Office. The AFA must contain the applicant's name, address, signature and date of application. The AFA must be date stamped and mailed to the correct Field Office the same day. (7-1-97)

109. AFA MAILED TO WRONG FIELD OFFICE.

If the AFA was mailed to the wrong Field Office, the Department will mail the AFA to the correct Field Office. The AFA must be mailed to the correct Field Office the same day it is received. (6-1-94)

110. APPLICANTS WHO MOVE.

When a Food Stamp applicant moves, the sending and receiving Field Offices must act to transfer the case and change the address. (6-1-94)

01. Duties Of Sending Field Office. If an applicant household is moving and submits its application to a Field Office other than the one serving the area where it is moving, the sending office must transfer the case. Duties of the sending Field Office are: (6-1-94)

a. Give household new field office information. The sending Field Office must give the household the address and telephone number of the correct Field Office. (6-1-94)

b. Forward application. The sending Field Office must offer to forward the application and case record to the proper Field Office. The application and case record must be sent the same day the contact is made with the wrong Field Office. (6-1-94)

c. Inform applicant. The sending Field Office must tell the household its application has been filed and will be forwarded to the proper Field Office. (6-1-94)

d. Mail application same day as received. If the application was mailed to the wrong Field Office, it must be mailed to the proper Field Office the same day it is received. (6-1-94)

02. Duties Of Receiving Field Office. The receiving Field Office must schedule an interview with the applicant household. The interview may be face-to-face, by telephone or by home visit. The application must be approved or denied within the specified time limits. (6-1-94)

111. -- 112. (RESERVED).

113. HOUSEHOLD COOPERATION.

The household must cooperate with the Department. The application must be denied if the household refuses to cooperate. Refusal to cooperate includes failing to act without a sound and timely excuse. Giving false information on purpose is failure to cooperate. The Department must show false information was given on purpose before denying the application. The household is ineligible if it refuses to cooperate in a later review, recertification, program review or evaluation. If an application is denied or Food Stamps are stopped for refusal to cooperate, the household can reapply. The household is not eligible until it cooperates with the Department. (6-1-94)

114. APPLICATION WITHDRAWAL.

Households can withdraw their application any time before the eligibility decision. The Department will document the withdrawal reason in the case record and whether the household was contacted to confirm the withdrawal. The Department will tell the household of the right to reapply. (6-1-94)

115. AUTHORIZED REPRESENTATIVE.

The household can choose a nonhousehold member to act as authorized representative. The household can designate in writing another responsible household member or a responsible adult outside the household as the authorized representative. An adult employee of an authorized drug addiction or alcoholic treatment and rehabilitation center may act as an authorized representative for the household. An adult employee of an authorized group living arrangement center may act as an authorized representative for the household. Conditions for an authorized representative are: (4-5-00)

01. Designating Authorized Representative. When household members cannot apply for, get or use Food Stamps, the household can choose an authorized representative. The household must appoint the authorized representative in writing. The authorized representative should be aware of household circumstances. The household should prepare or review the AFA when the authorized representative will be interviewed. (4-5-00)

02. Persons Who Cannot Be An Authorized Representative. Persons with a conflict of interest may not act as an authorized representative without the Department's written approval. The Field Office supervisor must determine if no one else is available and give written approval. Persons with a conflict of interest are listed below: (6-1-94)

- a. Retailers allowed to accept Food Stamps. (6-1-94)
- b. Department employees involved in the certification or issuance process. (6-1-94)
- c. A person disqualified for IPV during the penalty period, unless he is the only adult household member and no one else is available. (6-1-94)

- d. Homeless meal providers. (6-1-94)

03. Department Responsibilities. The Department will: (6-1-94)

- a. Make sure authorized representatives are properly selected. (6-1-94)
- b. Record the representative's name in the case record. (6-1-94)
- c. Not place limits on the number of households a representative may represent. (6-1-94)
- d. Inform the household it will be liable for any overissuance resulting from wrong information given by the representative. (6-1-94)
- e. Make sure the household freely requested the representative. (6-1-94)
- f. Make sure the household is getting the correct amount of benefits. (6-1-94)
- g. Make sure the representative is properly using the Food Stamps. (6-1-94)

04. Authorized Representative Removed. The Department may remove an authorized representative for up to one (1) year if the person knowingly distorts a household's circumstances, gives false information, or improperly uses the Food Stamps. This provision does not apply to drug and alcohol centers and group homes. Written notice must be sent to the household and the authorized representative thirty (30) days before the penalty begins. The notice must list: (6-1-94)

- a. The proposed action. (6-1-94)
- b. The reason for the action. (6-1-94)
- c. The right to a fair hearing. (6-1-94)
- d. The name and telephone number to contact for more information. (6-1-94)

05. Named On ID Card. The name of the authorized representative must be on the ID card. (6-1-94)

06. Contingency Designation. A household member able to apply for and get Food Stamps can name an authorized representative, in writing, in case the household becomes unable to use Food Stamps. (6-1-94)

07. Emergency Designation. The household may choose an emergency authorized representative if unforeseen circumstances arise. The household must complete a statement appointing the person as the authorized representative. The authorized representative must sign the statement. The client listed on the ID card must sign the statement. The emergency authorized representative can present the ID card and signed statement to act on the household's behalf and to obtain the Food Stamp allotment. The household cannot be required to go to the Field Office to complete this statement. (6-1-94)

116. -- 119. (RESERVED).

120. HOUSEHOLD INTERVIEWS.

Households must have a face-to-face interview before certification and recertification, unless the interview is waived.

A household member or an authorized representative can be interviewed. The applicant may bring any other person to the interview. (4-5-00)

121. WAIVER OF OFFICE INTERVIEW.

An office interview may be waived if one or more conditions below are met: (6-1-94)

01. No Representative And Age Sixty. All adult household members cannot come for an interview and they are sixty (60) or older. The household does not have another person to appoint as an authorized representative. (9-1-94)

02. Mentally Or Physically Handicapped. All adult household members are mentally or physically handicapped. The household does not have another person to appoint as an authorized representative. (9-1-94)

03. Transportation Problems. The adult household members have transportation problems. The household does not have another person to appoint as an authorized representative. (9-1-94)

04. Lives Over Thirty Miles From Field Office. The adult household members do not live within thirty (30) miles of a Field Office. The household does not have another person to appoint as an authorized representative. (9-1-94)

05. Other Hardship. The adult household members have hardships warranting a waiver of office interview. Hardships must be documented in the case record. Hardships include illness, care of a household member, prolonged severe weather and work or training hours preventing an in-office interview. The household does not have another person to appoint as an authorized representative. (9-1-94)

122. INTERVIEW DUTIES.

The Department will explain rights, responsibilities, procedures and reporting requirements. The Department will explain basic program procedures and reporting requirements, such as actual versus standard utility deductions. The Department will resolve unclear or incomplete information. The Department will protect the applicant's privacy during the interview. (6-1-94)

123. OPTIONS FOR WAIVED OFFICE INTERVIEW.

Households whose office interview is waived must be offered a telephone interview or a home visit. The telephone interview or a home visit must be scheduled with the household. If the household is interviewed by telephone, the required forms and proof must be provided to the Department. (6-1-94)

124. CONDITIONS NOT AFFECTED BY WAIVER.

Waiver of the face-to-face interview does not exempt the household from required proof. Waiver of the face-to-face interview does not affect the length of the certification period. (6-1-94)

125. SCHEDULING INTERVIEWS.

The Department will schedule interviews to make sure eligible households get Food Stamps within thirty (30) days of application. The Department will give the household notice of the date of the interview, and the right to set up a second appointment within ten (10) days if it cannot keep the first appointment. Applications must not be denied before thirty (30) days because a first appointment, or later appointments, are missed. (4-5-00)

126. SPECIAL INTERVIEW SCHEDULING.

In offices with more than two (2) Examiners, interviews must be available during the lunch period. Available interview times to reduce the household's absence from work must be posted. (6-1-94)

127. -- 132. (RESERVED).

133. VERIFICATION.

Verification is third party data or documents used to prove the accuracy of AFA information. The Department must give the applicant household a clear written statement of the proof to bring to the interview. The statement will indicate the Department will help the household get proof if needed. The Department must give the applicant ten (10) calendar days from the request date to provide proof. Proof can be provided in person, by mail or by an authorized

representative. If the proof supplied is faulty, not complete or not consistent, the Department can require further proof. The Department must notify the household of any other steps necessary to complete the application process.

(6-1-94)

134. COLLATERAL CONTACT DESIGNATED.

If the proof cannot be obtained or is not adequate, the household must provide a collateral contact. A collateral contact is someone outside the household who can verify the household's statements. The household can request help in finding a collateral contact. If the household's chosen contact is unacceptable, the Department must take an action listed below:

(6-1-94)

- 01. Household Chooses Collateral Contact.** Ask the household to select another collateral contact. (6-1-94)
- 02. Department Chooses Collateral Contact.** Department selects another collateral contact. (6-1-94)
- 03. Request Other Proof.** Department requests household to provide another form of proof. (6-1-94)
- 04. Home Visit.** Substitute a home visit for the collateral contact. (6-1-94)

135. SOURCES OF VERIFICATION.

The following sources of verification must be considered:

(6-1-94)

01. Written Confirmation. The primary source of proof is written confirmation of circumstances. Written proof includes driver's licenses, work or school identification, birth certificates, wage stubs, award letters, court orders, divorce decrees, separation agreements, insurance policies, rent receipts and utility bills. Acceptable proof is not limited to a single document. Proof can be obtained from the household or other sources. Secondary sources of proof must be used to verify a household's circumstances if the primary source cannot be obtained or does not prove eligibility or benefit level.

(7-1-97)

02. 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. Acceptable collateral contacts include employers, landlords, migrant service agencies, friends, neighbors and relatives not living in the household. The collateral contact must accurately confirm the household's statement. The Department is responsible for getting proof from the collateral contact. The household usually names the collateral contact. The household may request help in selecting a collateral contact.

(6-1-94)

03. Automated System Records. System records include BENDEX, SDX, DOE and INS records. The Department has routine access to automated system records.

(6-1-94)

04. Home Visits. Home visits may be conducted if primary proof cannot be obtained. Home visits must be scheduled with the client.

(6-1-94)

136. REQUIRED PROOF.

The Department must have proof for items listed below. The Department will tell the household what proof is required.

(6-1-94)

01. Residence. Proof of residence is required. Proof includes lease agreements, rent receipts showing the address and utility bills. Proof of residence is not required for unusual cases such as homeless households, migrant farmworkers or new arrivals to a project area.

(6-1-94)

02. Identity. Proof of identity is required for the applicant and representative. Proof includes a driver's license, school identification or a birth certificate. The Department can accept other proof.

(6-1-94)

03. SSN. SSNs are verified by submitting the SSNs reported by the households to the SSA. An automated interface in EPICS is completed. Certification cannot be delayed to an otherwise eligible household solely to verify an SSN. An SSN is also considered verified by another program participating in IEVS. If a person is unable to provide an SSN or does not have an SSN, the Department must require proof of application for an SSN prior to

certifying the person. A newborn may participate when the household cannot provide proof of application for an SSN for the newborn. Proof of application for an SSN for that child must be provided at the next recertification or six (6) months after the month the child was born, whichever is later. (7-1-98)

04. Immigration Status. Proof of immigration status is required for all eligible legal non-citizen household members. Proof includes legal non-citizen registration cards, passports and SAVE. (6-1-98)

05. Resources. Proof of resources is required. Proof includes bank books, bank statements or documents verifying the resource value. (6-1-94)

06. Vehicles. If questionable, proof of vehicle value is required. Proof includes NADA values and statements from car dealers. (6-1-94)

07. Loans. Proof of loans is required. A statement signed by both parties is proof of a loan. A legally binding agreement is not required. The provider of the loan must sign a statement that loan payments received on a regular basis are being made or will be made under a fixed schedule. (6-1-94)

08. Income. Proof of income is required. Proof includes wage stubs, statements from employers, income interfaces and award letters. (6-1-94)

09. Shelter Costs. Proof of shelter costs is required. The household must be told benefits will be computed, without the shelter costs, if proof is not provided. Shelter costs include home shelter expenses. Shelter costs include homes unoccupied because of employment, training away from the home or illness. Shelter costs include homes abandoned due to a natural disaster or casualty loss. Shelter cost proof is required once, unless the household has moved or reports a change in shelter costs. Proof of shelter costs includes mortgage statements, rent receipts, lease agreements, tax notices and insurance premium notices. (6-1-94)

10. Heating Or Cooling Costs For Standard Utility Allowance (SUA). Proof of separate heating or cooling costs is required for the SUA. Proof of costs is required once, unless the household moves or the utilities change. Proof includes utility bills, statements from utility companies and landlords. (6-1-94)

11. Utility Costs. Proof of actual utility costs is required if the household chooses actual costs. If proof of actual utility costs is not received before thirty (30) days, the SUA will be used if the household is eligible for the SUA. Proof of actual utility costs is required if the home is not occupied. (6-1-94)

12. Dependent Care Costs. Proof of dependent care costs is required. Proof of costs is required once, unless the dependent care provider changes or the cost changes. Proof includes child care bills or statements. (6-1-94)

13. Medical Costs. Proof of incurred medical expenses is required for households claiming a medical deduction. Proof includes medical bills, medicare reimbursement statements and prescription receipts. Proof of anticipated medical expenses is not required provided the client has informed the Department of the expense and the expense is not questionable. Verification of other factors, including but not limited to the following, are required if questionable: (6-1-94)

- a. The allowability of the medical services provided. (6-1-94)
- b. The provider qualifications. (6-1-94)
- c. The individual's eligibility to claim a deduction. (6-1-94)

14. Disability. Proof of disability is required. Proof includes SSA verification, VA verification and statements from doctors. (6-1-94)

15. Child Support Deduction. Proof of child support payments the noncustodial parent makes is required. The parent must be legally obligated to make the child support payments. The child support payments must be made to or for a nonhousehold member. Both the legal obligation to pay child support and the actual amount paid must be verified. Proof of the legal obligation includes: Court order, divorce decree, administrative order or legally

enforceable separation agreement. Proof of child support paid includes: CSS records, cancelled checks, wage withholding statements, UI withholding statements, statements from the custodial parent. Proof of legally obligated health insurance coverage on behalf of a nonhousehold child is required. Proof includes: Insurance policy, insurance company statement, employer statement. If the household fails or refuses to submit required proof, determine the household's eligibility and coupon allotment without the child support deduction. If there is a discrepancy between information provided by the household and CSS, the household must be given an opportunity to resolve the discrepancy. Proof of child support payment is required at each certification. Proof of changes in the amount of legally obligated child support ordered or the amount of child support paid must be obtained at recertification. If the amount of legally obligated child support ordered or the amount of child support the household pays has not changed, require proof at recertification only if the information is questionable. (7-1-98)

137. PROOF FOR QUESTIONABLE INFORMATION.

The Department will verify information when it is questionable. Proof is required when details are not consistent with statements made. Proof is required when details are not consistent with information on the application or past applications. Proof is required when details are not consistent with information received by the Department. (6-1-94)

138. -- 141. (RESERVED).

142. PROCESSING STANDARDS.

The Department will determine Food Stamp eligibility within thirty (30) days of the application date. The application date is the day the AFA is received and date stamped by the Field Office. The application date for a person released from a public institution is the release date, if the person applied for Food Stamps before his release. The AFA must contain at least the applicant's name and address. The AFA must be signed by a responsible household member or representative. (6-1-94)

143. -- 144. (RESERVED).

145. DELAYS IN PROCESSING CAUSED BY THE HOUSEHOLD.

A processing delay exists when the Department does not determine Food Stamp eligibility within thirty (30) days of application. The Department will determine the cause of the delay. Delays caused by the household are: (6-1-94)

- 01. Application.** Household did not complete the application. (6-1-94)
- 02. Work Registration.** One (1) or more household members did not register for work. (6-1-94)
- 03. Proof.** The household did not provide proof within ten (10) days of the Department's request. (6-1-94)
- 04. Attend Interview.** (6-1-94)
 - a. The household did not appear for the first interview. (6-1-94)
 - b. The household postponed a later interview or the interview could not be rescheduled before twenty (20) days after the application date. The rescheduled interview, proof and work registration could not be completed within thirty (30) days. (6-1-94)
 - c. The household did not appear for the first interview and postponed a later interview until thirty (30) days after the application date. (6-1-94)
 - d. The household did not appear for the first and later interviews and did not request another interview. (6-1-94)

146. DENIAL OF FOOD STAMP APPLICATION.

The Department will deny the Food Stamp application under conditions listed below. The Department will send the household notice of denial. (6-1-94)

- 01. Household Ineligible.** The Department will deny the application for ineligible households as soon

as possible, but not later than thirty (30) calendar days following the application date. (4-5-00)

02. Household Fails To Appear For Interview. If the household fails to appear for an interview, and fails to contact the Department, the application will be denied thirty (30) calendar days after the application date. (4-5-00)

03. Household Does Not Provide Proof After Interview. If the household did not provide requested proof after an interview or later request, the Department will deny the application ten (10) calendar days after the request for proof. (6-1-94)

04. Household Does Not Provide Proof After Department Help. The Department will deny the application thirty (30) calendar days after the application date if the Department helped the household get proof but the household did not provide the proof. (6-1-94)

147. CASE ACTION AFTER DELAY CAUSED BY HOUSEHOLD.

The Department will send notice and deny an application if the household caused the delay. If the household takes required action within sixty (60) days after the application date, the Department will reopen the case without a new application. If the household caused the delay during the first thirty (30) day period and provides proof by the thirtieth day, reopen the case and prorate benefits from the date of application. If the household caused the delay during the first thirty (30) day period and is eligible during the second thirty (30) day period, the Department will approve Food Stamps for the month after the application month. Food Stamps for the month after the application month must be prorated from the date the household provides requested proof. The Department will not issue benefits for the application month. (6-1-94)

148. DELAYS IN PROCESSING CAUSED BY THE DEPARTMENT.

A processing delay exists when the Department does not determine Food Stamp eligibility within thirty (30) days of application. The Department will determine the cause of the delay. Delays caused by the Department are: (6-1-94)

01. No Application Help. The Department did not offer or try to offer help to complete the application. (6-1-94)

02. Work Registration. (6-1-94)

a. The Department did not register household members for work. (6-1-94)

b. The Department did not inform the household of the need to register for work. (6-1-94)

c. The Department did not give the household ten (10) days from the notice date to register for work. (6-1-94)

03. Application Forms Mailed Late. Application forms were requested in writing or by telephone. The Department did not mail the application forms the same day the household made the request. (6-1-94)

04. Proof. The Department did not allow the household ten (10) days from the notice date to provide the missing proof. (6-1-94)

149. EFFECTS OF DELAYS CAUSED BY DEPARTMENT.

The Department will send notice thirty (30) days after the application date, telling the household the application is being held. The Department will tell the household actions needed to complete the application. If the household is determined eligible, during the second thirty (30) day period, the Department will provide Food Stamps back to the application date. If the household is determined ineligible the application is denied. (6-1-94)

150. DELAYS OVER SIXTY DAYS.

If the Department caused the delay, the Department will process the original application until an eligibility decision is made. The original application must be used even if the second thirty (30) day period has passed. If the household is found eligible and the delay was the Department's fault during the first thirty (30) days, provide Food Stamps back to the application date. If the household is found eligible and the delay was the household's fault during the first thirty

(30) days and the Department's fault during the second thirty (30) days, issue Food Stamps for the month after the application month. If the household is at fault for the first and second thirty (30) day delay, deny the application. A new application is required. (1-1-95)

151. (RESERVED).

152. MIGRANT FARMWORKER HOUSEHOLD DEFINED.

A migrant farmworker household has a member who travels from community to community to work in agricultural employment. (6-1-94)

153. AGRICULTURAL EMPLOYMENT DEFINED.

Agricultural employment is farm work. Cultivation and tillage of the soil are farm work. Working in dairy operations is farm work. Producing, cultivating, growing and harvesting commodities are types of farm work. Raising livestock, bees, fur-bearing animals or poultry is farm work. Performing forestry operations on the farm is farm work. Working in agriculture is farm work. Work to prepare farm products in their unmanufactured state for market, for delivery to storage, for delivery to market or for delivery to a carrier for transportation to market is farm work. (6-1-94)

154. SEASONAL FARMWORKER HOUSEHOLD DEFINED.

A seasonal farmworker household has a member working in agricultural employment of a seasonal or other temporary nature. The seasonal farmworker is not required to be gone overnight from his permanent place of residence. The person may be employed on a farm or ranch, performing field work related to planting, cultivating or harvesting operations. The person may be employed in canning, packing, ginning, seed conditioning or processing operations in a day-haul operation. Day-haul operation workers are assembled at a pick-up point waiting to be hired and employed. The day-haul operation transports the workers to agricultural employment and returns the workers to a drop-off point on the same day. (6-1-94)

155. EXPEDITED SERVICE ELIGIBILITY.

Application forms must be screened to determine if the household is entitled to expedited service. The household must meet one of the expedited service criteria below. The household must have provided proof postponed by the last expedited service or have been certified under the normal standards since the last expedited service. (6-1-94)

01. Low Income And Resources. To receive expedited services the household's monthly countable gross income must be less than one hundred fifty dollars (\$150) and the household's liquid resources must not exceed one hundred dollars (\$100). (6-1-94)

02. Destitute. To receive destitute expedited services the household must be a destitute migrant or seasonal farmworker household. The household's liquid resources must not exceed one hundred dollars (\$100). (7-1-97)

03. Income Less Than Rent And Utilities. The household's combined monthly gross income and liquid resources are less than their monthly rent, or mortgage, and utilities cost. (6-1-94)

156. TIME LIMITS FOR EXPEDITED FOOD STAMPS.

Time limits for acting on expedited Food Stamp applications are listed below: (6-1-94)

01. Seven Day Limit For Food Stamps. For households entitled to expedited service, the Department will provide Food Stamps to the household within seven (7) days of the application date. (7-1-98)

02. Seven Days After Discovery. If not discovered at initial screening, the Department will provide expedited services to an expedite eligible household within seven (7) days. Seven (7) days begins the day after the Department finds the household is entitled to expedited service. (7-1-98)

03. Seven Days For Waived Interview. The Department will provide expedited services within seven (7) days for households entitled to an office interview waiver. Seven (7) days is counted from the application date. If a telephone interview is conducted, the AFA must be mailed to the household for signature. The mailing time must not be included in the seven (7) days. Mailing time includes the days the AFA is in the mail to and from the household. Mailing time includes the days the AFA is at the household pending signature and mailing. (7-1-98)

04. Treatment Centers. For residents of drug addiction or alcoholic treatment centers, Food Stamps must be provided within seven (7) days of the application date. (7-1-99)

05. Shelter Residents. For residents of shelters for battered women and children, Food Stamps must be provided within seven (7) days of the application date. (7-1-98)

157. EXPEDITED FOOD STAMP WORK REGISTRATION.

The applicant must complete work registration unless he is exempt or has a representative register him. Other non-exempt household members must register if the registration can be done in seven (7) days. (7-1-98)

158. EXPEDITED VERIFICATION.

The Department will verify the applicant's identity through readily available proof or a collateral contact. Proof may include identification such as a driver's license, birth certificate or voter registration card. The Department will try to get proof so that benefits can be issued within seven (7) days of the application date. Expedited Food Stamps must not be delayed beyond seven (7) days for proof other than identity. Other proof can be postponed to issue expedited Food Stamps. (7-1-98)

159. SSN FOR EXPEDITED FOOD STAMPS.

The household must furnish or apply for a SSN for each person before the second full month of Food Stamps. Household members unable to provide SSNs before the end of the second full month of Food Stamps, and not having good cause for the SSN problem, cannot continue to get Food Stamps. A newborn may participate when the household cannot provide proof of application for an SSN for the newborn. Proof of application for an SSN for that child must be provided at the next recertification or six (6) months after the month the child was born, whichever is later. (7-1-98)

160. EXPEDITED CERTIFICATION.

If all required proof is provided for expedited certification, a normal certification period is assigned. Certification based on application date, household type and proof is listed below: (6-1-94)

01. Nonmigrant Household Applying From The First Through The Fifteenth Of The Month. For a non-migrant household applying from the first (1st) through the fifteenth of the month, if proof of eligibility factors is postponed, assign a normal certification period. Issue the first month's benefits. Do not issue the second month's benefits until the postponed proof is received. When proof is postponed the household has thirty (30) days from the application date to provide the proof. The household must be given timely and adequate notice no further benefits will be issued until proof is completed. If the proof results in changes in the household's Food Stamps, the Department will act on the changes without advance notice. If postponed proof is provided before the second month, process an issuance for the first working day of the second month. If proof is provided in the second month, issue benefits within seven (7) calendar days from the date the proof is received. If postponed proof is not provided within thirty (30) days from the application date, close the case. (9-22-96)T

02. Nonmigrant Household Applying From the Sixteenth Through The End Of The Month. For a non-migrant household applying from the sixteenth (16th) to the end of the month, if proof of eligibility factors is postponed, assign a normal certification period. Issue the first and second month's benefits within the expedited time frame. When proof is postponed the household has thirty (30) days from the application date to complete the proof. The household must be given timely and adequate notice no further benefits will be issued until proof is completed. If the proof results in changes in the household's Food Stamps, the Department will act on the changes without advance notice. If postponed proof is provided within thirty (30) days, process an issuance for the first working day of the third month. If postponed proof is not provided within thirty (30) days from the application date, close the case. (7-1-97)

03. Migrant Household Applying From The First Through The Fifteenth Of The Month. For a migrant household applying from the first (1st) through the fifteenth (15th) of the month, if proof of eligibility factors is postponed, assign a normal certification period. Issue the first month's benefits. When proof is postponed the household has thirty (30) days from the application date to complete in-state proof. The household has sixty (60) days from the application date to complete out-of-state proof. The household must be given adequate and timely notice no further benefits will be issued until the postponed proof is completed. Before the second month's benefits are issued,

the household must provide all in-state postponed proofs. Before the third month's benefits are issued, the household must provide all out-of-state postponed proof. If the proofs result in changes in the household's Food Stamps the Department will act on these changes, without providing advance notice. Migrants are entitled to postponed out-of-state proof only once each season. If postponed in-state proof is provided before the second month, process an issuance for the first working day of the second month. If postponed out-of-state proof is provided before the third month, process a regular issuance for the third month. If postponed out-of-state proof is provided in the third month, issue benefits within seven (7) calendar days from the date proof is received. If postponed in-state proof is not provided within thirty (30) days from the application date, close the case. If postponed out-of-state proof is not provided within sixty (60) days from the application date, close the case. (9-22-96)T

04. Migrant Household Applying From The Sixteenth Through The End Of The Month. For a migrant household applying from the Sixteenth to the end of the month, if proof of eligibility factors is postponed, assign a normal certification period. Issue the first and second months' benefits within the expedited time frame. When proof is postponed the household has thirty (30) days from the application date to provide in-state proof. The household has sixty (60) days from the application date to provide out-of-state proof. The household must be given adequate and timely notice no further benefits will be issued until the postponed proof is completed. Before the third month's benefits are issued, the household must provide all in-state and out-of-state postponed proofs. If the proofs result in changes in the household's Food Stamps the Department will act on these changes without providing advance notice. Migrants are entitled to postponed out-of-state proof only once each season. If postponed proof is provided before the third month, process a regular issuance for the third month. If postponed out-of-state proof is provided in the third month, issue benefits within seven (7) calendar days from the date proof is received. If postponed in-state proof is not provided within thirty (30) days from the application date, close the case. If postponed out-of-state proof is not provided within sixty (60) days from the application date, close the case. (9-22-96)T

05. Reapplying Household. When a household granted postponed proof at the last expedited certification reapplies, it must provide the postponed proof. The Department does not require postponed proof if the household was certified under normal standards since the last expedited certification. (6-1-94)

161. NO LIMIT TO EXPEDITED CERTIFICATIONS.

There is no limit to the number of times a household can receive expedited certification. The household must provide proof postponed at the last expedited certification. The Department does not require postponed proof if the household was certified under normal standards since the last expedited certification. (6-1-94)

162. EXPEDITED SERVICES FOR DESTITUTE HOUSEHOLDS.

Migrant or seasonal farmworker households meeting destitute conditions below can get expedited services. The rules for destitute households apply at initial application and recertification, but only for the first month of each certification period. (7-1-97)

01. Terminated Source Of Income. The household's only income for the application month was received before the application date and was from a terminated source. The household is considered destitute. Terminated income is income received monthly or more often, no longer received from the same source the rest of the application month or the next month or income received less often than monthly, not expected in the month the next regular payment is normally due. (6-1-94)

02. New Income In Application Month. When only new income is expected in the application month, the household is considered destitute. Only twenty-five dollars (\$25), or less, of new income can be received in the ten (10) days after the application date. Income is new if twenty-five dollars (\$25), or less, is received during the thirty (30) days before the application date. New income received less often than monthly was not received in the last normal payment interval or was twenty-five dollars (\$25) or less. (6-1-94)

03. Terminated Income And New Income In Application Month. Destitute households can get terminated income before the application date and new income before and after the application date. New income must not be received for ten (10) days after application and must not exceed twenty-five dollars (\$25). The household must get no other income in the application month. (6-1-94)

04. Application Month. For the application month, count only income received between the first day of the month and the application date. Do not count income from a new source expected after the application date.

(6-1-94)

163. SPECIAL CONSIDERATION OF INCOME FOR DESTITUTE HOUSEHOLDS.

Special consideration of income for destitute households is listed below. The rules for destitute households apply at initial application and recertification, but only for the first month of each certification period. (6-1-94)

01. Travel Advances. For destitute eligibility and benefit level, travel advances apply as follows: Travel advances from employers for travel costs to a new employment location are excluded. Travel advances against future wages are counted as income, but not a new source of income. (6-1-94)

02. Household Member Changes Job. A person changing jobs with the same employer is still getting income from the same source. A migrant's income source is the grower, not the crew chief. When a migrant moves with a crew chief from one (1) grower to another, the income from the first grower is ended. The income from the next grower is new income. (6-1-94)

03. Recertification. Disregard income from the new source for the first month of the new certification period if more than twenty-five dollars (\$25) will not be received by the tenth calendar day after the normal issuance. (6-1-94)

164. DENIAL OF EXPEDITED SERVICE.

The Department will deny expedited service if the household does not meet expedite criteria. The Department will deny expedited service if the household fails to cooperate in the application process. Failure to cooperate includes missing a scheduled expedited service appointment. The Department will still process the application under standard methods. (6-1-94)

165. CONTESTING DENIED EXPEDITED SERVICE.

The Department will offer an agency conference to a household contesting denial of expedited services. The Department will tell households they can request an agency conference. The Department will tell a household an agency conference will not delay or replace a fair hearing. Migrant farmworker households and households planning to move are entitled to expedited fair hearings. (6-1-94)

166. -- 176. (RESERVED).

177. FOOD STAMPS FOR TAFI OR AABD HOUSEHOLDS.

The Department will tell TAFI or AABD applicants they can apply for Food Stamps when they apply for TAFI or AABD. Households, applying for TAFI or AABD and Food Stamps at the same time, must complete an application for TAFI or AABD and Food Stamps. Households may be eligible for an out-of-office interview. The Food Stamps must be issued by Food Stamp rules. (7-1-98)

178. CATEGORICALLY ELIGIBLE HOUSEHOLDS.

Households with all members meeting one (1) of the criteria below are categorically eligible for Food Stamps. Categorically eligible households are resource and income eligible. The Department will not compute resource eligibility. The Department will not compute gross or net income eligibility. Categorically eligible households must meet all other Food Stamp eligibility criteria. Categorically eligible households have the same rights as other households. (6-1-94)

01. Cash Benefits. All household members are approved for, or already get, TAFI or AABD or SSI cash benefits. The household is categorically eligible. (7-1-98)

02. Benefits Recouped. All household members have AABD or SSI benefits being recouped. The household is categorically eligible. (7-1-98)

03. Grant Less Than Ten Dollars. All household members not getting TAFI or AABD or SSI because their grant is less than ten dollars (\$10). The household is categorically eligible. (7-1-98)

179. HOUSEHOLDS NOT CATEGORICALLY ELIGIBLE.

The households listed below not categorically eligible for Food Stamps. (6-1-94)

01. Medicaid Only. Households are not categorically eligible if any household member gets Medicaid benefits only. (6-1-94)

02. IPV. Households are not categorically eligible, if any household member is disqualified for a Food Stamp Intentional Program Violation (IPV). (6-1-94)

03. Work Requirements. Households are not categorically eligible, if any household member fails to comply with the Food Stamp work requirements. (6-1-94)

04. Ineligible Legal Non-Citizen Or Student. Households are not categorically eligible if any member is an ineligible legal non-citizen or ineligible student. (7-1-98)

05. Nonexempt Institution. Households are not categorically eligible if any member is a person living in a nonexempt institution. (6-1-94)

180. CATEGORICAL ELIGIBILITY ENDS.

Categorical eligibility ends when one household member is no longer eligible for TAFI, AABD or SSI. If the household is still eligible under Food Stamp rules, the household will continue to get Food Stamps. If categorical eligibility ends and household income or resources exceed the Food Stamp limits, the household is no longer eligible for Food Stamps. Food Stamps will stop after timely advance notice. (7-1-98)

181. MIXED HOUSEHOLDS.

Households with at least one (1) member meeting the conditions below are mixed households. Resources of members meeting the conditions below are excluded. Resources of the other household members are counted. (6-1-94)

01. Cash Benefits. Household member is approved for, or already gets, TAFI or AABD or SSI cash benefits. (7-1-98)

02. Benefits Recouped. Household member has AABD or SSI benefits being recouped. (7-1-98)

03. Grant Less Than Ten Dollars. Household member not getting TAFI or AABD or SSI because the grant is less than ten dollars (\$10). (7-1-98)

182. VERIFICATION FOR TAFI OR AABD HOUSEHOLDS.

To determine eligibility for Food Stamps in TAFI or AABD households, use TAFI or AABD proof. Do not delay Food Stamps beyond thirty (30) days after the application date. (7-1-98)

183. TIME LIMITS FOR CATEGORICALLY ELIGIBLE HOUSEHOLDS.

Food Stamp eligibility can be determined before a public assistance eligibility determination is made. The Food Stamp application must not be delayed or denied because of a delayed public assistance decision. If a Food Stamp household might be categorically eligible, the application cannot be denied until thirty (30) days after the application date. (6-1-94)

184. CATEGORICALLY ELIGIBLE HOUSEHOLDS DENIED FOOD STAMPS.

If the Food Stamp application was denied and the entire household is later found eligible for TAFI, AABD or SSI, the Department will provide benefits and must not require a new application. The household will update the application using new information. Application changes must be initialed by the household member or representative. The updated application must be signed by a household member or representative. The Department will not interview the applicant again. The Department will issue Food Stamps from the later of the Food Stamp application date or PA eligibility date. If a resident of a public institution applies jointly for SSI and Food Stamps before release, Food Stamps are issued from the release date. (7-1-98)

185. -- 189. (RESERVED).

190. SSI/FOOD STAMP JOINT PROCESSING.

Households with all members applying for or getting SSI can apply or recertify for Food Stamps when they apply for

SSI. Food Stamp eligibility and issuance will be based on information provided by SSA or the household. Households not getting or applying for Food Stamps during the preceding thirty (30) days must be allowed to apply at the SSA office or Department office. (6-1-94)

01. Initial Application For SSI. The SSA must tell households with all SSI clients they may apply or reapply for Food Stamps at the SSA office or Department office. The SSA must accept and complete applications from SSI households. SSA must forward an FCS approved transmittal form and an Idaho application to the Department in one (1) working day. Persons applying under joint processing must not be required to have another interview. The household will not be contacted further, unless the application is not complete, missing proof or is questionable. The SSI client is not required to go to the Field Office. Contact may be made by telephone, letter or home visit. (7-1-98)

02. Food Stamp Application Time Limit. The Department will determine eligibility and issue Food Stamps within thirty (30) days of SSA getting the application. If a resident of a public institution applies jointly for SSI and Food Stamps before release, the Department will determine eligibility and issue Food Stamps within thirty (30) days of the release date. SSA will tell the Department of the applicant's release date from a public institution. (6-1-94)

03. SSA Expedited Application Screening. All applications must be screened by SSA and the Field Office. The SSA must screen for expedited services. The SSA must mark "expedited processing" on the first page of applications meeting expedited criteria. The SSA must tell households meeting the expedited criteria Food Stamps may be issued sooner if they apply at the Department. The Field Office must screen all applications from SSA on the day the application is received. Applications received by the wrong Field Office must be sent to the correct office within one (1) working day. Expedited time limits begin the date the correct Field Office gets the application. If a resident of a public institution applies jointly for SSI and Food Stamps before release, the Department will determine expedited eligibility within seven (7) days from the release date. (7-1-98)

04. SSI Application Completed By Telephone Interview. If an application or redetermination for SSI is conducted by telephone, SSA must offer to complete a Food Stamp application. The Food Stamp form must be mailed to the household to return to SSA or the Department. If the application is mailed to SSA, SSA must forward the application and transmittals to the Department. If the application is mailed to SSA, the Department will not require another interview. (6-1-94)

05. Requirements When Application Is Mailed. When SSI redetermination is completed by mail, SSA must include a notice informing pure SSI households of their right to file for Food Stamps at the SSA office or the Department office. SSA must inform the households of the right to an out-of-office interview if they are unable to appoint an authorized representative. (6-1-94)

06. Food Stamp Brochures To SSI Households. SSA must distribute the Food Stamp information to an all SSI member household. SSA must give the household the address and telephone number of the Department office serving their area. (6-1-94)

07. Proof From SSA. The Department will insure all information is verified before initial certification. The Department accepts proof submitted by SSA on the transmittal form. The Department verifies SSI benefit payments through the SDX, BENDEX or by the household. The Department verifies information, other than wages through SDX or BENDEX, where permitted by agreement with SSA. The Department rechecks information only if it is questionable. The Department allows households to provide proof from other sources if information is not available on the SDX or BENDEX or it conflicts with other household information. (6-1-94)

08. SSI Denials And Joint Processing. If SSI is denied for a joint processing application, Food Stamp eligibility or benefit levels may be affected. The Department will send the household a Notice of Expiration. The notice must indicate Food Stamps will end the month after the form is sent. The notice must give the closure reason. The notice must indicate the household must reapply to get Food Stamps. The notice must indicate the household may be entitled to an out-of-office interview. (6-1-94)

09. Restoring Lost Benefits In Joint Processing. The Department will restore benefits lost because of joint processing errors. The Department will restore benefits lost because the Department was not told on a timely

basis of the applicant's release date from a public institution. (6-1-94)

10. Recertification By SSA Office. SSI households receiving a Notice of Expiration are entitled to timely recertification through the SSA office. (6-1-94)

11. Work Registration Waived. Household members applying under joint processing must have work registration waived until determined SSI eligible or ineligible. (6-1-94)

191. -- 194. (RESERVED).

195. DISASTER CERTIFICATION.

When allowed by FCS, under the authority of Section 302(a) of the Disaster Relief Act of 1974, the Department can certify households affected by a natural disaster. If the Secretary of USDA declares a disaster area, the Department will follow disaster instructions issued by the USDA. (7-1-98)

196. -- 199. (RESERVED).

200. NONFINANCIAL CRITERIA.

Nonfinancial criteria are identification, residency, Social Security Number, citizenship, and work requirements. Households must meet these nonfinancial criteria to be eligible for Food Stamps. (6-1-94)

201. IDENTIFICATION.

The person making application for Food Stamps must prove identity. The authorized representative, applying on behalf of a household, must prove identity. If an authorized representative is used, the identity of the head of the household must also be proved. Proof includes a driver's license, school identification, wage stubs, and birth certificates. The Department will accept other reasonable proof of identity. (6-1-94)

202. RESIDENCY.

A household must live in the project area where it applies for Food stamps. A person can get Food Stamps as a member of only one (1) household a month. An exception is made for a person moving to a shelter for battered women and children. (6-1-94)

01. Place Of Residency. Households must live in the project area in which they make application. An eligible Food Stamp household is not required to live in a permanent dwelling or have a fixed mailing address. There is no residence duration requirement. (6-1-94)

02. Vacationing Persons Not Residents. Persons in Idaho for vacation only are not residents for Food Stamp eligibility. Vacation is the period a household spends away from their usual activity, work, or home. Vacation is taken for travel, rest, or recreation. (6-1-94)

03. Physical and Mailing Address Different. The physical address and the mailing address of a Food Stamp household can be different. If the mailing address is not the household's physical address, the household must provide proof of the physical address. (6-1-94)

04. Proof Of Residence. Residence can be proven with a driver's license, lease agreement, rent receipt, tax bill, telephone directory or city directory. Residence can be proven by contact with the landlord, neighbor, or by a home visit. Proof is not required for unusual cases, such as homeless households, migrant farm workers, or households new to the project area. A household is new to the project area if it arrives in the same calendar month as the date of application. (6-1-94)

203. SOCIAL SECURITY NUMBER (SSN) REQUIREMENT.

Before certification, households must provide the Department the SSN, or proof of application for SSN, for each household member. If a household member has more than one (1) SSN, he must provide all of his SSNs. (7-1-98)

01. Religious Objection. Households declaring a valid religious objection to getting or providing an SSN may get Food Stamps, if otherwise eligible. Document the valid reason for the SSN objection. Tell the household SSNs may be assigned to household members without their cooperation. Tell the household other sources

may be used to get SSN data.

(6-1-94)

02. Apply For SSN. If a household member does not have an SSN, he must apply for an SSN. After the member files the SSN application, he may get Food Stamps while the SSN is assigned. If a household member is unable to provide his SSN, he must apply for a duplicate SSN card. If a household member does not know if he has an SSN, he must apply for an SSN. If a household member has a questionable SSN he must apply for an SSN. SSN application process and proof is listed below:

(7-1-97)

a. Application for SSN or duplicate SSN card. For the household member with a SS card, the Department must tell the household an SS-5 Application for SSN must be filed at an SSA office, give the household an HW 0446 Social Security Number Referral form tell the household proof of age, identity, and citizenship must be provided to the SSA.

(6-1-94)

b. Proof of SSN application. The household must prove it applied for an SSN by giving one (1) of three (3) forms to the Department: A completed HW 0446 Social Security Number Referral, signed and dated by SSA, a completed SSA-5028 Evidence of Application for Account Number Card, signed and dated by SSA, a completed SSA-2853 Message From Social Security, signed and dated by a hospital representative. The acquired SSN card is proof of application.

(6-1-94)

03. Proof Of Application For An SSN For A Newborn. A newborn may participate when the household cannot provide proof of application for an SSN for the newborn. Proof of application for an SSN for that child must be provided at the next recertification or six (6) months after the month the child was born, whichever is later. If the household does not provide proof, treat the child as a disqualified household member the month following the month the household failed to provide the proof.

(7-1-98)

04. Expedited Services SSN Requirements. Households getting expedited services must furnish an SSN or apply for an SSN for each person before the second full month of Food Stamp participation. If the application date is the first day of the month and proof is delayed, the household is assigned a normal certification period. For a household applying on the first day of the month, if the SSN or application for SSN is not provided for a household member during the first month, the person is treated as an excluded household member beginning the second month. A newborn may participate when the household cannot provide proof of application for an SSN for the newborn. Proof of application for an SSN for that child must be provided at the next recertification or six (6) months after the month the child was born, whichever is later.

(7-1-98)

05. Refusal Or Failure To Provide SSN. Refusal or failure, without good cause, to provide an SSN will end benefits of the person without an SSN. Refusal or failure, without good cause, to apply for an SSN, will end benefits of the person without an SSN. The person is not eligible until an SSN is provided or application is made. The disqualified person's income and resources must be counted in the Food Stamp budget. Explain these penalties to the household. If benefits are reduced or ended, because one (1) or more persons fail to meet the SSN requirement, send a Notice of Decision. The notice includes the name of the disqualified household member, the reason and the new household benefit. The notice tells the household the actions they must take to get Food Stamps for the disqualified member.

(6-1-94)

06. Good Cause For Not Applying For SSN. If a member can show good cause why an SSN application was not completed, within the application month, the member can participate for an additional month. Good Cause is described below:

(6-1-94)

a. Good cause exists if the HW 0446 or other documents show the household submitted form SS-5 to the SSA, but the SS-5 was not processed in a timely manner by the SSA. Once the SS-5 has been filed and accepted by the SSA, the member can be eligible until the SS-5 is processed.

(6-1-94)

b. Good cause exists if documents or collateral data show the household applied for, or made every effort to apply for, an SSN.

(6-1-94)

c. Good cause does not include household-caused delays due to illness, lack of transportation, or temporary absences.

(6-1-94)

07. Person Unable To Get Proof For SSA. If the person is unable to get the proof required by SSA for an SSN, the Department will help the person get proof. (6-1-94)

08. Good Cause Extension. If the person cannot get an SSN in the application month, and good cause exists, a one (1) month extension must be granted to allow the person to get Food Stamps until the SSN is received. (6-1-94)

09. SSN Proof Required. Verify all SSNs, or application for SSNs, for each household member. SSNs are proved through Numident. (6-1-94)

10. SSN Not Proved Due To Numident Discrepancy. If there is a Numident discrepancy take the action listed below: (6-1-94)

a. Notify household. Notify the household, in writing, they must submit a corrected SS-5 and supporting data to SSA within ten (10) calendar days. Notify the household Food Stamps will end if the Department does not have proof the SS-5 was submitted to SSA within ten (10) calendar days. (6-1-94)

b. Evaluate good cause. Determine good cause for refusal to cooperate if a household claims it cannot submit the SS-5 and supporting data to SSA. If the supporting data has been destroyed good cause may exist. (6-1-94)

c. End benefits. Close the case after timely notice if the household refuses to cooperate. Refusal to cooperate means the household fails or refuses to submit the SS-5 and required proof to SSA, without good cause. (6-1-94)

204. CITIZENSHIP OR SATISFACTORY IMMIGRATION STATUS.

A person must be a U. S. resident to get Food Stamps. A person must be a U.S. citizen or qualified legal non-citizen to get Food Stamps. To be eligible for Food Stamps, legal non-citizens must meet a category in Subsections 204.01 through 204.11. (4-5-00)

01. Permanent Residents Admitted Before August 22, 1996. A non-citizen lawfully admitted to the United States for permanent residence before August 22, 1996: (7-1-99)

a. Who is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. Armed Forces for other than training or the spouse or unmarried dependent of the veteran or person on active duty; or (7-1-99)

b. Who has forty (40) quarters of work. A quarter worked by the legal non-citizen's parent, while the legal non-citizen was under age eighteen (18) and a quarter worked by the legal non-citizen's spouse during marriage if the legal non-citizen remains married to the spouse or the spouse is deceased can be counted as a quarter of work for the legal non-citizen. Any quarter after January 1, 1997, in which a legal non-citizen received any Federal means-tested benefit is not counted as a quarter of work. (7-1-99)

02. Permanent Residents Admitted On Or After August 22, 1996. A lawful permanent resident admitted on or after August 22, 1996: (7-1-99)

a. Who is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. Armed Forces for other than training or the spouse or unmarried dependent of the veteran or person on active duty; or (7-1-99)

b. Who has lived in the United States for five (5) years and has forty (40) quarters of work. (7-1-99)

03. Lawful Non-Citizen, Permanent Residents Residing In The U.S. On August 22, 1996. Lawful non-citizen, permanent residents residing in the U. S. on August 22, 1996 who are: (4-5-00)

a. Blind or disabled of any age under the disability criteria listed in Subsections 216.02 through 216.10; or (4-5-00)

b. Sixty-five (65) years of age or older, at that time; or (4-5-00)

c. A child who is now under the age of eighteen (18). (4-5-00)

04. Refugees. A refugee admitted under Section 207 of the Immigration and Nationality Act, a Cuban/Haitian entrant as defined in Section 501(e) of the Refugee Assistance Act of 1980 or an Amerasian admitted under Section 584 of Public Law 100-202 and amended by Public Law 100-461, is eligible: (7-1-99)

a. For seven (7) years from refugee's date of entry; or (4-5-00)

b. With no time limit if the refugee is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. Armed Forces for other than training, or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

05. Asylees. An asylee admitted under Section 208 of the Immigration and Nationality Act is eligible: (7-1-99)

a. For seven (7) years from the date asylee status is assigned; or (4-5-00)

b. With no time limit if the asylee is a veteran honorably discharged for a reason other than alienage or on active duty for other than training in the U.S. Armed Forces, or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

06. Deportation Withheld. An individual whose deportation has been withheld under Section 241(b)(3) or 243(h) of the Immigration and Nationality Act is eligible: (7-1-99)

a. For seven (7) years from the date deportation was withheld; or (4-5-00)

b. With no time limit if the deportee is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. Armed Forces for other than training or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

07. Conditional Entrants. A conditional entrant admitted under Section 203(a)(7) of the Immigration and Nationality Act who is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. Armed Forces for other than training or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

08. Parolees. A person paroled into the United States under Section 212(d)(5) of the Immigration and Nationality Act for a period of at least one (1) year who is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. Armed Forces for other than training or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

09. Battered Non-Citizen. A legal non-citizen admitted to the United States as a battered non-citizen under Section 204(a)(1)(A), or 204(a)(1)(B) of the Immigration and Nationality Act, as a non-citizen whose deportation is suspended under Section 244(a)(3) of the INA who is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. Armed Forces for other than training or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

10. Certain Hmong and Highland Laotians. Certain Hmong and Highland Laotians who were: (4-5-00)

a. Members of a Hmong or Highland Laotian tribe at the time the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964 and ending May 7, 1975; or (4-5-00)

b. The spouse or unmarried dependent child of such an individual; or (4-5-00)

- c. The unremarried surviving spouse of such an individual who is deceased. (4-5-00)

11. Native Americans. Native Americans with treaty rights to cross the U.S. borders, American Indians born in Canada to whom the provisions of Section 289 of the Immigration and Nationality Act apply, or members of an Indian tribe as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act. (4-5-00)

205. WRITTEN DECLARATION OF CITIZENSHIP OR IMMIGRATION STATUS.

To get Food Stamps, a person must be a citizen, national of the United States, or have satisfactory immigration status. The person must declare citizenship or legal non-citizen status in writing, under penalty of perjury. (7-1-98)

01. Citizen/Legal Non-Citizen Status At Application. One (1) adult household member must sign a written declaration attesting to the citizenship or legal non-citizen status of all household members. An adult household member must sign his own name for a child under eighteen (18) years of age. If there are no adult household members, the applicant must sign for himself and for all other non-adult household members. (7-1-98)

02. Sanctions For Failure To Sign Citizen/Legal Non-Citizen Status. If the applicant fails to sign the written declaration, the household is not eligible for Food Stamps. When all household members are under the age of eighteen (18) one (1) household member must sign for all household members. (4-5-00)

206. PROOF OF PROPER IMMIGRATION STATUS.

Immigration status is proved by INS. INS will compare the evidence to their Alien Status Verification Index (ASVI) to verify the immigration status of the legal non-citizen. (7-1-98)

01. Proof Of Immigration Status. Legal non-citizens must present proof of immigration status for each legal non-citizen member. (7-1-99)

02. Time Limits For Providing Legal Non-Citizen Documents. Allow legal non-citizens ten (10) days to provide legal non-citizen status documents. The ten (10) day period starts the date legal non-citizen status documents are requested. If the ten (10) day period ends before the thirtieth day after application, do not certify the household until it provides the documents. If the ten (10) day period ends beyond the thirtieth day after application, do not delay benefits for the remaining household members, if the household is otherwise eligible. Provide benefits no later than the thirtieth day. If the legal non-citizen status documents are not provided by the end of ten (10) days, the legal non-citizen member must be classified as an ineligible legal non-citizen. (7-1-98)

03. Failure To Provide Legal Non-Citizen Documents. If a household says it is unable or unwilling to provide legal non-citizen status documents for a legal non-citizen household member, the legal non-citizen member must be classified as an ineligible legal non-citizen. (7-1-98)

04. Proof Of Immigration Status. The documents provided by the household for members identified as legal non-citizens are submitted to INS for proof. The proof is completed by use of SAVE. Primary and secondary methods of proof are described below: (7-1-98)

a. Primary proof. Primary proof is telephone access to the INS files. This method uses the Alien Status Verification Index (ASVI). The Alien indicator (A) plus the seven (7) or eight (8) numbers shown on the original document is used to access the ASVI file. (6-1-94)

b. Secondary proof. Secondary proof is sending photo copies of the original immigration documents and a Document Verification Request Form (G-845) to INS for proof. Secondary proof is used if any of the conditions in Subsections 206.04.b.i. through 206.04.b.v. apply: (7-1-99)

- i. Primary proof instructs the Department to "Institute Secondary Verification". (7-1-99)
- ii. No record is found through the primary proof system. (7-1-99)
- iii. The Department has accepted non-INS documents determined to be reasonable evidence of legal

non-citizen immigration status. (7-1-99)

iv. The Department has determined documents presented by the legal non-citizen are questionable. (7-1-99)

v. An Alien (A) Number is not on an INS document. Information in the record is not consistent and more proof is needed. (7-1-99)

05. Secondary Proof Requirement. If primary proof fails to verify legal non-citizen status, the secondary proof procedure must be completed before the Department denies Food Stamps based solely on legal non-citizen status. (7-1-99)

06. Legal Non-Citizen Status Not Proved. A legal non-citizen whose status is not proved by INS must be considered an ineligible legal non-citizen. (7-1-98)

07. Documentation Provided Late. If the legal non-citizen later provides documentation of legal non-citizen status, and other household members get Food Stamps, act on the information by submitting it to INS for proof. Once the eligible legal non-citizen status is verified add the legal non-citizen. Add the legal non-citizen the month after the participant provides documentation of legal non-citizen status to the Department, not the month after INS verifies the status. If the Food Stamp case is not open, the legal non-citizen must re-apply. (7-1-99)

207. INELIGIBLE LEGAL NON-CITIZEN STATUS.

If legal non-citizen status cannot be proved or ineligible legal non-citizen status is proved, the legal non-citizen is not eligible for Food Stamps. His income and resources must be counted. Ineligible legal non-citizens include, but are not limited to, legal non-citizens entering the country illegally to seek employment, legal non-citizen visitors, tourists, diplomats, and persons temporarily attending school in the United States with no intention of abandoning their foreign residence. (7-1-98)

208. REPORTING LEGAL NON-CITIZENS WITH DEPORTATION ORDER.

Report legal non-citizens with a final deportation order filed against them for violation of the Immigration and Nationality Act. An order of deportation is final when one (1) of the conditions in Section 208 is met. Inform the local INS office within one (1) day of verifying a Food Stamp household member meets a condition below: (7-1-98)

01. Appeal Period Elapsed. The order is not subject to appeal because the statutory appeal period of ten (10) days has elapsed. (6-1-94)

02. No Grounds For Appeal. There are no lawful grounds upon which to appeal the order. (6-1-94)

03. Appeals Exhausted. Administrative and judicial appeals have been exhausted, and the order is not subject to reopening for reconsideration. (6-1-94)

209. -- 211. (RESERVED).

212. FOOD STAMP HOUSEHOLDS.

A Food Stamp household is composed of a person, or group of persons, applying for or getting Food Stamps. The composition of Food Stamp households is listed below: (6-1-94)

01. Living Alone. A person living alone. (6-1-94)

02. Living With Others. Preparing Separate Meals. A person or persons living with others but customarily purchasing food and preparing meals separately from the others. (6-1-94)

03. Living With Others, But Paying For Meals. A person or persons living with others and furnished both meals and lodging. The person or persons pay less than the thrifty food plan. (6-1-94)

04. Living Together And Preparing Common Meals. A group of persons who live, purchase food, and customarily prepare meals together for home consumption. (6-1-94)

05. Women Living In Shelter. Women, or women with their children, temporarily residing in a shelter for battered women and children. (6-1-94)

06. Living In Drug Or Alcohol Treatment Center. Person living in a publicly operated community health center or in a private nonprofit center for drug addiction or alcoholic treatment and rehabilitation. (6-1-94)

07. Resident Of Group Living Center. Person residing in a group living arrangement center certified by the Department. (6-1-94)

213. SEPARATE FOOD STAMP HOUSEHOLD COMPOSITION FOR RELATED MEMBERS.
One of the conditions below must be met for related persons living together to be separate Food Stamp households. (6-1-94)

01. Children Age Twenty-Two And Older Living With Parents. Children age twenty-two (22) and older, living with their parents, can be separate Food Stamp households. The households must purchase and prepare their food separately. (9-1-94)

02. Households Must Prepare Food Together Because Of Age And Disability. Households that must purchase and prepare food together because one (1) household contains a person sixty (60) years of age or older unable to purchase and prepare meals because of a disability, can be separate Food Stamp households. The spouse of the disabled person must be considered a member of that person's household. These households must meet the following conditions: The disability must be permanent under the Social Security Act or a nondisease related, severe permanent disability. The income of the household, which does not contain the person unable to purchase and prepare meals separately, must not exceed one hundred sixty-five percent (165%) of the gross income limit for the household size. To count income for the one hundred and sixty-five percent (165%) gross income standard: Exclude the income of the disabled person and his spouse. Count all available income to the household not containing the disabled person. Compare the gross income eligibility standard for that size household. (7-1-98)

214. JOINT CUSTODY.
In joint custody situations, children may move from one (1) parent's home to the other parent's home on a regular schedule during the month. If only one (1) parent applies, the child may be included in that parent's household. If both parents apply, they must be told no child can participate in two (2) Food Stamp households in the same month. The parents should decide which household will include the child. Where there are two (2) or more children, the children may be a member of either but not both households. If the parents cannot agree on the child's household for Food Stamps, include the child in the household of the first parent to apply. Assign the shortest allowable certification period. (6-1-94)

215. PERSONS NOT ELIGIBLE FOR SEPARATE FOOD STAMP HOUSEHOLD STATUS.
Persons listed below cannot be separate Food Stamp households. For Food Stamps, they are part of the household where they live. (6-1-94)

01. Spouse. Spouses are not separate Food Stamp households. (6-1-94)

02. Boarder. Boarders are not separate Food Stamp households. (6-1-94)

03. Parents And Children Together. Children under age twenty-two (22), living together with their parents, are not separate Food Stamp households. Parents and children living together include natural, adopted, or stepchildren. Parents and children living together include natural, adopted, or stepparents. (7-1-98)

04. Child Under Age Eighteen Under Parental Control. A child under age eighteen (18) and under parental control of an adult household member is not a separate household, unless the child is a foster child. (9-1-94)

216. ELDERLY OR DISABLED FOOD STAMP HOUSEHOLD MEMBERS.
To be counted as an elderly or disabled Food Stamp household member, the person must meet one of the criteria listed below: (6-1-94)

- 01. Age.** Age sixty (60) or older. (6-1-94)
- 02. SSI.** Entitled to Supplemental Security Income (SSI) benefits. This includes SSI presumptive disability payments, SSI emergency advance payments, or special SSI status. (6-1-94)
- 03. RSDI.** Entitled to Social Security payments based on disability or blindness. (6-1-94)
- 04. State Supplement.** Entitled to State or Federally funded State supplement payments to the SSI program such as AABD. (6-1-94)
- 05. Medicaid.** Entitled to Medicaid based on SSI related disability or blindness. (6-1-94)
- 06. Disability Retirement.** Entitled to Federal or State funded disability retirement benefits because of a disability considered permanent by the Social Security Administration. (6-1-94)
- 07. Disabled Veteran.** A veteran with a service or nonservice connected disability rated or paid as total. (6-1-94)
- 08. Veteran Needing Aid And Attendance.** A veteran considered in need of regular aid and attendance or permanently housebound under Title 38 of the U.S. Code. (6-1-94)
- 09. Veteran's Surviving Spouse.** A veteran's surviving spouse in need of aid and attendance or permanently housebound. (6-1-94)
- 10. Veteran's Surviving Child.** A veteran's surviving child permanently incapable of self-support under Title 38 of the U.S. Code. (6-1-94)
- 11. Veteran's Survivor Entitled.** A veteran's surviving spouse or child entitled to receive payment for a service-connected death under Title 38 of the U.S. Code. The veteran's surviving spouse or child must be permanently disabled under Section 221(i) of the Social Security Act. A veteran's surviving spouse or child entitled to pension benefits for a nonservice death under Title 38 of the U.S. Code. The veteran's surviving spouse or child must be permanently disabled under Section 221(i) of the Social Security Act. "Entitled" refers to veterans, surviving spouses and children receiving pay or benefits or who have been approved for payments, but are not yet receiving them. (6-1-94)
- 12. Railroad Retirement And Medicare.** Entitled to an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and determined eligible for Medicare by the Railroad Retirement Board. (6-1-94)
- 13. Railroad Retirement And Disability.** Entitled to an annuity payment under Section 2(a)(1)(v) and is determined disabled by the Board according to SSI criteria. (6-1-94)
- 217. NONHOUSEHOLD MEMBERS.**
Nonhousehold members are persons not counted in determining Food Stamp household size. Their income and resources do not count toward the Food Stamp household. Nonhousehold members may be eligible as a separate household. Nonhousehold members are listed below: (6-1-94)
- 01. Roomers.** A person who pays for lodging, but not meals. (6-1-94)
- 02. Live-In Attendants.** A person living with a household to provide medical, housekeeping, child care, or other similar services. (6-1-94)
- 03. Ineligible Students.** A person between the ages of eighteen (18) and fifty (50), physically and mentally fit, enrolled at least half-time in an institution of higher education, and not meeting Food Stamp eligibility requirements for students. (6-1-94)
- 04. Residents Of Institutions.** A resident of an institution is not a member of the Food Stamp

household. An institution is an ineligible household because the institution provides the resident over fifty percent (50%) of three (3) meals daily, as part of the normal services. The institution is not allowed to accept coupons.

(6-1-94)

05. Persons Not Purchasing And Preparing Meals. A person sharing living quarters, but not purchasing and preparing meals with the household as standard practice.

(6-1-94)

218. PERSONS DISQUALIFIED AS FOOD STAMP HOUSEHOLD MEMBERS.

Persons disqualified as Food Stamp household members must not participate in the Food Stamp program. Disqualified household members are not counted in the household size. Disqualified household members' income and resources are counted. Disqualified household members are listed below:

(6-1-94)

01. Ineligible Legal Non-Citizen. Ineligible legal non-citizens not meeting citizenship or eligible legal non-citizen requirements.

(7-1-98)

02. Persons With Citizenship Questionable. Persons refusing to sign a declaration attesting to citizenship or legal non-citizen status.

(7-1-98)

03. Person Refusing SSN. Persons disqualified for failure or refusal to provide a Social Security Number.

(6-1-94)

04. JSAP Or Work Registration Noncompliance. Persons disqualified for failure to comply with JSAP or work registration requirements.

(4-5-00)

05. Persons With IPV. Persons disqualified for an Intentional Program Violation (IPV).

(6-1-94)

06. Voluntary Quit Or Reduction Of Hours Of Work. Persons disqualified for a voluntary quit or reduction in hours of work.

(4-5-00)

07. ABAWD Not Meeting Work Requirement. Persons who have received three (3) months of Food Stamp benefits in a three (3) year period without meeting the ABAWD work requirement.

(7-1-98)

08. Fugitive Felon. Persons who are determined to be a fugitive felon or probation or parole violator.

(7-1-98)

09. Drug Convicted Felon. Individuals convicted under federal or state law of any offense classified as a felony involving the possession, use or distribution of a controlled substance when they do not comply with the terms of a withheld judgment, probation or parole. The felony must have occurred after August 22, 1996.

(3-30-01)

10. Failure To Cooperate In Paternity Establishment Or Obtaining Support. Persons disqualified for failure to cooperate in establishing paternity and obtaining support for a child under eighteen (18).

(7-1-98)

219. -- 220. (RESERVED).

221. WHEN TO COUNT FOOD STAMP HOUSEHOLD MEMBERS.

Members of the Food Stamp household must be determined before Food Stamps can be issued. Count household members using guidelines below:

(6-1-94)

01. New Household. Determine household composition for a new household as of the application month.

(6-1-94)

02. Household Gains An Eligible Member. If the Food Stamp household gains an eligible member, add the member the month after the month the household reports and verifies the new member. Provide a supplemental issuance if necessary. If the new member has income and Food Stamp benefits must be reduced, advance notice is required. If advance notice is required, add the member two (2) months after the month the household reports and verifies the new member.

(7-1-97)

03. Household Loses A Member. If the household loses a member, remove the member as soon as possible following proper notice. Food Stamps based on the lost member must end not later than two (2) months after the month the member left the household. (6-1-94)

04. Moves From One Food Stamp Household To Another Food Stamp Household. If a person moves from one (1) Food Stamp household to another Food Stamp household remove the person from the old household with proper notice. Add the person to the new household. The person cannot get Food Stamps in both households in the same month. (6-1-94)

222. -- 225. (RESERVED).

226. JOB SEARCH ASSISTANCE PROGRAM (JSAP).

The JSAP program is designed to help Food Stamp recipients become self-sufficient. (7-1-99)

01. JSAP Status. All household members, unless exempt, must participate in JSAP. Household members who are on strike must participate in JSAP. Members who are not migrants in the job stream must participate in JSAP. Determine the JSAP status of a participant at certification, recertification, and when household changes occur. (7-1-99)

02. JSAP Information. Explain, both in writing and orally, the JSAP requirement, rights, responsibilities, and the result of failure to comply. (7-1-99)

227. EXEMPTIONS FROM JSAP FOR HOUSEHOLD MEMBERS NOT PARTICIPATING IN TAFI.

Exemptions from JSAP for household members not participating in the TAFI program are listed in Subsections 227.01 through 227.12. (7-1-99)

01. Parents And Caretakers Of Child Under Six Years Of Age. A parent or caretaker responsible for the care of a dependent child under age six (6). If the child becomes six (6) during the certification period, the parent or caretaker must register at the next scheduled recertification, unless exempt for another reason. (6-1-94)

02. Parents and Caretakers Of An Incapacitated Person. A parent or caretaker responsible for the care of a person incapacitated due to illness or disability. (6-1-94)

03. Incapacitated Person. A person physically or mentally unfit for employment. If a disability is claimed which is not evident, proof to support the disability can be required. Proof includes, but is not limited to, receipt of permanent or temporary disability benefits, or a statement from a physician or licensed or certified psychologist. (6-1-94)

04. Persons Enrolled Half Time. Persons enrolled at least half-time in any recognized school, training programs or institutes of higher education. To be exempt from JSAP, students enrolled at least half-time in an institution of higher education must meet the FCS student definition. (7-1-99)

05. SSI Applicant. A person applying for SSI may have registration waived until determined SSI eligible and exempt from JSAP. A person applying for SSI may have registration waived until determined SSI ineligible and must register for JSAP. (6-1-94)

06. Employed Person. An employed person is working at least thirty (30) hours per week, or receiving earnings equal to the Federal minimum wage multiplied by thirty (30) hours. An employed person is also a migrant or seasonal farm worker under contract or agreement to begin employment within thirty (30) days. (6-1-94)

07. Self-Employed Person. A person is self-employed if he is working a minimum of thirty (30) hours per week or receiving earnings equal to the Federal minimum wage multiplied by thirty (30) hours. (6-1-94)

08. Addicts Or Alcoholics. Regular participants in a drug or alcoholic treatment and rehabilitation program are exempt from JSAP. (6-1-94)

09. Unemployment Insurance (UI) Applicant/Recipient. A person getting UI is exempt from JSAP.

A person applying for, but not getting UI, if required to register for work with the DOE as part of the UI application process is exempt from JSAP. (6-1-94)

10. Children Under Sixteen Years Of Age. Persons younger than sixteen (16) are exempt from JSAP. If a child turns sixteen (16) within a certification period, he must register at recertification, unless exempt for another reason. (6-1-94)

11. Sixteen Or Seventeen Year Old. A household member age sixteen (16) or seventeen (17) is exempt if the person is attending school at least half-time, or is enrolled in an employment and training program at least half-time. (4-5-00)

12. Age Sixty Or Older. A person sixty (60) or older is exempt from JSAP. (6-1-94)

228. DEFERRALS FROM JSAP FOR HOUSEHOLD MEMBERS PARTICIPATING IN TAFI.
Deferrals from JSAP for household members participating in the TAFI program are listed in Subsections 228.01 through 228.03. (4-5-00)

01. Reasonable Distance. Appropriate child care is not available within a reasonable distance from the participant's home or work site. (7-1-99)

02. Relative Child Care. Informal child care by relatives or others is not available or is unsuitable. (7-1-99)

03. Child Care Not Available. Appropriate and affordable child care is not available. (7-1-99)

229. PARTICIPANTS LOSING JSAP EXEMPT STATUS.
If an exempt household member becomes mandatory, the Department must notify the participant of JSAP requirements. Mandatory JSAP participants must sign a JSAP agreement. (7-1-99)

230. JSAP PROGRAM COMPONENTS.
Before placement in a JSAP component, participants must negotiate and sign a JSAP agreement. Participants must register for work with the Department of Labor. Subsections 230.01 through 230.03 list JSAP program components. (7-1-99)

01. Job Search. Participants must complete the equivalent of at least twenty-four (24) hours of job search in a two (2) month period. Job search activities include job readiness activities. (7-1-99)

02. Work Opportunities. Participants are assigned to Work Opportunities placements to learn practical expectations and demands of employment, and improve technical skills. Participants are not employed by the placement site. Participants are required to engage in Work Opportunities, up to the number of hours determined by dividing the monthly Food Stamp allotment by the Federal minimum wage. (7-1-99)

03. Skills Training. Participants are assigned to skills training to improve basic skills and employability. Skills training includes, but is not limited to, the following: (7-1-99)

- a. High School Education. High School or equivalent educational programs. (7-1-99)
- b. Remedial Education. Remedial education programs to achieve a basic literacy level. (7-1-99)
- c. English Language. Instructional programs in English as a second language. (7-1-99)
- d. Self Employment. Programs designed to improve the self sufficiency of participants through self-employment. (7-1-99)

231. ASSIGNMENT TO COMPONENT.
The Department must notify JSAP participants of assigned components, assigned activities and time frames for completion of activities. The notice must include a description of any supportive services provided. (7-1-99)

232. SUPPORTIVE SERVICES.

Supportive services, with a cost to the JSAP participant, may be paid by the Department. The maximum monthly supportive service payment is twenty-five dollars (\$25). (7-1-99)

233. SUPPORTIVE SERVICES OVERPAYMENTS.

The Department must attempt recovery of supportive services overpayments, if a participant commits fraud or provides inaccurate information. Recovery is made by withholding the overpayment amount from future payments. (7-1-99)

234. PARTICIPATION DEFERRAL.

A mandatory participant may get a deferral from JSAP requirements when good cause exists. (7-1-99)

235. FAILURE TO COMPLY.

Failure to comply includes failure, without good cause, to sign a JSAP agreement, to meet participation requirements, to conduct a job search, or participate in Work Opportunities or skills training for the required number of hours. (4-5-00)

236. GOOD CAUSE.

A mandatory participant may get a deferral from JSAP requirements, if the Department determines a valid reason exists. (7-1-99)

237. SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.

When a JSAP participant fails or refuses to comply, without good cause, sanctions listed in Subsections 237.01 through 237.02 must be applied. In determining which sanction to impose, sanctions for voluntary quit or reduction in work hours must be considered. (4-5-00)

01. Noncomplying Household Member. The noncomplying member is excluded as a household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. The person is not eligible for the greater of the sanction periods listed below or becomes exempt from JSAP. End the household's sanction, before the penalty period ends, if the sanctioned member becomes exempt from JSAP. (4-5-00)

- a. First failure to comply. The greater of the date the person corrects the sanction or one (1) month. (7-1-99)
- b. Second failure to comply. The greater of the date the person corrects the sanction or three (3) months. (7-1-99)
- c. Third failure to comply and subsequent failures. The greater of the date the person corrects the sanction or six (6) months. (7-1-99)

02. Joins Another Household. If a sanctioned household member leaves the original household and joins another Food Stamp household treat the member as an excluded household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. The person is excluded for the rest of the sanction period, or until conditions for ending JSAP sanctions are met. (4-5-00)

238. NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.

Send the household a Notice of Decision when a participant fails to comply with JSAP requirements. The Notice of Decision must contain data listed in Subsections 238.01 through 238.04. If Notice of Decision is sent, and the Department proves the member complied by the effective date of the action, the action to end Food Stamps does not take effect. (4-5-00)

01. Sanction Period. The Notice of Decision must include the proposed sanction period. (6-1-94)

02. Reason for Sanction. The Notice of Decision must include the reason for sanction. (6-1-94)

03. Actions to End Sanction. The Notice of Decision must include the actions the sanctioned person must take to end the sanction. (6-1-94)

04. Right to Appeal. The Notice of Decision must tell the household of its right to a fair hearing. (7-1-99)

239. RIGHT TO APPEAL SANCTION.

The participant has the right to appeal the decision to sanction. The participant may contest a decision of mandatory status or a denial, reduction, or termination of benefits, due to failure to comply with JSAP. Appeals are conducted under Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Section 350, "Rules Governing Contested Cases and Declaratory Rulings". The Department will notify JSAP of the fair hearing. (7-1-99)

240. JSAP SANCTION BEGINS.

The sanction period begins the first month after the Notice of Decision, unless a fair hearing is requested. (6-1-94)

241. ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.

Household members sanctioned for not complying with JSAP are ineligible until a condition listed below is met. (4-5-00)

01. Fair Hearing Reversal. Sanction ends if a fair hearing reverses the sanction. (6-1-94)

02. Sanctioned Member Becomes Exempt. Sanction ends if the sanctioned member becomes exempt from JSAP. (6-1-94)

03. Member Complies with JSAP. Sanction ends if the member, who refused to comply with a JSAP requirement, complies. The member must complete corrective action and serve the minimum sanction period. (7-1-99)

242. CORRECTIVE ACTION.

A mandatory participant can requalify for Food Stamps after a sanction. The participant must contact the Department and request an opportunity to comply. The participant must show that failure to comply has ended. Before certifying failure to comply has ended, the Department may require the participant to attend an assigned activity for up to two (2) weeks, to show willingness to comply with JSAP. (7-1-98)

243. -- 245. (RESERVED).

246. UNEMPLOYMENT INSURANCE (UI) REQUIREMENTS.

Household members, exempt from JSAP due to UI must comply with UI conditions. JSAP requirements must be comparable to UI requirements. (7-1-99)

247. COMPARE UI REQUIREMENTS TO JSAP REQUIREMENTS.

Compare UI requirements to JSAP requirements. Assure UI requirements do not exceed JSAP requirements when a household member refuses or fails without good cause to comply with UI requirements. When the UI requirements exceed JSAP requirements, sanctions cannot be imposed. (7-1-99)

248. SANCTIONS FOR FAILURE TO COMPLY WITH UI REQUIREMENTS.

When the Department finds a member failed or refused to comply, with UI requirements, without good cause, sanctions listed in Subsections 248.01 through 248.03 must be applied. (7-1-99)

01. Noncomplying Household Member. The noncomplying member is excluded as a household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. Exclusion continues until conditions for ending UI sanctions are met. (4-5-00)

02. Joins Another Household. If a sanctioned household member leaves the original household and joins another Food Stamp household, the person is treated as an excluded household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. The person is excluded for the rest of the sanction period, or until conditions for ending UI sanctions are met. (4-5-00)

249. ENDING SANCTIONS FOR FAILURE TO COMPLY WITH UI REQUIREMENTS.

Households or household members sanctioned for not complying with UI requirements are ineligible until one (1) of the conditions listed in Subsections 249.01 through 249.05 is met. (7-1-99)

- 01. Fair Hearing Reversal.** Sanction ends if a fair hearing reverses the sanction. (6-1-94)
- 02. Sanctioned Member Becomes Exempt.** Sanction ends if the sanctioned member becomes exempt from JSAP. (7-1-99)
- 03. Sanctioned Member Leaves Household.** Sanction ends if the sanctioned member leaves the Household. (6-1-94)
- 04. Six Months Elapse For Sanctioned Household.** The household's sanction ends if six (6) months elapse. (7-1-98)
- 05. Member Complies With UI.** Sanction ends if the member, who refused to comply with a UI requirement, complies. The member must complete or resume the assignment and serves the minimum sanction period. This must be proved by UI staff. (7-1-99)

250. NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH UI REQUIREMENTS.

Send the household a Notice of Decision when a participant fails to comply with UI requirements. The notice must be sent within ten (10) working days of the date the Department finds the household did not comply, without good cause. (7-1-99)

251 -- 253. (RESERVED).

254. ABAWD WORK REQUIREMENT.

To participate in the Food Stamp program, persons must meet one (1) of the conditions in Subsections 254.01 through 254.03. Persons not meeting one (1) of the conditions in Section 254 may not participate in the Food Stamp program as a member of any household for more than three (3) full months (consecutive or otherwise) in the thirty-six (36) month period beginning December 1, 1999 and ending November 30, 2002. (4-5-00)

- 01. Work For Twenty Hours Or More Per Week.** The person must work for twenty (20) hours or more per week, averaged monthly. The person must be paid money for the work. (7-1-99)
- 02. Participate In JSAP Or Another Work Program.** The person must participate in and comply with the requirements of the JSAP program (other than job search or job readiness activities), the JTPA program, a program under Section 236 of the Trade Act of 1974, or another work program recognized by the Department. The person must participate for twenty (20) hours or more per week. (7-1-99)
- 03. Participate In Work Opportunities.** The person must participate in and comply with the requirements of a Work Opportunities program. (7-1-99)

255. REGAINING ELIGIBILITY.

Persons whose three (3) month eligibility has expired may regain eligibility for Food Stamps. During a calendar month the person must meet one (1) of the work requirements in Subsections 255.01 through 255.03. After the person regains eligibility, they must continue meeting the work requirement to get Food Stamps. (4-5-00)

- 01. Work Eighty Hours.** The person must work eighty (80) or more hours. (7-1-99)
- 02. Participate In JSAP.** The person must participate in and comply with the requirements of the JSAP program (other than job search or job search training), the JTPA program or a program under section 236 of the Trade Act of 1974 for eighty (80) or more hours. (7-1-99)
- 03. Three Additional Months Food Stamps After Regaining Eligibility.** A person who met the work requirement but lost a job through no fault of their own may get Food Stamps for three (3) consecutive months. For

applicants, the three (3) consecutive months begins the first full month of benefits. For participants, the three (3) consecutive months begins the month following the month the person no longer meets the work requirement. A person is eligible for the additional three (3) consecutive months only once in a thirty-six (36) month period.

(7-1-99)

256. EXEMPTIONS FROM THE ABAWD WORK REQUIREMENT.

Persons meeting a condition in Subsections 256.01 through 256.05 are exempt from the ABAWD work requirement.

(7-1-98)

01. Age. Persons under eighteen (18) and over fifty (50) years of age.

(7-1-98)

02. Disability. Persons medically certified as physically or mentally unfit for employment. Proof of the disability is required.

(7-1-98)

03. Parental Responsibility. Parents or step parents with children under eighteen (18) years old in the household. In the absence of a parent in the household, one (1) adult household member exercising parental control over children under eighteen (18) years old in the household.

(7-1-98)

04. Pregnancy. Pregnant persons.

(7-1-98)

05. JSAP Exempt. Persons exempt from JSAP are also exempt from the ABAWD work requirement.

(7-1-99)

257. -- 258. (RESERVED).

259. STRIKES.

Households must be denied Food Stamps if a member is unemployed because of a strike, unless the household was eligible for or getting Food Stamps the day before the strike.

(6-1-94)

260. GOVERNMENT EMPLOYEES DISMISSED FOR STRIKE.

State, Federal, and local government employees, dismissed because of joining in a strike against the governmental entity, have voluntarily quit a job without good cause.

(6-1-94)

261. VOLUNTARY JOB QUIT OR REDUCTION OF WORK.

When a Food Stamp household reports the loss of earned income, determine if a member of the household voluntarily quit a job or voluntarily reduced his work hours to less than thirty (30) hours a week. If a member of the household voluntarily quit a job or voluntarily reduced his work hours to less than thirty (30) hours a week, without good cause, that person is not eligible for Food Stamps. When a household applies for Food Stamps, determine if a member voluntarily quit his most recent job or reduced his hours of work to less than thirty (30) hours per week, without good cause, in the last sixty (60) days. If a new member enters the household, determine if the new household member voluntarily quit a job or reduced work hours without good cause in the last sixty (60) days.

(4-5-00)

262. -- 263. (RESERVED).

264. DETERMINING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS.

When a member of the household loses a job or income from a job is reduced, voluntary quit or reduction of work hours must be determined. Voluntary quit must be determined if the member of the household was exempt from work registration because he was employed or self employed and working a minimum of thirty (30) hours weekly. Voluntary quit must be determined if the member of the household was exempt from work registration because he was getting weekly earnings at least equal to Federal minimum wage times thirty (30) hours per week. Other members of the household exempt from work registration at the time of quit are exempt from voluntary quit sanctions and reduction of work.

(7-1-98)

265. SITUATIONS NOT CONSIDERED VOLUNTARY JOB QUIT OR REDUCTION OF WORK.

Situations not counted as a voluntary job quit or reduction of work hours are listed below:

(7-1-98)

01. Ending Self-Employment. The person ends self-employment enterprise.

(6-1-94)

02. Employer Demands Resignation. A person resigns from a job at the demand of the employer.
(6-1-94)

03. Laid Off From New Job. A person quits a job, secures new employment at comparable salary or hours and then is laid off. A person quits a job, secures new employment at comparable salary or hours and through no fault of his own loses the new job.
(6-1-94)

266. EMPLOYED WORK STATUS.

In making a voluntary quit determination, a person is employed if working or self employed twenty (20) hours or more per week. A person is employed if paid weekly earnings or weekly self employment earnings equal to the Federal minimum wage multiplied by twenty (20) hours.
(6-1-94)

267. GOOD CAUSE FOR VOLUNTARILY QUITTING A JOB OR REDUCING WORK HOURS.

If a household member voluntarily quits a job, determine if the quit was for good cause. All facts and circumstances submitted by the household and the employer must be considered. Good cause includes, but is not limited to, reasons listed below:
(4-5-00)

01. Personal Difficulties. Personal difficulties include: Health problems; Structured drug and alcohol treatment; Jailed or necessary court appearances; Conflicts with verified and practiced religious and ethical beliefs.
(6-1-94)

02. Family Emergencies. Family emergencies include: Crisis in family health; Child legal or behavioral problems.
(7-1-98)

03. Environmental Barriers. Environmental barriers include: Weather conditions preventing the person from reaching the work site; Unexpected loss of transportation; Housing or utility problems requiring immediate attention.
(6-1-94)

04. Work Site Problems. Work site problems include: Temporary layoff from a regular, full-time job. The person must be able to return to the job within ninety (90) days. Work site conditions not meeting legal or local standards of health and safety, hours, pay, or benefits. Alleged discrimination on the job site.
(6-1-94)

05. Employment Or School. The household member accepts employment, or enrolls at least half-time in any recognized school, training program, or an institution of higher education.
(4-5-00)

06. Employment Or School In Another Area. Another household member accepts employment in another area, requiring the household to move. Another household member enrolls at least half-time in a recognized school, a training program, or an institution of higher education in another area, requiring the household to move.
(6-1-94)

07. Retirement. Persons under age sixty (60) resign, if the resignation is recognized as retirement.
(6-1-94)

08. Full Time Job Does Not Develop. A person accepts a bona fide offer of a full time job. The job does not develop. The job results in employment of less than twenty (20) hours a week, or weekly earnings of less than the Federal minimum wage multiplied by twenty (20) hours.
(6-1-94)

09. Temporary Pattern Of Employment. Person leaves a job where workers move from one (1) employer to another, such as migrant farm labor or construction work. Households may apply for benefits between jobs, when work is not yet available at the new site. Even though the new employment has not actually begun, the previous quit is with good cause if it is the pattern of that type of employment.
(6-1-94)

268. PROOF OF JOB QUIT OR REDUCTION OF WORK HOURS.

Request proof if the household's job quit or reduction of work hours is questionable. The household is responsible for providing proof. If the household cannot get timely proof, offer assistance. Proof includes, but is not limited to, contacts with the previous employer or union organizations. If the employer cannot be contacted or the employer will

not provide the information try to get the proof from a third party. In some cases, the household and the Department cannot prove the circumstances of the quit. This may occur because the employer cannot be located or refused to cooperate. This may include quits due to employer discrimination or unreasonable employer demands. In cases where proof of the voluntary quit cannot be obtained, the household must not be denied Food Stamps on the basis of a voluntary quit or reduction of work hours. If a household member refuses, without good cause, to provide enough information to determine voluntary quit or work reduction, a penalty must be imposed. Impose the appropriate quit or reduction penalty. (4-5-00)

269. EXPLANATION OF PENALTIES FOR QUITTING JOB OR REDUCTION OF WORK HOURS.

Explain voluntary quit or reduction of work hours penalties to the applicant household at application. Explain the penalties imposed if a household member quits a job or reduces hours of work to less than thirty (30) hours a week without good cause. (4-5-00)

270. PENALTY FOR APPLICANT QUITTING A JOB OR REDUCING WORK HOURS.

If the Department determines a voluntary quit or reduction of work hours was not for good cause, the member who quit is not eligible for a ninety (90) day penalty period. The penalty period begins the date the household member quit. The applicant household must be told the job quit and work reduction penalty information listed below: (4-5-00)

01. Denial Reason. The household must be informed of the reason for the Food Stamp denial for the member. (4-5-00)

02. Sanction Period. The household must be informed of the proposed voluntary quit or work reduction sanction period. (7-1-98)

03. Fair Hearing. The household must be informed of the right to a fair hearing. (6-1-94)

271. PENALTY FOR RECIPIENT QUITTING A JOB OR REDUCING WORK HOURS.

If the Department determines a member of the household voluntarily quit a job or reduced work hours, the penalty listed in Subsection 271.01 must be imposed. The benefits must end, beginning the first month after timely notice. The household must be told the information listed in Subsections 271.02 through 271.06 within ten (10) calendar days of the voluntary quit or reduction in work ruling. When determining the penalty to impose, previous sanctions for noncompliance with JSAP and work registration requirements must be considered. Previous penalties for applicant voluntary quit or work reduction must also be considered. (4-5-00)

01. Sanction Period. The member who quit or reduced work hours is excluded as a household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. The person is not eligible for the greater of the penalty periods listed below or until he meets one (1) of the conditions to end the penalty. (4-5-00)

a. First quit or reduction. The greater of the date the person cures the sanction or one (1) month. (7-1-98)

b. Second quit or reduction. The greater of the date the person cures the sanction or three (3) months. (7-1-98)

c. Third quit or reduction and subsequent quit or reduction. The greater of the date the person cures the sanction or six (6) months. (7-1-98)

02. Closure Reason. The household must be informed of the reason for the closure. (6-1-94)

03. Sanction Notice. The household must be informed of the proposed sanction period. (4-5-00)

04. Sanction Start. The household must be informed the sanction will begin the first month after timely notice. (6-1-94)

05. Actions To End Sanction. The household must be informed of the actions the household can take

to end the sanction. (6-1-94)

06. Fair Hearing. The household must be informed of the right to a fair hearing. (6-1-94)

272. VOLUNTARY QUIT OR REDUCTION OF WORK HOURS DURING THE LAST MONTH OF THE CERTIFICATION PERIOD.

If the Department determines a member of the household voluntarily quit a job or reduced work hours, without good cause, in the last month of the certification period the voluntary quit or work reduction penalty is imposed. (7-1-98)

01. No Reapplication. If the household does not apply for recertification in the last month of the certification the appropriate penalty is imposed. Begin the penalty the first month after the last month of the certification. The penalty is in effect should the household apply during the penalty period. (7-1-98)

02. Reapplication. If the household does apply for recertification in the last month of the certification period, the person quitting work or reducing hours is ineligible. The penalty is imposed, beginning the first month after the last month of the certification period. (4-5-00)

273. VOLUNTARY QUIT OR REDUCTION OF WORK HOURS NOT FOUND UNTIL THE LAST MONTH OF THE CERTIFICATION PERIOD.

The Department may find a household member voluntarily quit a job or reduced work hours, without good cause, before the last month of the certification period. If the voluntary quit or reduction is not found until the last month of the certification, the voluntary quit or reduction penalty must be determined. (4-5-00)

274. PENALTY FOR VOLUNTARY QUIT OR REDUCTION OF WORK HOURS NOT FOUND UNTIL THE LAST MONTH OF THE CERTIFICATION PERIOD.

An overpayment claim is filed for Food Stamps if the household or a member of the household was not eligible because of a voluntary quit or reduction of work. The claim begins the month after the month the quit or reduction occurred. If the household or household member received benefits for less than the penalty period after the month of the quit, a claim is established for the benefits received. The penalty is imposed for the remaining months in the penalty period. The total period covered by the claim and the penalty period must equal the appropriate penalty period. The period begins the month after the month the quit or work reduction occurred and continues for the appropriate penalty period. (7-1-98)

275. ENDING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS PENALTY.

Eligibility may be re-established after a voluntary quit or work reduction penalty period has elapsed for an otherwise eligible household member when a condition in Subsection 275.01 is met. Eligibility may be reestablished before the end of the penalty period for an otherwise eligible household member when a condition in Subsection 275.02 is met. (4-5-00)

01. Ending Voluntary Quit Or Reduction Penalty After Penalty Period Has Elapsed. (7-1-98)

a. Member gets a job. The penalty member gets new employment comparable in salary or hours to the job the person quit. Comparable employment may entail fewer hours or a lower net salary than the job which was quit. To be comparable, the hours for the new job cannot be less than twenty (20) hours per week. To be comparable, the salary or earnings for the new job cannot be less than Federal minimum wage multiplied by twenty (20) hours per week. (7-1-98)

b. Member increases hours to more than thirty (30) hours per week. The penalty member's hours of work are restored to the average number of hours per week before reduction. (7-1-98)

02. Ending Voluntary Quit Or Reduction Penalty Before The End Of The Penalty Period. (7-1-98)

a. Member leaves household. The penalty member leaves the household. The penalty follows the member who caused it. If the penalty member joins another household he is ineligible for the greater of the balance of the penalty period, or the date he complies. (4-5-00)

b. Member becomes exempt. The penalty member becomes exempt from JSAP requirements. The voluntary quit penalty does not end if the member becomes exempt due to application or receipt of Unemployment Insurance. (7-1-99)

276. FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM. Food Stamps must not increase when a failure to comply causes other means-tested benefits to decrease. Benefits from means-tested programs like TAFI and SSI may decrease due to failure to comply with a program requirement. Food Stamp benefits must not increase because of this income loss. If a reduction in benefits from another means-tested program occurs, verify the reason for the reduction. If the reason for the reduction cannot be verified, document the case record to reflect the good faith effort to verify the information. (7-1-98)

277. PENALTY FOR FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM. The penalties applied to the Food Stamp case for failure to comply with a requirement of another means-tested program to prevent an increase in Food Stamp benefits are listed in Subsections 277.01 and 277.02. (7-1-98)

01. Failure To Comply With A TAFI Requirement. When a Food Stamp recipient fails to comply with a requirement of the TAFI program count that portion of the benefit decrease attributed to the TAFI penalty. Conditions for ending the penalty are listed below. (7-1-98)

a. Time limited TAFI penalty. If the TAFI penalty is time limited, end the FS penalty when the TAFI penalty is ended. (7-1-98)

b. Lifetime TAFI penalty. If the TAFI penalty is a lifetime penalty, apply the FS penalty for a length of time to match the remaining months of TAFI eligibility for the household. End the FS penalty if the household subsequently reapplies for TAFI and is denied for a reason other than the noncompliance that caused the TAFI penalty. (7-1-98)

c. Member who caused the TAFI penalty leaves the household. End the FS penalty when the member who caused the TAFI penalty leaves the household. (7-1-98)

02. Failure To Comply With A Requirement Of A Means-Tested Program Such As SSI. For a failure to comply with a requirement of another means-tested program, such as SSI, which results in a reduction of benefits, count that portion of the benefit decrease which is attributed to the penalty. (7-1-98)

278. COOPERATION IN ESTABLISHMENT OF PATERNITY AND OBTAINING SUPPORT. A natural or adoptive parent or other individual living with and exercising parental control over a minor child who has an absent parent must cooperate in establishing paternity for the child and obtaining support for the child and herself. Cooperation is defined in Subsection 278.01 and 278.02. (7-1-98)

01. Providing All Information. Cooperation includes but is not limited to providing all information to identify and locate the absent parent. At a minimum, the first and last name of the absent parent and at least two (2) of the following pieces of information must be provided: (4-5-00)

- a. Birth Date. (7-1-99)
- b. Social Security Number. (7-1-99)
- c. Current address. (7-1-99)
- d. Current phone number. (7-1-99)
- e. Current employer. (7-1-99)
- f. Make, model, and license number of any motor vehicle owned by the absent parent. (7-1-99)
- g. Names, phone numbers and addresses of the parents of the absent parent. (7-1-99)

02. Established Case For Participant. After CSS has established a case for a participant, all child support payments must be sent directly to CSS. After CSS has established a case, cooperation includes forwarding support payments received directly from the absent parent to CSS. (7-1-98)

279. FAILURE TO COOPERATE.

01. Failure to Cooperate. Determine if the parent or individual has cooperated in establishing paternity and obtaining support. Failure to cooperate includes, but is not limited to, failure to complete the absent or alleged parent information or filiation affidavit as requested, failure to sign the limited power of attorney, or evidence of failure to cooperate provided by CSS. (7-1-98)

02. Penalty For Failure To Cooperate. When a parent or individual fails to cooperate in establishing paternity and obtaining support, she is not eligible to participate in the Food Stamp Program. Count the disqualified parent or individual's income and resources in full. (7-1-98)

280. EXEMPTIONS FROM THE COOPERATION REQUIREMENT.

The parent or individual will not be required to provide information about the absent or alleged parent or otherwise cooperate in establishing paternity or obtaining support if good cause for not cooperating exists. Good cause for failure to cooperate must be proved. Notify the parent or individual in writing of the right to claim a good cause exemption at application and recertification. (7-1-98)

01. Good Cause Defined. Good cause for failure to cooperate in obtaining support is listed below: (7-1-98)

- a. Rape or incest. Proof the child was conceived as a result of incest or forcible rape. (7-1-98)
- b. Physical or emotional harm. Proof the absent parent may inflict physical or emotional harm to the children, the participant or individual exercising parental control. This must be supported by medical evidence, police reports, or as a last resort, an affidavit from a knowledgeable source. (7-1-98)
- c. Minimum information cannot be provided. Substantial and credible proof is provided indicating the participant cannot provide the minimum information regarding the non-custodial parent. (4-5-00)

02. Procedures For A Good Cause Claim. A parent or individual claiming good cause for failure to cooperate must submit a notarized statement to the Department identifying the child for whom the exemption is claimed. The statement must list the reasons for the good cause claim. Allow the individual twenty (20) days to supply evidence supporting the claim. Evidence submitted must be reviewed by the EE or SRS and his Supervisor. A decision on the claim must be made within thirty (30) days of the claim. Food Stamps must not be delayed, denied or stopped pending a decision on a good cause claim. The final decision on the claim will be made by the Self Reliance staff after consultation with CSS. (7-1-98)

03. Good Cause Decision. Waive the cooperation requirement if good cause exists. Take no further action to establish paternity or obtain support. If good cause does not exist, notify the parent or individual of the decision, the cooperation requirement and that the case will be referred to CSS. Disqualify the parent or individual who subsequently refuses to cooperate. (7-1-99)

281. (RESERVED).

282. STUDENT DEFINED.

A student must be between the ages of eighteen (18) and fifty (50). A student must be physically and mentally fit. A student must be enrolled, at least half-time, in an institution of higher education. An institution of higher education usually requires a high school or general equivalency diploma for enrollment. This includes colleges, universities, and vocational or technical schools at the post-high school level. (6-1-94)

283. STUDENT ENROLLMENT.

A student is considered enrolled in an institution of higher education if participating in a regular curriculum there.

Enrollment status of a student begins the first day of the institution of higher education school term. The enrollment continues through normal periods of class attendance, vacation and recess. Enrollment stops if the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term. Summer school terms are not normal school terms. (7-1-97)

284. DETERMINING STUDENT ELIGIBILITY.

To be eligible for Food Stamps, a student must meet at least one (1) of the criteria listed below: (6-1-94)

01. Employment. The student is employed a minimum of twenty (20) hours per week and is paid for such employment. The student is self-employed a minimum of twenty (20) hours per week. The student must earn at least the Federal minimum wage times twenty (20) hours. (6-1-94)

02. Work Study Program. The student is in a State or Federally financed work study program during the regular school year. The student exemption begins the month the school term begins, or the month the work study is approved, whichever is later. The exemption continues until the end of the month the school term ends, or it becomes known the student has refused an assignment. The student work study exemption stops when there are breaks of a full calendar month or longer between terms, without approved work study. The exemption only applies to months the student is approved for work study. (7-1-97)

03. Caring For Dependent Child. The student is responsible for the care of a dependent household member under age six (6). There must not be another adult in the household available to care for the child. Availability of adequate child care is not a factor. The student is responsible for the care of a dependent household member at least age six (6) but under age twelve (12). The Department must determine adequate child care is not available to enable the student to attend class and satisfy the twenty (20) hour work requirement. The student must be a single parent responsible for the care of a dependent child under the age of twelve (12). The student is enrolled full-time in an institution of higher education. Full-time enrollment is determined by the institution. Availability of adequate child care is not a factor. (6-1-94)

04. TAFI Participant. The student gets cash benefits from the TAFI program. (7-1-98)

05. Training. The student is assigned to or placed in an institution of higher education through or complying with: The JTPA program. The JOBS program. The JSAP program. A program under Section 236 of the Trade Act of 1974. A program for employment and training operated by a State or local government. (7-1-97)

285. INELIGIBILITY OF FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.

A person is ineligible to receive Food Stamps for any month during which he meets a condition listed below. (7-1-98)

01. Fleeing To Avoid Prosecution. The person is fleeing to avoid prosecution for a crime which is a felony (or in New Jersey, a high misdemeanor) under the laws of the state he is fleeing. (7-1-98)

02. Fleeing To Avoid Custody Or Confinement After Conviction. The person is fleeing to avoid custody or confinement after conviction for a crime which is a felony (or in New Jersey, a high misdemeanor) under the laws of the state he is fleeing. (7-1-98)

03. Violating A Condition Of Probation Or Parole. The person is violating a condition or probation or parole imposed under Federal or State law. (7-1-98)

286. EFFECTIVE DATE OF INELIGIBILITY.

Ineligibility of fugitive felons and probation and parole violators begins the earlier of the month a warrant, court order or decision, or decision by a parole board is issued finding the person is fleeing (or fled) to avoid prosecution, or custody or confinement after conviction or is violating (or violated) parole; or the first month the person fled to avoid prosecution, custody or conviction or violated a condition of probation or parole. (7-1-98)

287. INELIGIBILITY FOR A FELONY CONVICTION FOR POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED SUBSTANCE.

Individuals convicted under federal or state law of any offense classified as a felony involving the possession, use, or distribution of a controlled substance can receive Food Stamps when they comply with the terms of a withheld

judgment, probation, or parole. The felony must have occurred after August 22, 1996. Controlled substance felons not complying with the terms of a withheld judgment, probation, or parole are not eligible for Food Stamps. Count the income and resources of the disqualified individual in full. (3-30-01)

288. -- 299. (RESERVED).

300. RESOURCES DEFINED.

Resources include but are not limited to cash, bank accounts, stocks, bonds, personal property, and real property. A household must have the right, authority, or power to change the resource to cash for the resource to be counted. The household must have the legal right to use the resource for support and maintenance for the resource to be counted. (6-1-94)

301. DETERMINING RESOURCES.

Determine the countable resources available to the household by projecting resources on a month by month basis. The resources of all household members are counted unless the resource is excluded. (6-1-94)

302. CATEGORICALLY ELIGIBLE HOUSEHOLD.

Households are exempt from resource limit if all members are authorized to receive TAFI, AABD, or SSI. (7-1-98)

303. COUNTING RESOURCES FOR APPLICANTS.

At application, a household must report all countable resources it has or expects to get. Resources are identified and evaluated, as of the Food Stamp interview date, to determine if they are counted or excluded. Applicant households with a resource change, after the interview date, must report the change within ten (10) days after the approval notice. After the household gets notice of Food Stamp approval, it must report any change in resources within ten (10) days. (6-1-94)

304. COUNTING RESOURCES FOR RECIPIENTS.

Determine resources for recipients throughout the certification period. (6-1-94)

01. Anticipated Resources. If resources are anticipated at any time during an upcoming month or months, a resource determination must be made. Anticipated resources affect the entire month's eligibility for the month of receipt. (6-1-94)

02. Unanticipated Newly Acquired Resources. Consider unanticipated newly acquired resources available as of the first day of the month following the receipt of the new resource. If the client spends or uses up the resource before the first day of the next month, the resource will not be counted the next month. (6-1-94)

305. RESOURCE LIMIT.

The Food Stamp resource limit for households with one (1) member age sixty (60) or over, is three thousand dollars (\$3,000). The resource limit is three thousand dollars (\$3,000), even if the person age sixty (60) or over is the only person in the household. The resource limit for other households is two thousand dollars (\$2,000). (6-1-94)

306. CHANGE IN RESOURCE LIMIT.

The Food Stamp resource limit changes from two thousand dollars (\$2,000) to three thousand dollars (\$3,000) the month a household member turns age sixty (60). (6-1-94)

307. RESOURCES AND CHANGE IN HOUSEHOLD MEMBERS.

A change in household members can change the resource limit. If a household gains one member age sixty (60) or older, the resource limit changes the month the Department adds the member to the Food Stamp household. If a household loses all members age sixty (60) or older, the resource limit changes the month the Department removes the member from the Food Stamp household. (6-1-94)

308. EQUITY VALUE OF RESOURCES.

Equity value is the current market value of a resource, minus any encumbrance. The current market value is the price the resource is expected to sell for, on the open market, in the geographic area involved. An encumbrance is a legally binding debt against property. The encumbrance on the property does not prevent the property owner from selling to a third party. (6-1-94)

309. LIQUID RESOURCES.

All liquid resources are counted, unless excluded. Liquid resources are listed below. Liquid resources can be easily converted to cash. (6-1-94)

- 01. Cash.** Cash on hand. (6-1-94)
- 02. Bank Accounts.** Checking, savings and credit union accounts. (6-1-94)
- 03. Lump Sum Payments.** Lump sum payments such as insurance, SSI, retirement, income tax refund. (6-1-94)
- 04. Trusts.** Unrestricted trust accounts and any available amounts from restricted trust accounts. (6-1-94)
- 05. Stocks.** Stocks, less fees for transfer and penalty for early sale. (6-1-94)
- 06. Bonds.** Savings bonds, treasury bonds, commercial bonds at current market value. (6-1-94)
- 07. Savings Certificates.** Saving certificates or certificates of deposit issued by banks, credit unions, or other financial concerns, less the penalty for early withdrawal. (6-1-94)
- 08. Individual Retirement Accounts (IRA).** Individual Retirement Accounts (IRAs) for household members, less the penalty for early withdrawal. (6-1-94)
- 09. Keogh Plan Funds.** Keogh plan funds for household members, less the penalty for early withdrawal. (6-1-94)

310. NONLIQUID RESOURCES.

Countable nonliquid resources are listed below. Nonliquid resources are resources not easily converted to cash. (6-1-94)

- 01. Real Property.** Equity value of real property (land and buildings, including mobile homes) unless specifically excluded. Property may be excluded if: (6-1-94)
 - a. The property is used as a home. (6-1-94)
 - b. The property is income-producing, and the income is consistent with the property's fair market value. (6-1-94)
 - c. The property is essential to employment or self-employment. (6-1-94)
 - d. The property is used in connection with an excluded vehicle. (6-1-94)
- 02. Vehicles.** Licensed and unlicensed automobiles, trucks, vans, motorcycles, self-propelled motor homes, snowmobiles, boats, aircraft, all-terrain vehicles, and mopeds. (1-1-95)
- 03. Personal Property.** Personal property not otherwise excluded. Personal property includes trailers pulled by another means or campers placed on the bed of a truck or pickup. (1-1-95)

311. FACTORS MAKING PROPERTY A RESOURCE.

Property of any kind, including cash, can be a resource. The property must meet all criteria listed below: (6-1-94)

- 01. Ownership Interest.** A client must have ownership interest in property for it to be counted as a resource. Property is not a resource if the client does not own all or part of the property. (6-1-94)
- 02. Legal Right to Spend Or Convert Property.** A client must have a legal right to spend or convert

property to cash. Property is not a resource if the owner lacks the legal right to spend or convert property into cash. Physical possession of property is not needed if the owner has the legal ability to spend or convert the property to cash. (6-1-94)

03. Legal Ability To Use For Support And Maintenance. Property is not a resource if it can not legally be used for the owner's support and maintenance. (6-1-94)

312. -- 313. (RESERVED).

314. JOINTLY-OWNED RESOURCES.

A resource owned jointly by members of two (2) or more households is counted in its entirety for each household, unless the household proves the resource is not available. If the household shows it has access to only a portion of a resource, that portion of the resource is counted. (6-1-94)

315. JOINTLY-OWNED RESOURCES EXCLUDED.

A jointly-owned resource is excluded, if the household shows it cannot sell or divide the resource without consent of the other owner, and the other owner will not sell or divide the resource. A jointly-owned resource is excluded, if owned by a resident in a shelter for battered women and children and access to the resource requires agreement of a joint owner living in the former household. A vehicle, jointly owned by a household member and a person not living in the household, may be excluded. The household member must not have possession of the vehicle. The household member must not be able to sell the vehicle. (7-1-97)

316. -- 319. (RESERVED).

320. REAL PROPERTY FROM GIFT OR INHERITANCE AS A RESOURCE.

When a client gets real property as a gift or inheritance, the property is counted as a resource. (6-1-94)

321. RESOURCES OF DISQUALIFIED HOUSEHOLD MEMBERS.

The household must report the resources of members disqualified for Food Stamps. The household must verify any questionable information. The resources of the disqualified person are included in determining the resource limit. Disqualified household members with resources counted toward the household limit are listed below: (6-1-94)

01. Member Disqualified For IPV. Resources of a household member disqualified for an intentional program violation are counted. (6-1-94)

02. Member Disqualified For Failure To Comply. Resources of a household member disqualified for failing to comply with a work requirement are counted. (6-1-94)

03. Member Ineligible Due To SSN. Resources of a household member ineligible for refusing to get an SSN are counted. (6-1-94)

04. Ineligible Legal Non-Citizen. Resources of an ineligible legal non-citizen household member are counted. (7-1-98)

05. Member Disqualified For Failure To Meet The ABAWD Work Requirement. Resources of a household member disqualified for failure to meet the ABAWD work requirement are counted. (7-1-98)

06. Member Disqualified For A Voluntary Quit Or Reduction In Hours Of Work. Resources of a member disqualified for a voluntary quit or reduction of work are counted. (4-5-00)

07. Member Disqualified As A Fugitive Felon Or Probation Or Parole Violator. Resources of a member disqualified as a fugitive felon or probation or parole violator are counted. (7-1-98)

08. Member Disqualified For Failure To Cooperate In Establishing Paternity And Obtaining Support. Resources of a member disqualified for failure to cooperate in establishing paternity and obtaining support are counted. (7-1-98)

09. Member Disqualified For Conviction Of A Controlled Substance Felony. Resources of individuals convicted under federal or state law of any offense classified as a felony involving the possession, distribution, or use of a controlled substance when they do not comply with the terms of a withheld judgment, probation, or parole are counted. The felony must have occurred after August 22, 1996. (3-30-01)

322. RESOURCES OF NONHOUSEHOLD MEMBERS.

Resources of nonhousehold members are not included when determining household resources. Resources of nonhousehold members are listed below: (6-1-94)

- 01. Ineligible Student.** Resources of an ineligible student are not counted. (6-1-94)
- 02. Boarder Or Roomer.** Resources of a boarder or roomer are not counted. (6-1-94)
- 03. Foster Child.** Resources of a foster child are not counted, if the child is not a member of the Food Stamp household. (6-1-94)
- 04. Foster Adult.** Resources of a foster adult are not counted, if the adult is not a member of the Food Stamp household. (6-1-94)

323. LUMP SUM RESOURCES.

Nonrecurring lump sum payments are counted as a resource in the month received, unless excluded under these rules. The household must report the lump sum payment to the Department within ten (10) days of getting the payment. If the lump sum along with other resources exceeds the resource limit, the household is not eligible for Food Stamps. If resources exceed the limit, the Department will end Food Stamps after timely notice. The household may spend resources down under the limit in the month the lump sum was received. If the resource is spent below the limit, the household continues to be eligible for Food Stamps. The household must still report receipt of the lump sum payment within ten (10) days. Some lump sum payments are listed below: (6-1-94)

- 01. Retroactive Payments.** Retroactive payments from: (6-1-94)
 - a. Social Security. (6-1-94)
 - b. SSI. (6-1-94)
 - c. Public Assistance. (6-1-94)
 - d. Railroad Retirement benefits. (6-1-94)
 - e. Unemployment Compensation benefits. (6-1-94)
- 02. Insurance.** Insurance settlements. (6-1-94)
- 03. Refunds.** Income tax refunds, rebates, or credits. (6-1-94)
- 04. Earned Income Tax Credit (EITC).** Single earned income tax credit payments received at the end of the tax year. (6-1-94)
- 05. Child Support.** Child support pass-through payments to cover previous months. (6-1-94)
- 06. Property Payments.** Lump sum payment from sale of property. Contract payments from the sale of property are counted as income. (6-1-94)
- 07. Security Deposits.** Refunds of security deposits on rental property or utilities. (6-1-94)
- 08. Disability Pension.** Annual adjustment payments in VA disability pensions. (6-1-94)
- 09. Vacation Pay.** Vacation pay, withdrawn in one lump sum by a terminated employee. (6-1-94)

- 10. Military Bonus.** Military re-enlistment bonuses. (6-1-94)
- 11. Readjustment Pay.** Job Corps readjustment pay. (6-1-94)
- 12. Severance Pay.** Severance pay, paid in one (1) lump sum to a former employee. (6-1-94)
- 13. TAFI One-Time Cash Payment.** The one-time TAFI cash diversion payment. (4-5-00)

324. -- 333. (RESERVED).

334. VEHICLES.

A vehicle is used for transportation. Vehicles include cars, trucks, vans, motorcycles, boats, snowmobiles, self-propelled motor homes, and aircraft. The average trade-in value in the most recently published NADA guide is the current market value of a vehicle. (1-1-95)

335. TOTALLY EXCLUDED LICENSED VEHICLES.

The Department determines if a vehicle is totally excluded as a resource. If a vehicle is totally excluded, the resource value is not counted against the household's resource limit. Totally excluded licensed vehicles are listed below: (6-1-94)

01. Licensed Vehicle Used To Produce Income. Used over fifty percent (50%) of the time to produce income. The exclusion applies during temporary unemployment. Examples: Taxi, produce truck, or fishing boat. If used to produce income fifty percent (50%) of the time or less, the vehicle must produce annual income consistent with the vehicle's fair market value (FMV). Annual income of ten percent (10%) of FMV is consistent with the vehicle's FMV. Annual income of less than ten percent (10%) of the FMV must be consistent with market trends. Licensed vehicles used in self-employed farming by a household member will continue to be excluded as a resource for one(1) year after the farming self-employment stops. (6-1-94)

02. Licensed Vehicle Used For Job-Related Long Distance Travel. Used for job-related long distance travel by household member, ineligible legal non-citizen, or disqualified person. This does not include commuting to work or training. The exclusion applies during temporary unemployment. (7-1-98)

03. Licensed Vehicle Used As Client's Home. The vehicle is used as the household's home. (6-1-94)

04. Licensed Vehicle Used To Transport Disabled Member Of Household. Needed to transport any physically disabled person living in the household. This exclusion is limited to one (1) vehicle per physically disabled person. The physical disability may be permanent or temporary. The disability must be verified. (6-1-94)

05. Licensed Vehicle Used To Travel From Job To Job. Used by migrant farm worker to go from job to job. (6-1-94)

06. Vehicle Used To Carry Fuel Or Water. Used to carry the primary source of fuel for heating or water for home use during the certification period. (7-1-98)

336. VEHICLES COUNTED AS A RESOURCE.

Determine if a vehicle is excluded from resources. Determine if a vehicle is licensed or unlicensed. (6-1-94)

01. Resource Value Of Licensed Vehicles. Count the resource value of licensed vehicles, not excluded, as shown below: (6-1-94)

a. Licensed vehicle used for general household use. One (1) licensed vehicle per household regardless of use. Vehicle's fair market value over four thousand six hundred fifty dollars (\$4,650) counted as a resource, regardless of debt. (7-1-97)

b. Licensed vehicle used to commute to work or training. Vehicle used to commute to work, training for work, or to seek work. This is in addition to general use vehicle. This includes use by household member,

ineligible legal non-citizen, or disqualified person. Vehicle's fair market value over four thousand six hundred fifty dollars (\$4,650) counted as a resource, regardless of debt. (7-1-98)

c. Licensed vehicle used for job search. Vehicle used to seek work or comply with job search requirements. This is in addition to the general use vehicle. Vehicle's fair market value over four thousand six hundred fifty dollars (\$4,650) counted as a resource, regardless of debt. (7-1-97)

d. Other licensed vehicles. All other licensed vehicles. Greater of client's equity or the vehicle's fair market value over four thousand six hundred fifty dollars (\$4,650) counted as a resource. (7-1-97)

02. Resource Value Of Unlicensed Vehicles. The resource value of unlicensed vehicles is counted as shown below: (6-1-94)

a. All unlicensed vehicles. All unlicensed vehicles, working or not working. Client's equity is counted as a resource. (6-1-94)

b. Unlicensed vehicles on Indian reservation. Unlicensed vehicles, driven by tribal members on Indian reservations not requiring licensure. Treated as licensed vehicles. Resource value is determined by use. (6-1-94)

337. COMPUTING VEHICLE FAIR MARKET VALUE.

The Department will use an official used car valuations book, such as the NADA Official Used Car Guide, to compute the vehicle's fair market value. Do not add the value of low mileage or optional equipment. Do not add the value of special equipment for a handicapped person. If the household does not agree with the book value, it must provide proof of the vehicle's value from a reliable source such as a car dealer or a bank. (6-1-94)

01. Older Vehicles. If the vehicle is no longer listed in the NADA Official Used Car Guide, the Department will accept the household's estimate of the vehicle's value. If the Department has reason to question the estimate and if the value of the vehicle will affect eligibility, the household must get an appraisal from a car dealer or produce other evidence of its value. Accept a newspaper advertisement showing the selling price of similar vehicles. (6-1-94)

02. New Vehicles. If a new vehicle is not listed, get the fair market value by other means. The client may contact a dealer selling that type of vehicle. The dealer's wholesale value is the fair market value. For licensed antique, custom made, or classic vehicles, the household must provide proof of the value from a reliable source. (6-1-94)

03. Multiple Vehicles. If the household owns more than one (1) vehicle, assess each vehicle individually. Do not add the fair market value of two (2) or more vehicles to reach a total fair market value over four thousand six hundred fifty dollars (\$4,650). (7-1-97)

338. COMPUTING VEHICLE EQUITY VALUE.

Compute equity value by subtracting the amount owed from the vehicle's fair market value. (6-1-94)

339. UNLICENSED VEHICLES.

Count the equity value, the fair market value minus the amount owed, of all unlicensed vehicles, whether or not they are operable. (6-1-94)

340. -- 350. (RESERVED).

351. EXCLUDED RESOURCES.

Some resources do not count against the limit because they are excluded. Exclusions from resources are listed in Sections 352 through 370. (6-1-94)

352. HOUSEHOLD GOODS EXCLUDED.

Household goods are items of personal property normally found in the home. The items must be used for maintenance, use, and occupancy of the home. Household goods include, but are not limited to, furniture, appliances, television sets, carpets, and utensils for cooking and eating. Household goods are excluded as resources. (6-1-94)

353. PERSONAL EFFECTS EXCLUDED.

Personal effects are items worn or carried by a client, or items having an intimate relation to the client. They include, but are not limited to, clothing, jewelry, personal care items, and prosthetic devices. Personal effects include items for education or recreation, such as books, musical instruments, or hobby materials. Personal effects are excluded as resources. (6-1-94)

354. HOME AND LOT EXCLUDED.

The home and surrounding land and buildings not separated by property owned by others, are excluded as a resource. A public road or right of way that separates any plot from the home will not affect the exclusion. Home may be a house, a trailer, or a vehicle. (6-1-94)

01. Unoccupied Home Exclusion. A temporarily unoccupied home is excluded if the household members intend to return. The household members must be absent because of employment, training for future employment, or illness, or the home must be temporarily uninhabitable from casualty or natural disaster. (6-1-94)

02. Building Lot Exclusion. A lot where a household is building a permanent home is excluded as a resource. A lot where a household intends to build a permanent home is excluded as a resource. The lot and partly completed home are excluded. The household can only have one home and lot excluded. The household can not own a home and lot and have a building lot exclusion for another property. (6-1-94)

355. LIFE INSURANCE EXCLUDED AS A RESOURCE.

The cash surrender value of life insurance policies is excluded as a resource. (6-1-94)

356. BURIAL SPACE OR PLOT AND FUNERAL AGREEMENT EXCLUSIONS.

Burial spaces or plots and funeral agreements are excluded from resources as listed in Subsections 356.01 through 356.02. (7-1-98)

01. Burial Space Or Plot Exclusion. Exclude one (1) burial space or plot, for each household member, from resources. The value of the burial space or plot does not affect this exclusion. (7-1-98)

02. Funeral Agreement Exclusion. Exclude up to one thousand, five hundred dollars (\$1,500) of the equity value of one (1) bona fide funeral agreement, for each household member, from resources. The equity value over one thousand, five hundred dollars (\$1,500) is counted as a resource. (7-1-98)

357. PENSION PLANS OR FUNDS EXCLUDED AS A RESOURCE.

The cash value of pension plans or funds are excluded as a resource. IRAs and Keogh plans are not excluded, unless a binding contract exists with a person who is not a household member. (6-1-94)

358. INCOME-PRODUCING PROPERTY EXCLUDED.

Property which annually produces income consistent with its fair market value is excluded as a resource. Real property, not used as a home, is excluded as a resource if it produces income consistent with its fair market value. This exclusion includes land and buildings. Annual income is consistent with the property's fair market value when consistent with area market trends. (6-1-94)

359. LIVESTOCK EXCLUDED.

Livestock includes cows, pigs, sheep, llamas, and horses. Farm animals kept for food are excluded. (6-1-94)

360. PROPERTY USED FOR SELF-SUPPORT EXCLUDED.

Property essential to the employment or self-employment of a household member, such as tools of a trade or the farm land and machinery of a farmer, is excluded as a resource. Essential work-related equipment of an ineligible legal non-citizen or disqualified person is excluded as a resource. Self-support property is excluded during employment and temporary periods of unemployment. For a household member engaged in farming, property essential to self-employment continues to be excluded for one (1) year from the date the household member ends self-employment from farming. (7-1-98)

361. PROPERTY USED WITH EXCLUDED VEHICLE.

Portions of real or personal property are excluded as a resource if used in connection with an excluded vehicle. The vehicle must be used to produce income or be necessary for transporting a physically disabled household member.
(6-1-94)

362. SALEABLE ITEM WITHOUT SIGNIFICANT RETURN EXCLUDED.

Resources that cannot be sold for a significant return are excluded. A significant return is one-half (1/2) the household resource limit. One-half (1/2) the household resource limit is one thousand dollars (\$1,000) or one thousand five hundred dollars (\$1,500), depending on household composition. The Department requires the household to give proof of the value of a resource only if it questions the resource data provided. Vehicles are not included under this rule. A single resource cannot be divided to get an exclusion under this rule. A resource meeting the conditions described in Subsections 362.01 through 362.03 is not counted.
(7-1-97)

01. No Profit From Sale. The sale, or other disposal, of the resource is not likely to produce one-half (1/2) the resource limit for the household.
(7-1-97)

02. No Interest In Resource. The household's interest in a resource is slight. The sale of the resource is not likely to bring one-half (1/2) the household resource limit.
(7-1-97)

03. Cost Of Sale Too Great. The cost of selling the household's interest in a resource is excessive. The household is not likely to sell the resource for one-half (1/2) the resource limit.
(7-1-97)

363. -- 372. (RESERVED).

373. GOVERNMENT PAYMENTS EXCLUDED.

Government payments for the restoration of a home damaged in a disaster are excluded as a resource. The household must be subject to legal sanction if the funds are not used as intended.
(6-1-94)

374. EXCLUDED INACCESSIBLE RESOURCES.

The cash value of resources not legally available to the household is excluded as a resource. The household must provide proof resources are not available.
(6-1-94)

375. FROZEN OR SECURED ACCOUNTS EXCLUDED.

Frozen bank accounts used as security for a loan or due to bankruptcy proceedings are excluded as resources.
(6-1-94)

376. REAL PROPERTY EXCLUDED IF ATTEMPT TO SELL.

Real property is excluded as a resource if the household is making a good faith effort to sell it at a reasonable price. Verify the property is for sale and the household has not refused a reasonable offer. Document in the case record the reason for excluding the property and the household's efforts to sell.
(6-1-94)

377. TRUST FUNDS EXCLUDED.

Trust funds are excluded if all conditions listed below are met:
(6-1-94)

01. Trust Irrevocable Or Not Changeable By Household. The household must be unable to revoke the trust agreement or change the name of the beneficiary during the certification period.
(6-1-94)

02. Trust Unlikely To End During Certification. The trust arrangement must be unlikely to end during the certification period.
(6-1-94)

03. Trustee Independent From Household Control. The trustee of the fund is either a court, institution, corporation, or organization not under the direction or ownership of a household member, or a court appointed person who has court-imposed limits placed on the use of funds.
(6-1-94)

04. Trust Not Under Control Of Household-Directed Business. The trust investments do not directly involve or help any business or corporation under the control, direction, or influence of a household member.
(6-1-94)

05. Origin And Use Of Trust. The funds held in an irrevocable trust are: (6-1-94)

a. Set up from the household's own funds. The trustee uses the funds only to make investments for the trust, or to pay education or medical expenses of the beneficiary; or (7-1-97)

b. Set up from nonhousehold funds by a non-household member. (6-1-94)

378. INSTALLMENT CONTRACTS EXCLUDED.

An installment contract for the sale of land and buildings is excluded as a resource. The purchase price must be consistent with the property's fair market value. The contract or agreement must produce income consistent with the property's fair market value. Income is consistent with the property's fair market value when consistent with area market trends. The actual property sold under an excluded installment contract is excluded as a resource. Property held as security for the fulfillment of an excluded installment contract is excluded as a resource. (6-1-94)

379. TREATMENT OF EXCLUDED RESOURCES.

An excluded resource kept in a separate account is excluded for an unlimited period. If an excluded resource is combined with countable resources, the resource is not counted for six (6) months from the date the funds are combined. After six (6) months, the total combined resources are counted. (6-1-94)

380. RESOURCES PREVIOUSLY PRORATED AS INCOME EXCLUDED.

Resources previously prorated as income are excluded as resources. Prorated income may be loans to persons attending school or self-employed persons, paid in amounts to cover several months. After the proration period, the total amount of combined funds is a countable resource. If this money is combined with countable funds, such as a bank account, the prorated amount is excluded for the proration period. (6-1-97)

381. NONLIQUID RESOURCES WITH LIENS EXCLUDED.

A nonliquid resource, with a lien placed against it, is excluded. The lien must result from a business loan. The lien agreement must forbid the household to sell the resource. (6-1-94)

382. RESOURCES EXCLUDED BY FEDERAL LAW.

Resources listed below are excluded by Federal law: (6-1-94)

01. P.L. 91-646. Reimbursements under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970. (6-1-94)

02. P.L. 92-203. The Alaska Native Claims Settlement Act. (6-1-94)

03. P.L. 93-134 As Amended By P.L. 103-66. Effective January 1, 1994, interest of individual Indians in trust or restricted lands. (6-1-94)

04. P.L. 93-288 As Amended By P.L. 100-707. Payments from Disaster Relief and Emergency Assistance. (6-1-94)

05. P.L. 93-531. Relocation assistance to Navajo and Hopi tribal members. (6-1-94)

06. P.L. 94-114. The submarginal lands held in trust by the U.S. for certain Indian tribal members. (6-1-94)

07. P.L. 94-189. The Sac and Fox Indian Claims Agreement. (6-1-94)

08. P.L. 94-540. Funds to the Grand River Band of Ottawa Indians. (6-1-94)

09. P.L. 95-433. The Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission. (6-1-94)

10. P.L. 96-420. The Passamaquoddy Tribe and Penobscot Nation funds paid under the Maine Indian

- Claims Settlement Act of 1980. (6-1-94)
11. **P.L. 97-403.** Payments to the Turtle Mountain Band of Chippewas, Arizona. (6-1-94)
12. **P.L. 97-408.** Payments to the Blackfeet, Gros Ventre and Asiniboiné Tribes, Montana and the Papago Tribe, Arizona. (6-1-94)
13. **P.L. 98-64 And P.L. 97-365.** Up to two thousand dollars (\$2,000) of any per capita payment, and any purchases made with such payment, from funds held in trust by the Secretary of the Interior. (6-1-94)
14. **P.L. 98-123.** Funds awarded to members of the Red Lake Band of Chippewa Indians. (6-1-94)
15. **P.L. 98-500.** Funds provided to heirs of deceased Indians under the Old Age Assistance Claims Settlement Act, except for per capita shares in excess of two thousand dollars (\$2,000). (6-1-94)
16. **P.L. 99-264.** Payments to the White Earth Band of Chippewa Indian Tribe, Michigan. (6-1-94)
17. **P.L. 99-346.** Payments to the Saginaw Chippewa Indian Tribe, Michigan. (6-1-94)
18. **P.L. 99-498 And P.L. 102-523 Student Loans.** Financial assistance funded in whole or in part under Title IV of the Higher Education Act. (6-1-94)
19. **P.L. 101-41.** Payments to the Puyallup Tribe of Indians, Washington. (6-1-94)
20. **P.L. 101-277.** Payments to the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Florida and the Independent Seminole Indians of Florida. (6-1-94)
21. **P.L. 101-426.** Payments from the Radiation Exposure Compensation Act. (6-1-94)
22. **P.L. 102-237.** Resources of any mixed household member who gets TAFI or SSI. (7-1-98)
23. **P.L. 103-286.** Effective 8-1-94, payments made to victims of Nazi persecution. (1-1-95)
24. **P.L. 103-436.** Payments to the Confederated Tribes of the Colville Reservation for the Grand Coulee Dam Settlement. (7-1-97)
25. **P.L. 104-204.** Payments to children with spina bifida born to Vietnam veterans. (7-1-99)
26. **Civil Liberties Act Of 1988.** Restitution payments to persons of Japanese ancestry who were evacuated, relocated and interned during World War II as a result of government action. These payments are also excluded when paid to the statutory heirs of deceased internees. (6-1-94)
27. **SSI Payments Under Zebley v. Sullivan Ruling.** Retroactive lump sum SSI payments, for childhood disability, paid as a result of the Zebley v. Sullivan ruling. The payments are excluded resources for six (6) months from receipt. (6-1-94)
28. **BIA Education Grant.** Bureau of Indian Affairs (BIA) Higher Education Grant Program. (6-1-94)
29. **WIC.** Benefits from the Women, Infants, and Children (WIC) Program. (6-1-94)
30. **JTPA.** Payments from the Job Training Partnership Act (JTPA). (6-1-94)
31. **Energy Assistance.** Payments from Federal, state, or local energy assistance, including insulation and weatherization payments. (6-1-94)
32. **HUD Payments.** HUD retroactive subsidy payments for tax and utilities are excluded the month received and the next month. (6-1-94)

33. Agent Orange Settlement Fund. Product liability payments, made by Aetna Life and Casualty from the Agent Orange Settlement Fund. Effective January 1, 1989. (6-1-94)

34. Federal EITC. Federal Earned Income Tax Credit (EITC) is excluded for the month of receipt and the following month. Federal EITC is excluded for twelve (12) months from receipt if the household member receives EITC while participating in the Food Stamp program. The exclusion continues only while the household participates in the Food Stamp program without a break, for up to twelve (12) months. The month of receipt is the first month of the exclusion. (1-1-95)

35. Crime Act Of 1984 As Amended By P.L. 103-322. Payments from a crime victim compensation program. (7-1-99)

383. EXCLUDED RESOURCE CHANGES TO COUNTED RESOURCE.
Resource value increases when a client replaces an excluded resource with a counted resource. (6-1-94)

384. -- 385. (RESERVED).

386. TRANSFER OF RESOURCES.
If a household transfers a resource within three (3) calendar months before the date of application for Food Stamps, determine if the transfer was made with the intent to qualify for the Food Stamp Program. Disqualify a household if the transfer was made with the intent to qualify for the Food Stamp Program. After a household is certified for Food Stamps, the transfer of a resource to remain eligible for Food Stamps will result in disqualification. (6-1-94)

387. TRANSFER OF RESOURCE NOT COUNTED FOR DISQUALIFICATION.
A transferred resource is not counted for disqualification, if conditions below: (6-1-94)

01. Three Months Before Application. The transfer of a resource more than three (3) months before the date of Food Stamp application is not counted. (6-1-94)

02. Resources Less Than Limit. The transfer of a resource is not counted if the resource, when added to the other countable resources, does not exceed the resource limit. (6-1-94)

03. Transfer At Fair Market Value. The sale or trade of a resource, made at or near the fair market value, is not counted. (6-1-94)

04. Transfer Between Household Members. A resource transferred between members of the same household, including ineligible legal non-citizens or disqualified persons whose resources are considered available to the household, is not counted. (7-1-98)

05. Transfer For Reasons Other Than Food Stamps. A resource transferred for reasons other than trying to qualify for Food Stamps is not counted. (6-1-94)

388. DISQUALIFICATION FOR TRANSFERRING RESOURCES.
Disqualify a household from Food Stamps for up to one year from the discovery date of the transfer. Base the disqualification period on the amount the transferred resource exceeds the resource limit, when added to other countable resources. Disqualification periods are listed in Table 388. The disqualification period begins in the month of application unless the household is already certified when the transfer is discovered. If the household is already certified, the disqualification period starts with the first allotment after timely notice to end benefits.

TABLE 388 - DISQUALIFICATION PERIOD FOR TRANSFERRING RESOURCES

AMOUNT EXCEEDING DISQUALIFICATION		
	Resource Limit	Period
01.	\$01 to \$249.99	1 month
02.	\$250.00 to \$999.99	3 months
03.	\$1,000.00 to \$2,999.99	6 months
04.	\$3,000.00 to \$4,999.99	9 months
05.	\$5,000.00 and more	12 months

(6-1-94)

389. REPORTING RESOURCES.

Recipient households must report resource changes within ten (10) days after getting a new resource. A household must report when cash on hand, stocks, bonds, or money in a financial institution reaches or exceeds the resource limit. A household must report if it gets a vehicle. (6-1-94)

390. -- 399. (RESERVED).

400. INCOME.

All household income is counted in the Food Stamp budget unless excluded under these rules. Income can be earned or unearned. Income must be verified and documented. (6-1-94)

401. EARNED INCOME.

Earned income includes, but is not limited to, income listed below (6-1-94)

01. Wages Or Salary. Wages and salaries of an employee, advances, tips, commissions, meals, and military pay are earned income. Garnishments from wages are earned income. (6-1-94)

02. Self-Employment Income. Income from self-employment, including capital gains, is earned income. Rental property is a self-employment enterprise. The income is earned if a household member manages the property an average of twenty (20) or more hours per week. Payment from a roomer or boarder is self-employment income. (6-1-94)

03. Training Allowances. Training allowances from programs such as Work Study, and Vocational Rehabilitation are earned income. (7-1-99)

04. Payments Under Title I. Payments under Title I, such as VISTA and University Year for Action under P.L. 93-113 are earned income. (6-1-94)

05. On-The-Job Training Programs. JTPA income includes monies paid by JTPA or the employer. Income from JTPA on-the-job training programs is earned income, unless paid to a household member under age nineteen (19). The household member under age nineteen (19) must be under the control of another household member. (6-1-94)

06. Basic Allowance For Housing (BAH). BAH is an Armed Services housing allowance. BAH is counted as earned income. (4-5-00)

402. UNEARNED INCOME.

Unearned income includes, but is not limited to income listed below: (6-1-94)

01. Public Assistance (PA). Payments from SSI, TAFI, AABD, GA, or other Public Assistance

programs are unearned income. (7-1-98)

02. Retirement Income. Payments from annuities, pensions, and retirement are unearned income. Old age, survivors, or Social Security benefits are unearned income. (6-1-94)

03. Strike Benefits. Strike benefits are unearned income. (6-1-94)

04. Veteran's Benefits. Veteran's benefits are unearned income. (6-1-94)

05. Disability Income. Disability benefits are unearned income. (6-1-94)

06. Workers' Compensation. Workers' Compensation is unearned income. (6-1-94)

07. Unemployment Insurance. Unemployment Insurance is unearned income. (6-1-94)

08. Contributions. Contributions are unearned income. (6-1-94)

09. Rental Property Income. Rental property income, minus the cost of doing business, is unearned income if a household member is not managing the property at least twenty (20) hours per week. (6-1-94)

10. Support Payments. Support payments, including child support payments, are unearned income. (6-1-94)

11. Alimony. Alimony payments are unearned income. (6-1-94)

12. Education Benefits. Educational scholarships, grants, fellowships, deferred payment loans, and veteran's educational benefits exceeding excluded amounts are unearned income. (6-1-94)

13. Government Sponsored Program Payments. Payments from government sponsored programs are unearned income. (6-1-94)

14. Dividends, Interest, And Royalties. Dividends, interest, and royalties are unearned income. (6-1-94)

15. Contract Income. Contract income from the sale of property is counted as unearned income. (6-1-94)

16. Funds From Trusts. Monies withdrawn from trusts exempt as a resource are unearned income. Dividends paid or dividends that could be paid from trusts exempt as a resource are unearned income. (7-1-97)

17. Recurring Lump Sum Payments. Recurring lump sum payments are unearned income. (7-1-98)

18. Prizes. Cash prizes, gifts and lottery winnings are unearned income. (6-1-94)

19. Diverted Support Or Alimony. Child support or alimony payments, diverted by the provider to a third party, to pay a household expense are unearned income. (6-1-94)

20. HUD Payments For Utilities. Housing and Urban Development (HUD) payments for utility costs, made directly to the household or jointly to the household and utility company, are unearned income. (6-1-94)

21. Agent Orange Payments. Payments made under the Agent Orange Act of 1991 and disbursed by the U.S. Treasury are unearned income. (6-1-94)

22. Garnishments. Garnishments from unearned income are unearned income. (6-1-94)

23. Tribal Gaming Income. Tribal gaming income is unearned income. The participant can choose to count the income in the month received, or prorate the income over a twelve (12) month period. (4-5-00)

24. Other Monetary Benefits. Any monetary benefit, not otherwise counted or excluded, is unearned income. (6-1-94)

403. -- 404. (RESERVED).

405. EXCLUDED INCOME.

Income excluded when computing Food Stamp eligibility is listed below: (6-1-94)

01. Money Withheld. Money withheld voluntarily or involuntarily, from an assistance payment, earned income, or other income source, to repay an overpayment from that income source, is excluded. If an intentional noncompliance penalty results in a decrease of benefits under a means tested program such as SSI or GA, count that portion of the benefit decrease attributed to the repayment as income. (7-1-98)

02. Child Support Payments. Child support payments received by TAFI recipients which must be given to CSS are excluded as income. (7-1-98)

03. Earnings Of Child Under Age Eighteen Attending School. Earned income of a household member under age eighteen (18) is excluded. The member must be under parental control of another household member and attending elementary or secondary school. For the purposes of this provision, an elementary or secondary student is someone who attends elementary or secondary school or who attends GED or home-school classes that are recognized, operated, or supervised by the school district. This exclusion applies during semester and summer vacations if enrollment will resume after the break. If the earnings of the child and other household members cannot be differentiated, prorate equally among the working members and exclude the child's share. (7-1-98)

04. Retirement Benefits Paid To Former Spouse Or Third Party. Social Security retirement benefits based on the household member's former employment, but paid directly to an ex-spouse, are excluded as the household member's income. Military retirement pay diverted by court order to a household member's former spouse is excluded as the household member's income. Any retirement paid directly to a third party from a household member's income by a court order is excluded as the household member's income. (6-1-94)

05. Infrequent Or Irregular Income. Income received occasionally is excluded as income if it does not exceed thirty dollars (\$30) total in a three (3) month period. (6-1-94)

06. Cash Donations. Cash donations based on need and received from one (1) or more private nonprofit charitable organizations are excluded as income. The donations must not exceed three hundred dollars (\$300) in a calendar quarter of a Federal fiscal year (FFY). (6-1-94)

07. Income In Kind. Any gain or benefit, such as meals, garden produce, clothing, or shelter, not paid in money, is excluded as income. (6-1-94)

08. Vendor Payments. Vendor payments are monies not legally obligated to the household. Vendor payments are paid directly to a third party by a non-household member. Vendor payments include, but are not limited to: (6-1-94)

a. Housing or rent paid by an employer to a third party when the housing is in addition to obligated wages. (6-1-94)

b. Payments to a third party for a household expense. The payments must be made by a nonhousehold member not legally bound to pay. (6-1-94)

c. Vendor payments for transitional housing for the homeless are not excluded as income. (7-1-98)

09. Loans. Loans are money received which is to be repaid. Loans are excluded as income. (6-1-94)

10. Money For Third Party Care. Money received and used for the care and maintenance of a third party who is not in the household. If a single payment is for both household members and nonhousehold members the

identifiable portion of the payment for nonhousehold members is excluded. If a single payment is for both household members and nonhousehold members, exclude the lesser of: (6-1-94)

- a. The prorated share of the nonhousehold members if the portion cannot be identified. (6-1-94)
- b. The amount actually used for the care and maintenance of the nonhousehold members. (6-1-94)

11. Reimbursements. Reimbursements for past or future expenses not exceeding actual costs. Payments must not represent a gain or benefit. Payments must be used for the purpose intended and for other than normal living expenses. Excluded reimbursements are not limited to: (6-1-94)

- a. Travel, per diem, and uniforms for job or training. (6-1-94)
- b. Out-of-pocket expenses of volunteer workers. (6-1-94)
- c. Medical and dependent care expenses. (6-1-94)
- d. Pay for services provided by Title XX of the Social Security Act. (6-1-94)
- e. Repayment of loans made by the household from their personal property limit. The repayment must not exceed the amount of the loan. (6-1-94)
- f. Work-related and dependent care expenses paid by the JSAP program. (6-1-94)
- g. Transitional child care payments. (6-1-94)
- h. Child care payments under the Child Care and Dependent Block Grant Act of 1990. (6-1-94)

12. Federal Earned Income Tax Credit (EITC). Federal EITC payments are excluded as income. (9-1-94)

406. INCOME EXCLUDED BY FEDERAL LAW.

Income listed below is excluded by Federal law when computing Food Stamp eligibility: (6-1-94)

01. P.L. 91-646. Reimbursements under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970. (6-1-94)

02. P.L. 92-203. Funds from the Alaska Native Claims Settlement Act. (6-1-94)

03. P.L. 93-113 RSVP. Payments under Title I and Title II, "Retired Senior Volunteer Program" (RSVP), the Foster Grandparents Program and the Domestic Volunteer Services Act of 1973. (6-1-94)

04. P.L. 93-134 As Amended By P.L. 103-66. Effective January 1, 1994, up to two thousand dollars (\$2,000) per calendar year of payments derived from interest of individual Indians in trust or restricted lands. (6-1-94)

05. P.L. 93-288, P.L. 100-707 Disaster Relief. Payments from Disaster Relief and Emergency Assistance Disaster Relief Act. (6-1-94)

06. P.L. 93-531. Relocation assistance to Navajo and Hopi tribal members. (6-1-94)

07. P.L. 94-114. The submarginal lands held in trust by the U.S. for certain Indian tribal members. (6-1-94)

08. P.L. 94-189. Funds from the Sac and Fox Indian Claims Agreement. (6-1-94)

09. P.L. 94-540. Funds to the Grand River Band of Ottawa Indians. (6-1-94)

10. **P.L. 95-433.** Funds to the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission. (6-1-94)
11. **P.L. 96-420.** Funds to the Passamaquoddy Tribe and Penobscot Nation funds paid under the Maine Indian Claims Settlement Act of 1980. (6-1-94)
12. **P.L. 97-300 JTPA.** All earned and unearned income received from the Job Training Partnership Act (JTPA) of 1982, except for earned income received from taking part in on-the-job training programs. (6-1-94)
13. **P.L. 97-365 And P.L. 98-64.** Up to two thousand dollars (\$2,000) of any per capita payment, and any purchases made with such payment, from funds held in trust by the Secretary of the Interior. (6-1-94)
14. **P.L. 97-403.** Funds to the Turtle Mountain Band of Chippewas, Arizona. (6-1-94)
15. **P.L. 97-408.** Funds to the Blackfeet, Gros Ventre, and Assiniboiné Tribes, Montana. Funds to the Papago Tribe, Arizona. (6-1-94)
16. **P.L. 98-123.** Funds to the Red Lake Band of Chippewa Indians. (6-1-94)
17. **P.L. 98-500.** Funds from the Old Age Assistance Claims Settlement Act, provided to heirs of deceased Indians, except for per capita shares over two thousand dollars (\$2,000). (6-1-94)
18. **P.L. 99-264.** Funds to the White Earth Band of Chippewa Indians, Minnesota. (6-1-94)
19. **P.L. 99-346.** Funds to the Saginaw Chippewa Indian Tribe, Michigan. (6-1-94)
20. **P.L. 100-175.** Effective October 1, 1987, payments received by persons age fifty-five (55) and older under Title V, "Senior Community Service Employment Program". (6-1-94)
21. **P.L. 100-435 WIC.** Benefits from the Women, Infants, and Children (WIC) Program. (6-1-94)
22. **P.L. 100-435.** Payments or reimbursements for work related or child care expenses made under an employment, education, or training program under Title IV-A of the Social Security Act after September 19, 1988. (6-1-94)
23. **P.L. 100-435.** Payments made to a JSAP participant for work, training, or education-related expenses or for dependent care. (6-1-94)
24. **P.L. 101-41.** Funds to the Puyallup Tribe of Indians, Washington. (6-1-94)
25. **P.L. 101-277.** Payments to the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Florida, and the Independent Seminole Indians of Florida. (6-1-94)
26. **P.L. 101-426.** Payments made under the Radiation Exposure Compensation Act. (6-1-94)
27. **P.L. 101-508.** At-risk child care payments. (6-1-94)
28. **P.L. 101-610 And P.L. 103-82.** Allowances, earnings and payments to persons participating in programs under the National and Community Services Act. The exclusion applies to all payments made under the AmeriCorps Program. (7-1-99)
29. **P.L. 102-237.** Amounts needed for attainment of a Plan for Achieving Self-Support (PASS) under Title XVI of the Social Security Act. (6-1-94)
30. **P.L. 102-325.** Educational income authorized under the BIA student assistance programs and under Title IV of the Higher Education Amendments of 1992. (6-1-94)

31. **P.L. 103-286.** Effective 08-01-94, payments made to victims of Nazi persecution. (1-1-95)
32. **P.L. 103-436.** Payments to the Confederated Tribes of the Colville Reservation for the Grand Coulee Dam Settlement. (7-1-97)
33. **P.L. 104-204.** Payments to children with spina bifida born to Vietnam veterans. (7-1-99)
34. **Agent Orange Settlement Fund.** Product liability payments, made by Aetna Life and Casualty from the Agent Orange Settlement Fund. Any other fund for the settlement of Agent Orange liability litigation. (6-1-94)
35. **Civil Liberties Act Of 1988.** Restitution payments to persons of Japanese ancestry who were evacuated, relocated and interned during World War II as a result of government action. These payments are also excluded when paid to the statutory heirs of deceased internees. (6-1-94)
36. **Negative Utility Allowance.** Negative utility payments from HUD and FmHA. (8-1-94)
37. **Energy Assistance.** Payments from Federal energy assistance, including insulation and weatherization payments. (7-1-98)
38. **SSI Payments Under Zebley v. Sullivan Ruling.** Retroactive lump sum SSI payments, for childhood disability, paid as a result of the Zebley v. Sullivan ruling. The payments are excluded resources for six (6) months from receipt. (6-1-94)
39. **VISTA Payments.** Payments under Title I, VISTA, University Year for Action and Urban Crime Prevention Program to volunteers who were receiving Food Stamps or public assistance when they joined the program. Payments to volunteers who were getting an income exclusion for a VISTA or other Title I allowance before the Food Stamp Act of 1977. Temporary breaks in participation do not alter the exclusion. (6-1-94)
40. **Crime Act Of 1984 As Amended By P.L. 103-322.** Payments from a crime victim compensation program. (7-1-99)
- 407. INCOME AND ELIGIBILITY VERIFICATION SYSTEM (IEVS).**
Income must be verified with the IEVS system for all households applying for or getting Food Stamps. Income must be verified for disqualified members with income counted toward the household Food Stamp benefits. (6-1-94)
- 408. IEVS INFORMATION SOURCES.**
IEVS data sources are listed below: (6-1-94)
01. **Department Of Labor (DOL).** Wage data collected and maintained by the Department of Labor (DOL) or its counterpart agency in another State is source for IEVS data. (7-1-98)
02. **Unemployment Insurance Benefit (UIB).** Unemployment Insurance Benefit (UIB) data maintained by the DOL or its counterpart agency in another State is a source of IEVS data. (7-1-98)
03. **Beneficiary Earnings Exchange Record (BEER).** Net earnings data from self-employment and wages accessed through the Beneficiary Earnings Exchange Record (BEER) is a source of IEVS data. (6-1-94)
04. **Benefit Data Exchange (BENDEX).** Retirement income payment data maintained by the Social Security Administration (SSA) and accessed through the Benefit Data Exchange (BENDEX) is a source of IEVS data. (6-1-94)
05. **State Data Exchange (SDX).** Benefit data from SSA under Titles II and XVI of the Social Security Act, accessed through the State Data Exchange (SDX), is a source of IEVS data. (6-1-94)
06. **Internal Revenue Service (IRS).** Unearned income data from Internal Revenue Service (IRS) files

is a source of IEVS data. (6-1-94)

07. Numident. Social Security Numbers (SSN) verified from SSA files through Numident are a source of IEVS data. (6-1-94)

08. Idaho Assistance Programs. State run TAFI, AABD, and Medicaid programs in Idaho are a source of IEVS data. (7-1-98)

09. Systematic Alien Verification For Entitlements (SAVE). Immigration data accessed through INS Systematic Alien Verification for Entitlements (SAVE) is a source of IEVS data. (6-1-94)

409. USE OF IEVS INFORMATION FOR APPLICANT HOUSEHOLDS.

IEVS data must be used to compute eligibility and benefits if IEVS data is received before the application is processed. IEVS data on applicant households must be used as soon as possible, even if the applicant household was approved before the IEVS data was received. Action on applications must not be delayed pending receipt of IEVS data. If IEVS data requiring further proof is received, before application approval, the proof must be obtained and resolved before approving the application. If an applicant household cannot provide an SSN at application, IEVS data must be used as soon as possible after the SSN is known. IEVS data must be used for all household members, eligible, excluded or disqualified. (6-1-94)

410. USE OF IEVS INFORMATION FOR RECIPIENT HOUSEHOLDS.

Action on IEVS must be taken so that the case action is completed within forty-five (45) days of receipt of the IEVS data. The forty-five (45) day limit may be exceeded only if case action cannot be completed because data requested from collateral sources is not received. Case actions are listed below: (6-1-94)

01. Review And Compare Data. Review the IEVS data and compare it to case file data. (6-1-94)

02. Resolve Difference. For all new or unverified data, make contacts with households or collateral sources to resolve differences. Send the household a ten (10) day notice of adverse action. (6-1-94)

03. Document Case Action. Document the case action taken based on IEVS. If no action was taken, document the reason. (6-1-94)

411. VERIFIED IEVS DATA.

The IEVS data listed below is considered verified upon receipt, unless it is questionable: (6-1-94)

01. Benefit Data Exchange (BENDEX). BENDEX Social Security retirement and disability income data. (6-1-94)

02. State Data Exchange (SDX). Benefit and eligibility data from SSA under Titles II and XVI of the Social Security Act accessed through the State Data Exchange (SDX). (6-1-94)

03. Unemployment Insurance Benefits (UIB). Unemployment Insurance Benefit (UIB) data maintained by the DOL or its counterpart agency. (7-1-98)

04. TAFI. Temporary Assistance for Families in Idaho. (7-1-98)

05. AABD. Aid to the Aged, Blind, or Disabled. (6-1-94)

06. Medicaid. The Federally-aided program for medical care (Title XIX, Social Security Act).(6-1-94)

412. UNVERIFIED IEVS DATA.

The IEVS data listed below is considered unverified: (6-1-94)

01. IRS Reported Unearned Income. Unearned income data from IRS, including any unreported assets producing income. (6-1-94)

02. Wages. Wage file data. Wage data from DOL or its counterpart in another state. Wage data from BEER. (7-1-98)

03. Self-Employment Earnings. Self-employment earnings data from BEER. (6-1-94)

04. Questionable Information. Income information the Department feels is doubtful. (6-1-94)

413. -- 414. (RESERVED).

415. EDUCATIONAL INCOME.

Educational income includes deferred repayment educational loans, grants, scholarships, fellowships, and veterans' educational benefits. The school attended must be a recognized institution of post secondary education, a school for the handicapped, a vocational education program, or a program providing completion of a secondary school diploma, or equivalent. Title IV and BIA educational income is excluded. Expenses may be deducted from educational income not excluded. Proof of expenses must be provided. Educational income is computed using steps in Subsections 415.01 through 415.06. (6-1-94)

01. Step 1. Determine available income received for education. Exclude Title IV and BIA educational income. (6-1-94)

02. Step 2. Deduct the amount for origination fees and insurance premiums from any educational loans. (6-1-94)

03. Step 3. Deduct the largest amounts used for or earmarked as an allowance. The allowance is determined by the school, institution, or program. Do not deduct an allowance for living expenses. Deductible allowances are: (6-1-94)

a. Tuition allowance. (6-1-94)

b. Mandatory fees allowance. This includes rental or purchase of equipment, materials, and supplies related to the course of study. (6-1-94)

c. Books, supplies, and transportation allowance. (6-1-94)

04. Step 4. Deduct personal expenses incidental to attending the school, institution, or program. The expenses are determined by the school. Do not deduct living expenses. (6-1-94)

05. Step 5. Deduct a child care allowance as determined by the school, institution, or program. (6-1-94)

06. Step 6. The remaining income is counted in the Food Stamp budget by prorating it over the period of intended use. (6-1-94)

416. -- 425. (RESERVED).

426. SELF-EMPLOYMENT INCOME.

Net self-employment income is computed by subtracting allowable business expenses from self-employment earnings. Actual, not rounded, figures are used. (6-1-94)

427. WHEN SELF-EMPLOYMENT INCOME MUST BE AVERAGED OVER TWELVE (12) MONTHS.

Self-employment income, even if received within a short period, must be averaged over a twelve (12) month period if it is the household's annual support. The self-employment income, if it is considered annual support by the household, must be averaged over a twelve (12) month period, even if the household gets income from other sources in addition to self-employment. Self-employment income received on a monthly basis, which is a household's annual support, is averaged over a twelve (12) month period. (6-1-94)

428. AVERAGING SEASONAL SELF-EMPLOYED INCOME.

Seasonal self-employed households get income from self-employment during part of the year. Self-employment income intended to meet the household's needs for only part of the year must be averaged over the period of time the income is intended to cover. (6-1-94)

429. WHEN SELF-EMPLOYMENT INCOME MUST BE PROJECTED.

If the household has a large increase or decrease in self-employment income, the self-employment income must not be averaged using past income. The Department must project self-employment income for the coming year using Subsections 429.01 through 429.03. Add the net self-employment income to any other earned income received by the household. (6-1-94)

01. Step 1. (6-1-94)

a. Self-Employed Less Than One (1) Year. If a self-employment enterprise has been in existence for less than a year, the income is averaged over the period the business has been in operation. If no income fluctuations are expected, the average monthly amount is projected for the coming year. (6-1-94)

b. Self-Employed For A Short Time: If the business has been in operation for less than a year and there is not enough information to make a projection, the household may be certified for less than a year. When the business has been in operation long enough to establish an average income, a new projection may be made. (6-1-94)

02. Step 2 - Costs. Subtract the cost of producing the self-employment income. The cost of producing the self-employment income is calculated by projecting the monthly costs of producing the self-employment income. (6-1-94)

03. Step 3 - Capital Gains. Capital gains are the increase in value of an asset between the time it is bought and the time it is sold. Add capital gains the household predicts it will get in the next twelve (12) months from self-employment assets. (6-1-94)

a. Start projecting capital gains the date the application is filed. (6-1-94)

b. Divide the yearly total projected capital gains by twelve (12). The monthly amount is used during the next twelve (12) months. (6-1-94)

c. A new average monthly amount must be calculated for this twelve (12) month period if the capital gains changes. (6-1-94)

04. Step 4 - Add Capital Gains. Add the projected monthly capital gains to the projected self-employment income. (6-1-94)

430. COMPUTING SELF-EMPLOYMENT INCOME.

Procedures and rules for computing self-employment income are listed in Subsections 430.01 through 430.04. Self-employment income of households owning and operating a commercial boarding house is computed using Subsections 430.01 through 430.04. Add the net self-employment income to any other earned income received by the household. (6-1-94)

01. Step 1 - Add Self-Employment Income. For the self-employment income period, add all gross self-employment income. (6-1-94)

02. Step 2 - Add Self-Employment Capital Gains. Capital gains are the increase in value of an asset between the time it is bought and the time it is sold. Capital gains include profit from the sale or transfer of capital assets used in self-employment. The net proceeds of sales of capital assets used in self-employment are income. The Department must count the full amount of the capital gain as income for Food Stamps. (6-1-94)

03. Step 3 - Subtract Costs. Subtract the cost of producing the self-employment income. The household must have proof of costs. Allowable costs of producing self-employment income include, but are not limited to: (6-1-94)

- a. The cost of labor paid to nonhousehold members. (6-1-94)
- b. The cost of stock. (6-1-94)
- c. The cost of material. (6-1-94)
- d. The cost for rent and utilities, advertising, shipping and legal fees. (6-1-94)
- e. The cost of seed and fertilizer. (6-1-94)
- f. Interest paid to purchase income-producing property, including real estate. (6-1-94)
- g. Insurance premiums. (6-1-94)
- h. Taxes paid on income-producing property. (6-1-94)
- i. Transportation, when a vehicle is an integral part of business activity. (6-1-94)

04. Costs of Doing Business. The following items are not allowed as costs of doing business: (6-1-94)

- a. Payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods. (6-1-94)
- b. Net losses from previous periods. (6-1-94)
- c. Federal, State, and local income taxes. (6-1-94)
- d. Money set aside for retirement. (6-1-94)
- e. Work-related personal expenses such as transportation to and from work. (6-1-94)
- f. Depreciation. (6-1-94)

05. Step 4 - Average Income. Divide the self-employment income by the number of months the income will be averaged. (6-1-94)

431. COMPUTING NON-COMMERCIAL BOARDER INCOME.

Income received from boarders, by a household not owning and operating a commercial boarding house, is computed using Subsections 431.01 through 431.03. Add the net self-employment income from the boarder to any other earned income received by the household. (6-1-94)

01. Step 1 - Add Income. Add income from the boarder. Income from boarders includes all direct payments to the household for room and meals. Income includes contributions to the household's shelter expenses if paid directly to the household. Shelter expenses paid directly by boarders to someone outside the household are not income to the household. (6-1-94)

02. Step 2 - Subtract Costs. Subtract cost of doing business. Cost is computed by: (6-1-94)

- a. Using the amount of the thrifty food plan for a household size equal to the number of boarders. (6-1-94)
- b. If the actual cost exceeds the thrifty food plan, count the actual documented cost of providing room and meals. If actual costs are used, only separate and identifiable costs of providing room and meals to boarders are counted. (6-1-94)
- c. If the cost of doing business exceeds the payment the household receives from the boarder for

lodging and meals, the negative balance must not be applied to other income. (6-1-94)

03. Step 3 - Use Remaining Income. The remaining income is used in computing Food Stamp benefits. (6-1-94)

432. AVERAGING FARM SELF-EMPLOYMENT INCOME.

To be a self-employed farmer, the farmer must get or expect to get annual gross income of one thousand dollars (\$1000) or more from farming. Self-employed farmers will have their income and income-producing expenses averaged over a twelve (12) month period. This average monthly income is used to compute the amount of the Food Stamp benefits. If the average income does not reflect actual income due to a large increase or decrease in business, the farm self-employment income must be calculated based on expected earnings. For a cash crop farmer, use the gross amount from the most recent crop sale. (6-1-94)

433. OFFSETTING FARM SELF-EMPLOYMENT LOSSES.

If a farmer's cost of producing self-employment income results in a loss, the loss must be subtracted from other countable income in the household. First, subtract the loss from non-farm self-employment income. If any loss remains, subtract the remaining loss from the total of earned income. If any loss remains, subtract the remaining loss from the total of unearned income. Net losses from the self-employment income of a farmer are prorated over the year. (6-1-94)

434. TERMINATION OF FARM SELF-EMPLOYMENT INCOME.

Where a farmer stops a farming operation during a certification period, remove the annualized income, expenses and loss for the remaining months in the certification period. (6-1-94)

435. -- 499. (RESERVED).

500. FOOD STAMP BENEFIT DETERMINATION.

Food Stamp benefits are determined at application, recertification, and when a change is reported. Benefit determination requires two separate actions. First, determine if the household is eligible for Food Stamps. Second, if the household is eligible, compute the Food Stamp issuance. Use the household's projected resources, income, expenses, and household composition to determine eligibility and Food Stamp amount. Use the household's past and current income, resources, expenses, and household composition to project future circumstances. (6-1-94)

501. INITIAL CHANGES IN FOOD STAMP CASE.

Act on changes in household circumstances found during the application or the initial interview. (6-1-94)

01. Anticipated Changes. A household can be eligible in the application month, but not eligible the month after the application month because of expected changes in circumstances. The household may not be eligible for the application month, but eligible for the next month. The same application form is used for the denial and the next month's eligibility determination. (6-1-94)

02. Food Stamps For The Application Month. The household's Food Stamp issuance for the application month may differ from its issuance in later months. (6-1-94)

03. Food Stamp Issuance Changes. The household's Food Stamp issuance may vary month to month, within the certification period, to reflect expected changes. (6-1-94)

04. Change Before Certification. If a household reports a change in household circumstances before certification and the Department can act on the change, include the reported information in determining Food Stamp eligibility and amount. (6-1-94)

05. Change After Certification. If a household reports a change after the certification and too late to be included in the budget for the next month, make the change as soon as possible. The change must be made no later than the second month after it is reported. Notice of the change must be given to the Food Stamp household. (6-1-94)

502. EARNED INCOME WHEN A HOUSEHOLD MEMBER TURNS AGE EIGHTEEN.

When a child attending elementary or secondary school turns age eighteen (18), count earned income received or

expected by that person the month after he turns eighteen (18).

(7-1-98)

503. -- 507. (RESERVED).

508. PROJECTING MONTHLY INCOME.

Income is projected for each month. Past income may be used to project future income. Changes expected during the certification period must be considered. Criteria for projecting monthly income is listed below:

(6-1-94)

01. Income Already Received. Count income already received by the household during the month. If the actual amount of income from any pay period is known, use the actual pay period amounts to determine the total month's income. Convert the actual income to a monthly amount if a full month's income has been received or is expected to be received. If no changes are expected, use the known actual pay period amounts for the past thirty (30) days to project future income.

(6-1-94)

02. Anticipated Income. Count income the household and the Department believe the household will get during the remainder of the certification period. If the exact income amount is uncertain or unknown, that portion must not be counted. If the date of receipt of income cannot be anticipated for the month of the eligibility determination, that portion must not be counted. If the income has not changed and no changes are anticipated, use the income received in the past thirty (30) days as one indicator of anticipated income. If changes in income have occurred or are anticipated, past income cannot be used as an indicator of anticipated income. If income changes and income received in the past thirty (30) days does not reflect anticipated income, the Department can use the household income received over a longer period to anticipate income. If income changes seasonally, the Department can use the household income from the last season, comparable to the certification period, to anticipate income.

(6-1-94)

03. Full Month's Income Not Expected.

(10-1-94)

a. Ongoing income is income from an ongoing source. Ongoing income has been received in the past and is expected to be received in the future. If a full month's income is not expected from an ongoing source, count the amount of income expected for the month:

(10-1-94)

i. If the actual amount of income is known, use the actual income.

(10-1-94)

ii. If the actual amount of income is unknown, project the expected income.

(10-1-94)

iii. Convert the income to a monthly amount.

(10-1-94)

b. If income is from a new source and a full month's income is not expected, count the actual amount of income expected for the month. Do not convert the new source of income to a monthly amount.

(10-1-94)

c. If income is from a terminated source and no additional income is expected in a future month from this source, count the actual income received during the month. Do not convert the terminated source of income.

(10-1-94)

d. If a full month's income is not expected from a new or terminated source of income, count the amount of income expected for the month:

(10-1-94)

i. If the actual amount of income is known, use the actual known income.

(10-1-94)

ii. If the actual amount of income is unknown, project the income.

(10-1-94)

iii. Do not convert the income to a monthly amount if a full month's income from a new or terminated source is not expected.

(10-1-94)

04. Income Paid On Salary. Income received on salary, rather than an hourly wage, is counted at the expected monthly salary rate.

(6-1-94)

05. Income Paid At Hourly Rate. Compute anticipated income paid on an hourly basis by multiplying the hourly pay by the expected number of hours the client will work in the pay period. Convert the pay period amount to a monthly amount. (6-1-94)

06. Fluctuating Income. When income fluctuates each pay period and the rate of pay remains the same, average the income from the past thirty (30) days to determine the average pay period amount. Convert the average pay period amount to a monthly amount. (6-1-94)

07. Converting Income To A Monthly Amount. If a full month's income is expected, but is received on other than a monthly basis, convert the income to a monthly amount using one of the formulas below: (6-1-94)

- a. Multiply weekly amounts by four point three (4.3). (6-1-94)
- b. Multiplying bi-weekly amounts by two point one five (2.15). (6-1-94)
- c. Multiplying semi-monthly amounts by two (2). (6-1-94)
- d. Use the exact monthly income if it is expected for each month of the certification period. (6-1-94)

509. TYPES OF INCOME TO BE AVERAGED.

Types of income to be averaged are listed below. Income for a destitute migrant/seasonal farm worker household is not averaged. (6-1-94)

01. Self-Employment Income. Average self-employment income. (6-1-94)

02. Contract Income. Average contract income over the period of the contract, if not received on an hourly or piecework basis. Households with averaged contract income include school employees, share croppers and farmers. These households do not include migrants or seasonal farm workers. (6-1-94)

03. Scholarships Or Education Loans. Average scholarship, deferred educational loan, or other educational grant income, after exclusions, over the period of intended use. Scholarships or education loans may cover part of a month. A partial month is counted as a whole month to determine the period of intended use. (6-1-94)

a. If education benefits are received in the middle of the coverage period average them over the entire period, after deducting allowable expenses. Count the average monthly amount for only the remaining months in the period covered. No overissuance exists for the previous months. (6-1-94)

b. If education costs are incurred and verified after the first month of the school term, average the expenses over the entire period of intended use. Deduct only the average monthly amount for the remaining months in the period of intended use. (6-1-94)

04. Income Received Less Often Than Monthly. When receipt of income is less often than monthly, the anticipated income can be averaged over the period intended to cover to determine the average monthly income. (6-1-94)

510. COMPUTING AVERAGED INCOME.

To average income use the steps in Subsections 510.01 through 510.02. (6-1-94)

01. Step 1. Determine the household's expected income. (6-1-94)

02. Step 2. Divide the total income by the number of months used to compute the average income. The period does not need to be the same as the certification period. (6-1-94)

511. PROJECTING PUBLIC ASSISTANCE (PA) HOUSEHOLD INCOME.

The income of PA households is projected as described below: (6-1-94)

01. Head Of PA Unit Moves Out. Do not count PA income in a Food Stamp household in a month

when the head of the PA unit moves out. (6-1-94)

02. Entire PA Unit Moves Out. Do not count PA income in a Food Stamp household in a month when an entire PA unit moves out. (6-1-94)

03. PA Member Moves In Or Out. Do not prorate PA income when a PA Food Stamp household changes because a PA member moves in or out. (6-1-94)

04. PA Member Disqualified. Do not prorate PA income when a PA Food Stamp household changes because any PA member becomes disqualified for Food Stamps. (6-1-94)

05. Supplemental PA Payments. Do not count as income retroactive supplemental PA payments received for a prior month. Retroactive PA payments are lump sum payments. No overissuance exists for the month of receipt. (6-1-94)

06. Current PA Income. Count the current month's PA income. (6-1-94)

512. SPECIAL CASES FOR COUNTING INCOME.

Special cases for counting income are listed below: (6-1-94)

01. Wages Held At The Request Of Employee. Wages held at the request of the employee are income in the month the wages would have been paid by the employer. (6-1-94)

02. Garnishments Held By Employer. Garnishments withheld by an employer are income in the month the wages would have been paid. (6-1-94)

03. Wages Held By Employer, Other than Garnishment and Employee Request. Wages held by the employer, even if in violation of law, are not counted as income. (6-1-94)

04. Advances On Wages. Advances on wages will count as income if the household reasonably expects the advance to be paid. (6-1-94)

05. Varying Payment Cycles. Households getting unearned or earned income on a recurring monthly or semi-monthly basis do not have varying income merely because mailing or payment cycles cause additional payments to be received in a month. The income is counted for the month it is intended. (7-1-98)

06. Nonrecurring Lump Sum Payments And Capital Gains. Nonrecurring lump sum payments must not be counted as income. Nonrecurring lump sum payments are counted as a resource starting in the month received. Nonrecurring lump sum payments include capital gains from the sale or transfer of securities, real estate, or other real property held as an investment for a set period of time. The capital gains are income only if the assets were used in self-employment. (6-1-94)

07. SSI Or PA Entitlement. If a household intentionally fails to comply with a means tested program, a penalty may be imposed and benefits reduced to collect the means tested program overpayment. Means tested programs include SSI or PA. Count the full amount of means tested benefits the household is entitled to, not the reduced amount caused by the failure to comply. (7-1-98)

513. -- 530. (RESERVED).

531. COMPUTING GROSS INCOME.

Compute gross Food Stamp income by performing the steps in Subsections 531.01 through 531.06. (6-1-94)

01. Step 1. Project wages and salaries for the month for each household member. Do not count excluded income. (6-1-94)

a. Add wages and salaries for the household. (6-1-94)

- b. Add net self-employment income. (6-1-94)
- 02. Step 2.** Subtract any loss from a farmer's self-employment income. (6-1-94)
- 03. Step 3.** Project unearned income, including educational income, for the month for each household member. Do not count excluded income. Add unearned income for the household. (6-1-94)
- 04. Step 4.** Add unearned income to earned income. (6-1-94)
- 05. Step 5.** Subtract any remaining loss from a farmer's self-employment income. (6-1-94)
- 06. Step 6.** The income remaining is gross income for Food Stamp eligibility. (6-1-94)

532. GROSS INCOME LIMIT.

Households exceeding the gross income limit for the household size are not eligible, unless they are categorically eligible or have an elderly or disabled member. Categorically eligible households are exempt from gross and net income limits. All members of categorically eligible households must be approved for TAFI, AABD, or SSI. Households with elderly or disabled household members are exempt from the gross income limit. Gross income limits are listed in Table 532.

TABLE 532 - GROSS INCOME LIMIT	
Household Size	Gross Income Limit
1	\$905
2	\$1,219
3	\$1,533
4	\$1,848
5	\$2,162
6	\$2,476
7	\$2,790
8	\$3,104
Each Added Person	Add \$315

(3-30-01)

533. INCOME DEDUCTIONS.

A household is entitled to a deduction when it gets a bill or, if there is no bill, when the payment is due. Only the deductions listed below must be taken from household's gross income: (6-1-94)

- 01. Standard Deduction.** The standard deduction is the monthly amount specified in Title 7 United States Code Section 2014. (4-5-00)
- 02. Earned Income Deduction.** The earned income deduction is twenty percent (20%) of gross earned income. (6-1-94)
- 03. Excess Medical Deduction.** The excess medical deduction is nonreimbursed medical expenses more than thirty-five dollars (\$35) per household per month. The household member must be either age sixty (60) or older or disabled to get this deduction. Special diets are not deductible. (6-1-94)
- 04. Dependent Care Deduction.** The dependent care deduction each month is dependent care

expenses up to a maximum of two hundred dollars (\$200) per dependent child under age two (2) and one hundred seventy-five dollars (\$175) for any other dependent. The care must be needed for a household member to accept, continue, or seek employment, or attend school or training for employment. (9-1-94)

05. Child Support Deduction. The child support deduction is the legally obligated child support amount the household pays, or expects to pay, on behalf of a non-household member. (7-1-97)

06. Shelter Costs. The monthly shelter cost, over fifty percent (50%) of the household's income after all other deductions, is the excess shelter cost. (6-1-94)

534. AVERAGING PERIODIC DEDUCTIONS.

Infrequent, changing, or one time only deductions for medical, child support, shelter or child care are averaged. Averaging deductible expenses and procedures are listed below: (6-1-97)

01. Averaging Infrequent Expenses. Households can have infrequent expenses averaged forward over the interval between scheduled billings. If there is no scheduled interval, expenses are averaged over the intended coverage period. (6-1-94)

02. Averaging Fluctuating Expenses. Households can have fluctuating expenses averaged over the certification period in which they are billed. (6-1-94)

03. Averaging One Time Only Expenses. One time only expenses can be averaged over the certification period in which they are billed. One time only expenses can be used as a one time deduction for one month. One time only expenses can be averaged over the remaining months in the certification period. Expenses averaged over the remaining certification period begin the month the change will become effective. (6-1-94)

04. Predicting Future Expenses. Predicted expenses must be based on the most recent month's bills, unless changes are expected to occur. (6-1-94)

05. Converting Expenses To Monthly Figures. Whenever an expense is billed on other than a monthly basis convert the expense to a monthly amount. (6-1-94)

- a. Multiply weekly amounts by four point three (4.3). (6-1-94)
- b. Multiply bi-weekly amounts by two point one five (2.15). (6-1-94)
- c. Multiply semi-monthly amounts by two (2). (6-1-94)
- d. Use a monthly figure if it can be predicted for each month of the certification period. (6-1-94)
- e. The method used to compute monthly expenses must be documented. (6-1-94)

535. MEDICAL DEDUCTIONS.

Medical costs over thirty-five dollars (\$35), for elderly or disabled household members, must be deducted from the household income. Medical deductions are listed below. If an agreement is made between the medical provider and the client to pay a bill in monthly amounts, count the monthly agreement amount. The agreement may be oral or written. The agreement must be made before the initial bill becomes due. The agreement must indicate a specific amount due each month. The specified amount is the monthly expense. If there is no agreement, amounts from past billing periods are not deductible. The amounts are not deductible, even if the past debt is in the current bill and actually paid by the household. (6-1-94)

01. Medical And Dental Services. Services must be performed by licensed practitioners, physicians, dentists, podiatrists, or other qualified health professionals. Other qualified health professionals include registered nurses, nurse practitioners, licensed physical therapists and licensed chiropractors. (6-1-94)

02. Psychotherapy And Rehabilitation Services. Services must be performed by licensed psychiatrists, licensed clinical psychologists, licensed practitioners, physicians or other qualified health professionals.

(6-1-94)

03. Hospital Or Outpatient Treatment. Hospital or outpatient treatment includes costs for hospital, nursing care, State licensed nursing home care, and care to a person immediately before entering a hospital or nursing home. (6-1-94)

04. Prescription Drugs. Prescription drugs and prescribed over-the-counter medication including insulin. (6-1-94)

05. Medical Supplies And Sickroom Equipment. Medical supplies and sickroom equipment including rental or other equipment. (6-1-94)

06. Health Insurance. Health and hospitalization insurance premiums. These do not include health and accident policies payable in a lump sum for death or dismemberment. These do not include income maintenance policies to make mortgage or loan payments while a beneficiary is disabled. (6-1-94)

07. Medicare Premiums. Medicare premiums related to coverage under Title XVIII of the Social Security Act. (6-1-94)

08. Cost-Sharing Or Spend-Down Expenses. Cost-sharing or spend-down expenses incurred by Medicaid recipients. (6-1-94)

09. Artificial Devices. Dentures, hearing aids, and prostheses. (6-1-94)

10. Guide Dog. Costs for buying and caring for any animal trained and routinely used to help a disabled person. Deductions include costs for dog food, training, and veterinarian services. (6-1-94)

11. Eyeglasses. Costs for eye examinations and prescribed eyeglasses. (6-1-94)

12. Transportation And Lodging. Reasonable transportation and lodging costs to get medical services. (6-1-94)

13. Attendant Care. Attendant care costs necessary due to age, disability, or illness. If attendant care costs qualify for both the medical and dependent care deductions, treat the cost as a medical expense. (6-1-94)

14. Attendant Meals. Deduct one hundred nineteen dollars (\$119) per month if the household provides most of the attendant's meals. (7-1-97)

536. DEPENDENT CARE DEDUCTIONS.

A household can get a deduction for the costs of dependent care. The care of a dependent must be necessary for job search, employment, or training. The maximum deductible amount each month is two hundred dollars (\$200) per dependent child under age two (2) and one hundred seventy-five dollars (\$175) for any other dependent. If a child in the household reaches his second birthday during the certification period, adjust the dependent care deduction at the household's next recertification. The dependent care costs must be deducted from income. The dependent care must meet the criteria listed below: (7-1-98)

01. Employment. To accept employment or continue employment. (6-1-94)

02. Job Search. To look for work. Person does not need to be subject to job search requirements. (6-1-94)

03. Training Or Education. To attend training or to pursue education. The training or education must be preparation for employment. (6-1-94)

537. DEPENDENT CARE RESTRICTIONS.

Dependent care restrictions are listed below: (6-1-94)

01. Care By Household Member. Dependent care cannot be deducted if the care is provided by another household member. (6-1-94)

02. In-Kind Payment. Dependent care cannot be deducted if the payment is in-kind, such as food or exchanges for shelter. (6-1-94)

03. Vendor Payment. Dependent care cannot be deducted if paid by vendor payment. (6-1-94)

04. Education Exclusion. Dependent care cannot be deducted if income for dependent care is excluded from educational income. (6-1-94)

05. Spouse Can Give Care. Dependent care cannot be deducted if the spouse in the home is physically capable of the dependent care and is not working, seeking work, or registered for work. (6-1-94)

06. Dependent Care Repaid. Dependent care cannot be deducted if repaid under a Federal child care program. Federal programs include At Risk, Child Care Development Block Grant Act of 1990, Transitional Child Care Program, or Title IV-A of the Social Security Act child care payments. (6-1-94)

538. CHILD SUPPORT DEDUCTIONS.

Effective October 1, 1995, a child support deduction is allowed for a household paying or expecting to pay legally obligated child support to or for a person living outside the household. The child support deduction must reflect the child support the household pays or expects to pay during the certification period, rather than the obligated amount. The child support deduction applies to child support payments outlined in Subsections 538.01 through 538.04. (7-1-98)

01. Monthly Child Support. Monthly legally obligated child support payments or portions of monthly legally obligated child support payments made to or for a person living outside the household. (7-1-98)

02. Health Insurance. Health insurance payments the noncustodial parent is legally obligated to make to obtain coverage for a nonhousehold child. (7-1-97)

03. Payments Representing Child Support. Payments representing child support to or for a person living outside the household. The payments must be legally obligated as ordered by a court or administrative authority. (7-1-98)

04. Arrearages. Child support payments made for prior months are arrearages. Monthly child support arrearage payments made to or for a person living outside the household are allowed. Monthly child support payments are counted for the month of payment, not for arrearages, unless the household can prove otherwise. (7-1-98)

539. CALCULATION OF CHILD SUPPORT DEDUCTION.

The household's child support payment history is used to determine the child support payment allowed. Use Subsections 539.01 and 539.02 to calculate the child support payment deduction. (7-1-98)

01. Payments Made In Each Of The Three Most Recent Months. If legally obligated child support or child support arrearage payments have been made in each of the three (3) most recent months and no income reduction is expected, average the child support or child support arrears amounts for the three (3) months. If the household has paid the monthly obligated child support or arrears for the current month, include the current month in the three (3) month period. Otherwise, average the three (3) prior months' child support. Do not include arrearages collected by tax intercept in the average. Anticipate changes in the legal obligation or other changes that would affect the payment. If obligated child support or arrearage payments have been made in the most recent three (3) months, and a change in income occurs, determine whether reduced child support is expected. Base the child support deduction on what the household expects to pay, after reviewing household income and expenses with the household. If no child support payments can be made, do not allow a child support deduction. (7-1-98)

02. Payments Not Made In Each Of The Last Three Months. If child support or child support arrearage payments have not been made in each of the last three (3) months, anticipate future payments based on

household circumstances. Base the child support deduction on what the household expects to pay, after reviewing the household's income and expenses with the household. If no child support or arrears payments can be made, do not allow a child support deduction. If at the last certification the child support deduction was based on the amount the household expected to pay and no child support was paid, do not allow a child support deduction for the new certification unless there is a change in income that would enable the household to make child support payments. Base the child support deduction on what the household expects to pay, after reviewing income and expenses with the household. (7-1-98)

540. -- 541. (RESERVED).

542. COSTS ALLOWED FOR SHELTER DEDUCTION.

Shelter costs are current charges for the shelter occupied by the household. Shelter costs include costs for the home temporarily not occupied because of employment or training away from home or illness. The costs allowed for the shelter deduction are listed below: (6-1-94)

- 01. House Payments.** Mortgages, second mortgages, mortgage fees and land payments. (6-1-94)
- 02. Rent.** Rent and space rent. (6-1-94)
- 03. Condominium Fees.** The entire condominium fee, including fees for maintenance of the structure and the grounds. (3-30-01)
- 04. Loan Payments.** Loan repayments for the purchase of a mobile or motor home, including interest. (6-1-94)
- 05. Taxes And Insurance.** Property taxes, state, and local assessments and insurance on the structure. (6-1-94)
- 06. Utilities.** Costs of heating, cooling, cooking fuel, electricity, the basic service fee for one telephone, water, sewer, garbage and trash collection, and fees for initial utility installation. (6-1-94)
- 07. Vehicle Payments.** Payments for vehicles used as the primary residence for the household. (6-1-94)
- 08. Costs For Home Repairs.** Nonreimbursable costs to repair a home damaged or destroyed by a natural disaster such as a fire or flood or earthquake. (6-1-94)
- 09. Home Temporarily Not Occupied.** Shelter costs for the home temporarily not occupied because of employment or training away from home or illness. This shelter cost may be in addition to the shelter cost for the home the household currently occupies. Shelter costs for the home temporarily not occupied because of abandonment caused by a natural disaster or casualty loss. This shelter cost may be in addition to the shelter cost for the home the household currently occupies. For shelter deduction for a vacated home: (6-1-94)
 - a. The household must intend to return. (6-1-94)
 - b. Current occupants must not be claiming Food Stamp shelter costs. (6-1-94)
 - c. The home must not be leased or rented. (6-1-94)
 - d. The SUA is not allowed for a temporarily unoccupied home. (6-1-94)
 - e. The household must claim actual costs for both the unoccupied home and its current residence. (6-1-94)

543. STANDARD UTILITY ALLOWANCE (SUA).

The shelter deduction is computed using the SUA or actual utility costs. The SUA is described below: (6-1-94)

01. Standard Utility Allowance (SUA). The Standard Utility Allowance (SUA) can be used instead of actual costs of heating, cooling, cooking fuel, electricity, the basic service fee for one (1) telephone, water, sewer and garbage collection. The SUA is one hundred eighty-nine dollars (\$189). The household must be told if actual utility costs exceed the SUA, the actual costs can be used if the household proves these costs. (3-30-01)

02. SUA Qualifications. To qualify for the SUA, households must: (6-1-94)

a. Receive energy assistance payments made under the Low Income Home Energy Assistance Act of 1981; or (6-1-94)

b. The household must have a primary heating or cooling system. The household must have out-of-pocket heating or cooling costs billed on a regular or irregular basis. The heating or cooling costs must be separate from rent or mortgage payments. If not billed regularly for heating or cooling costs, the household must be otherwise Food Stamp eligible between billing periods. (6-1-94)

c. If the household claims cooling costs, the household must have either an air conditioning system or a room air conditioner to qualify for the SUA. (6-1-94)

d. If the household claims heating costs, the household must have expenses for a primary source of heat. Households buying wood for their primary source of heat may get the SUA. Cutting their own wood for the primary source of heat does not qualify a household for the SUA. Supplemental heat sources like, space heaters, electric blankets, cook stoves and a secondary heat source like a fireplace do not qualify households for the SUA. (6-1-94)

544. ACTUAL UTILITY COSTS.

The shelter deduction is computed using the SUA or actual utility costs. Actual utility costs are described below: (6-1-94)

01. Actual Utility Costs. If a household is not entitled to claim the SUA or does not wish to claim the SUA, the household can claim actual utility expenses for excess utility costs or utility costs it pays separately, including secondary heat sources. Charges for heating and cooling costs, except the costs of cutting their own wood, may be claimed as actual expenses by the household. (6-1-94)

02. Not Claiming SUA. For households not claiming the SUA, the Department can predict utility costs based on last year's bills from the same period, updated by overall price increases. If only the most recent bill is available, utility increases or decreases can be based on utility company estimates for the household's dwelling and utilities. An average of past expenses from the last several months must not be used to predict utility costs. Costs of heating, cooling, cooking fuel, electricity, the basic service fee for one telephone, water, sewer, and garbage and trash collection are allowed. (6-1-94)

545. SWITCHING BETWEEN ACTUAL AND SUA.

Households must be told they can switch between actual utilities and the SUA. Households can switch at recertification. Households can switch between standard and actual utilities when the household moves from one (1) residence to another. Households can switch between standard and actual utilities when their type of utilities change. (7-1-98)

546. SHARED UTILITY EXPENSES.

The SUA must be prorated among households sharing utility costs. Prorate the SUA among the household, another individual not participating in the program, another household participating in the program, or both, if the household shares utility expenses with and lives with another individual, another household, or both. Use the actual utility costs paid by households or household members if the prorated share cannot be determined. The actual utility costs must not exceed the total utility costs of the residence. (6-1-94)

547. COSTS NOT ALLOWED FOR THE SHELTER DEDUCTION.

The costs listed below are not allowed in computing the shelter deduction. (6-1-94)

01. Utility Deposit. Fees for a one (1) time utility deposit. (6-1-94)

- 02. Rental Deposit.** Damage or advance deposits on rentals. (6-1-94)
- 03. Past Due Rent.** Payments made to pay past due rent. (6-1-94)
- 04. Wood Cutting.** The cost to cut the household's own wood for heating. (6-1-94)
- 05. Furniture Rental.** Rental furniture fees. (6-1-94)
- 06. Personal Insurance.** Insurance on furniture or personal belongings. (6-1-94)
- 07. Vehicle Not Used As Residence.** Payments or gasoline costs on vehicles used only for recreation. (6-1-94)
- 08. Repairs Not Paid By Household.** Costs for repairing or replacing shelter paid by private or public agencies, insurance companies, or any other source. (6-1-94)
- 09. Shelter Not Paid By Household.** Shelter paid by a vendor or employer. (6-1-94)
- 10. Utility Cost Paid by Utility Payment.** Utility costs paid entirely by HUD or FmHA negative utility payment. (8-1-94)

548. COMPUTING THE SHELTER DEDUCTION.

The shelter deduction is computed as listed below: (6-1-94)

01. Household With Elderly Or Disabled Member. If the household has an elderly or disabled member, deduct the monthly shelter cost exceeding fifty percent (50%) of the household's income after all other deductions. (6-1-94)

02. Household With No Elderly Or Disabled Member. If the household does not have an elderly or disabled member, deduct the excess of fifty percent (50%) of the household's income, after all other deductions, up to the maximum limit as specified in Title 7 United States Code Section 2014. (4-5-00)

549. NET INCOME LIMIT TEST.

Categorically eligible households do not have a net income limit. For all other households, including those with an elderly or disabled household member, compare the net income to the net income eligibility limit for that size household. This comparison must be completed for initial eligibility and when income changes. When the household income changes to a different income eligibility limit, apply the different limit. If the net income of the household exceeds the net income limit the household is not eligible for Food Stamps, unless categorically eligible. Net income limits are listed in Table 549.

TABLE 549 - NET INCOME LIMITS	
Household Size	Net Income Limit
1	\$696
2	\$938
3	\$1,180
4	\$1,421
5	\$1,663
6	\$1,905
7	\$2,146

TABLE 549 - NET INCOME LIMITS	
Household Size	Net Income Limit
8	\$2,388
Each Added Person Add	\$242

(3-30-01)

550. STEPS TO COMPUTE FOOD STAMP PAYMENT.

Use the steps in Subsections 550.01 through 550.38 to compute the Food Stamp issuance. Do not round figures or calculations of income and deductions in determining gross or net income. (7-1-97)

- 01. Step 1.** List projected wages and salaries for the household for the month. Do not count excluded income. (6-1-94)
- 02. Step 2.** Compute and list net self-employment income. If a farmer, list any self-employment profit or loss. (6-1-94)
- 03. Step 3.** Add results of Step 1 and Step 2. THIS IS GROSS EARNED INCOME. (6-1-94)
- 04. Step 4.** Compute and list prorated monthly non-excluded educational income. (6-1-94)
- 05. Step 5.** Compute and list prorated monthly tuition, mandatory fees, and allowed expenses. (6-1-94)
- 06. Step 6.** Subtract amount in Step 5 from the amount in Step 4. (6-1-94)
- 07. Step 7.** List other unearned income for household. (6-1-94)
- 08. Step 8.** Add results of Step 6 and Step 7. THIS IS TOTAL UNEARNED INCOME. (6-1-94)
- 09. Step 9.** Add results of Step 3 and Step 8. (6-1-94)
- 10. Step 10.** Subtract any loss not used up in Step 2 from Step 9. THIS IS GROSS MONTHLY INCOME. Record the gross monthly income. Check to see if gross income exceeds the limit for family size. Categorically eligible households are exempt from the gross income test. Households with an elderly or disabled household member are exempt from the gross income test. (6-1-94)
- 11. Step 11.** Multiply amount in Step 3 times twenty percent (20%). (6-1-94)
- 12. Step 12.** Subtract amount in Step 11 from amount in Step 3. (6-1-94)
- 13. Step 13.** Add amount in Step 12 to amount in Step 8. (6-1-94)
- 14. Step 14.** List the standard deduction. (4-5-00)
- 15. Step 15.** Subtract amount in Step 14 from amount in Step 13. (6-1-94)
- 16. Step 16.** List converted medical costs over thirty-five dollars (\$35) for household with elderly or disabled member. (6-1-94)
- 17. Step 17.** Subtract amount in Step 16 from amount in Step 15. (6-1-94)
- 18. Step 18.** List converted dependent care costs (not to exceed two hundred dollars (\$200) per dependent under age two (2) and one hundred seventy five dollars (\$175) for any other dependent). (10-1-94)

19. **Step 19.** Subtract amount in Step 18 from amount in Step 17. (7-1-97)
20. **Step 20.** List child support paid or expected to be paid by the household. (7-1-97)
21. **Step 21.** Subtract amount in Step 20 from amount in Step 19. THIS IS INCOME, AFTER DEDUCTIONS, EXCEPT SHELTER DEDUCTION. (7-1-97)
22. **Step 22.** Divide amount in Step 21 by two (2) (this is used to weigh shelter costs). THIS IS HALF THE ADJUSTED INCOME. (7-1-97)
23. **Step 23.** List rent or mortgage payment. (7-1-97)
24. **Step 24.** List property taxes (averaged over twelve (12) months). (7-1-97)
25. **Step 25.** List homeowners insurance on structure (averaged over twelve (12) months). (7-1-97)
26. **Step 26.** Add amount in Step 23 and amount in Step 24 and amount in Step 25. (7-1-97)
27. **Step 27.** If client chooses the standard utility allowance (SUA), add the SUA to the amount in Step (4-5-00)
28. **Step 28.** If client has chosen to use actual utility expenses, list and add the following expenses. (7-1-97)
- a. Basic rate for telephone. (6-1-94)
- b. Electric bill. (6-1-94)
- c. Gas bill. (6-1-94)
- d. Heating oil. (6-1-94)
- e. Wood costs (only if purchased for heat). (6-1-94)
- f. Water and sewer bill. (6-1-94)
- g. Garbage and trash collection. (6-1-94)
- h. Installation costs for utilities. (6-1-94)
- i. Other allowed utility costs. (6-1-94)
29. **Step 29.** If client has chosen to use actual utility expenses, add amount in Step 26 and amount in Step 28. (7-1-97)
30. **Step 30.** Use amount from Step 27 (using standard utility allowance) or amount from Step 29 (using actual utility costs) as total shelter cost. (7-1-97)
31. **Step 31.** Subtract half adjusted income (Step 22) from amount in Step 30. THIS IS THE EXCESS SHELTER DEDUCTION. If any member of the household is age sixty (60) or disabled, use the full excess shelter allowance. For all other households use the excess shelter deduction up to the maximum specified in Title 7 United States Code Section 2014. (4-5-00)
32. **Step 32.** Subtract amount in Step 31 from amount in Step 21. THIS IS THE NET INCOME. (7-1-97)
33. **Step 33.** List maximum net income limit based on household size. (7-1-97)

34. Step 34. If amount in Step 32 is less than or equal to amount in Step 33, or if all household members are categorically eligible, compute the Food Stamp amount. If the amount in Step 32 is greater than the amount in Step 33, net income exceeds allowed limits. (7-1-97)

35. Step 35. List maximum Food Stamp amount for number of eligible household members. (7-1-97)

36. Step 36. Multiply amount in Step 32 times three-tenths (0.3) (thirty percent (30%)). (7-1-97)

37. Step 37. Subtract amount in Step 36 from the amount in Step 35. (7-1-97)

38. Step 38. Round the amount in Step 37 to the next lower dollar. **THIS IS THE FOOD STAMP ISSUANCE AMOUNT.** (7-1-97)

551. ROUNDING FOOD STAMP PAYMENT.

Income and deductions are not rounded in determining gross or net income. Only the final Food Stamp amount is rounded. (6-1-94)

552. -- 561. (RESERVED).

562. PRORATING INITIAL MONTH'S BENEFITS.

The initial month is the first month an applicant household is certified for Food Stamps. Except for migrant and seasonal farm worker households, an initial month follows any period the household does not get Food Stamps. For migrant and seasonal farm workers, the initial month follows a period of more than one (1) calendar month the household does not get Food Stamps. For the purposes of the migrant and seasonal farmworker provision, if a member leaves the previously certified household and a new case is established for that member's new household, the application month for the new household is an initial month. Food Stamps for the initial month are based on the day in the month the household applies. Food Stamps are based on the date of release from a public institution if a prerelease application is filed. Prorating is based on a thirty (30) day calendar month. Benefits are prorated from the application date to the end of the month. (7-1-98)

563. FOOD STAMP PRORATING FORMULA.

Determine the prorated Food Stamp amount using the steps listed in Subsections 563.01 through 563.05. (7-1-97)

01. Step 1. Subtract the application date (1 through 30) from 31. If the application date is the thirty-first day of the month, use thirty (30). (7-1-97)

02. Step 2. Divide the amount in Step 1 by thirty (30). (7-1-97)

03. Step 3. Multiply the monthly Food Stamp benefit by the amount in Step 2. (7-1-97)

04. Step 4. If the difference in Step 3 ends in one (1) through ninety-nine (\$.99) cents, round down to the lower dollar. (7-1-97)

05. Step 5. If the amount in Step 4 is for the initial month, and is less than ten dollars (\$10), benefits must not be issued. (7-1-97)

564. BENEFITS AFTER THE INITIAL MONTH.

After the initial month, benefits must be issued as described below. (6-1-94)

01. One And Two Person Households. All eligible one (1) and two (2) person households must receive a minimum allotment of ten dollars (\$10). (6-1-94)

02. Three Or More Person Household. (6-1-94)

a. All eligible households with three (3) or more members entitled to one dollar (\$1), must receive two dollars (\$2). (6-1-94)

b. All eligible households with three (3) or more members entitled to three dollars (\$3), must receive four dollars (\$4). (6-1-94)

c. All eligible households with three (3) or more members entitled to five dollars (\$5), must receive six dollars (\$6). (6-1-94)

03. Not Categorically Eligible. All households, except categorically eligible households, must be denied if the household's net income exceeds the level at which benefits are issued. (6-1-94)

565. FOOD STAMP BENEFITS FOR CATEGORICALLY ELIGIBLE HOUSEHOLD.

Categorically eligible households with one (1) or two (2) household members are eligible to get at least ten dollars (\$10) of Food Stamps, regardless of net income. Categorically eligible households with three (3) or more household members are eligible for Food Stamps, but do not get Food Stamps if the net income is too high. (10-1-94)

566. -- 573. (RESERVED).

574. BENEFITS FOR PREVIOUSLY DISQUALIFIED HOUSEHOLD MEMBERS.

The resources, income, and deductions of a previously ineligible household member must be determined. Add a previously disqualified household member the month following the last month in the sanction. The disqualification must have been due to an intentional program violation (IPV), work registration or Job Search Assistance Program (JSAP) sanction, failure to meet the ABAWD work requirement, voluntary quit or reduction of work hours, failure to comply with the SSN requirement, or ineligible legal non-citizen status. The person's resources, income, and deductions are counted the month the person is added to the household. (7-1-98)

575. ADDING PREVIOUSLY INELIGIBLE STUDENT.

If the household member has been ineligible due to student status, add the eligible person the month following the month the household reports the change. (6-1-94)

576. CERTIFICATION PERIODS.

A certification period must be assigned for each household. Households must be assigned the longest certification period possible based on expected household circumstances. At the end of each certification period, entitlement to Food Stamps ends. Further eligibility starts only upon recertification based upon a newly completed application, an interview and verification. Benefits cannot be continued beyond the end of a certification period without a new determination of eligibility. (6-1-94)

01. First Month Of Certification. The first month the household is eligible is the first month in the certification period for initial applicants. Upon recertification, a new certification period begins. (6-1-94)

02. Elderly Or Disabled Households. Households in which all adult members are elderly or disabled, with stable income, must be certified for up to twenty-four (24) months. (12-1-00)T

03. Farmworker Households. Annual certification periods will be assigned to farmworkers who receive their annual salaries on a scheduled monthly basis. The income must not change as the amount of work changes. (6-1-94)

04. Self-Employed For At Least One Year. Self-employed households, working as self-employed for at least one (1) year, will be certified up to twelve (12) months. Income must be readily predictable and household circumstances must not be likely to change. (6-1-94)

05. Self-Employed For Less Than One Year. Households, self-employed less than one (1) year, will be certified up to six (6) months. Households self-employed for less than one (1) year are assigned a certification period to bring the household into the annual cycle. (6-1-94)

06. Financial And Medical Assistance Households. Households in which all adult members receive AABD, AABD-related Medicaid, or SSI will be assigned certification periods coinciding with the other program's review. To align the Food Stamp certification with the redetermination date for the AABD, AABD-related Medicaid

or SSI program, the household's Food Stamp certification can be shortened or extended when the AABD, AABD-related Medicaid, or SSI application is initially approved. The Food Stamp certification period for these households may be extended up to twenty-four (24) months. The household must be notified of changes in the length of the certification period. (12-1-00)T

07. Households Eligible For A Child Support Deduction. Households eligible for a child support deduction with no record of regular child support or arrearage payments will be certified up to three (3) months. Households eligible for a child support deduction with a record of regular child support or arrearage payments will be certified for up to six (6) months. These requirements do not apply to households assigned certification periods under Subsections 576.02, 576.04, 576.05, and 576.06. (7-1-98)

08. Households Granted Separate Household Status. Households consisting of a parent and that parent's children who have been granted separate household status will be assigned a certification period up to six (6) months. Financial and medical assistance households granted separate household status must be assigned certification periods up to six (6) months. (9-1-94)

09. Stable Households. Households with stable income or work records, except self-employed and farmworker households, are certified for up to six (6) months. The household should expect no major changes in income, deductions, or household composition. (6-1-94)

10. Stable Homeless Households. Households in which all members are homeless, whose living arrangements reflect a stable living situation must be certified for up to six (6) months. Stable living situations include living with another household. Living in transitional housing is not a stable living situation. (6-1-94)

11. Unstable Households. Households will be certified for one (1) or two (2) months, when the household cannot predict its future circumstances, or when frequent changes in income or household status is expected. Households must be certified for the period the household can predict its circumstances, household status, and household income. Migrant and seasonal farmworkers, whose income is subject to large fluctuations during the work season will be certified for one (1) to two (2) months. The income fluctuation may be due to uncertainty of continuous employment, or due to bad weather, or other circumstances. (6-1-94)

12. Residents Of Alcohol and Drug Abuse Centers. Residents of alcohol and drug abuse centers may be certified for periods of one (1) to six (6) months depending on the length of the treatment or rehabilitation program. (6-1-94)

13. Certifications After The Fifteenth Of The Month. Households eligible for a certification period of three (3) or fewer months must have their certification period increased by one (1) month if the application is approved after the fifteenth (15th) day of the application month and the household's circumstances warrant the longer period. (6-1-94)

577. -- 580. (RESERVED).

581. MAXIMUM FOOD STAMPS BY HOUSEHOLD SIZE.
The maximum Food Stamp amount by household size is listed in Table 581.

TABLE 581 - MAXIMUM FOOD STAMPS BY HOUSEHOLD SIZE	
Household Size	Maximum Food Stamps
1	\$130
2	\$238
3	\$341
4	\$434

TABLE 581 - MAXIMUM FOOD STAMPS BY HOUSEHOLD SIZE	
Household Size	Maximum Food Stamps
5	\$515
6	\$618
7	\$683
8	\$781
Each Added Person	Add \$98

(3-30-01)

582. -- 587. (RESERVED).

588. NOTICE OF DECISION TO HOUSEHOLDS.

The Department must send the household a written notice as soon as Food Stamps are approved or denied. The household must get the notice no later than thirty (30) days after the application date. Information required for the Notice of Decision (HW 0915) is listed below: (6-1-94)

- 01. Food Stamp Approval.** (6-1-94)
 - a. The Food Stamp amount. (6-1-94)
 - b. The certification period beginning and ending dates. (6-1-94)
 - c. Expected benefit level changes. (6-1-94)
 - d. For application month and the next month benefits: (6-1-94)
 - i. Explanation the Food Stamp issuance includes more than one (1) month's benefits. (6-1-94)
 - ii. Explanation the Food Stamps are issued for both months. (6-1-94)
 - e. If an expedited application was approved without proof, explain the waived proof must be provided by a specific date. Explain the result of failure to provide the postponed proof. (6-1-94)
 - f. The name and telephone number of a person to contact for additional information. (6-1-94)
- 02. Food Stamp Denial.** (6-1-94)
 - a. Basis for the denial. (6-1-94)
 - b. Right to a fair hearing under Idaho Department of Health and Welfare Rules, Title 05, Chapter 03, Section 350, "Rules Governing Contested Cases and Declaratory Rulings". (6-1-94)
 - c. The name and telephone number for additional information. (6-1-94)
 - d. The availability of free legal services. (6-1-94)
 - e. If the denial was because the household did not complete the application process, the denial must explain: (6-1-94)
 - i. Actions the household must take to reopen the application. (6-1-94)

ii. The case will be reopened without a new application if action is taken within thirty (30) days of the date the denial was mailed. (6-1-94)

iii. The household must submit a new application if it does not act by the end of the thirty (30) day processing period. (6-1-94)

03. Pending Application. If the application is held pending action beyond the thirty (30) day processing period, a written notice of application processing must be sent to the household. (6-1-94)

04. Household Action Required. If household action is needed to complete processing, send a notice explaining what action must be taken and that the application will be denied if the required action is not completed within thirty (30) days of the application date. (6-1-94)

589. -- 600. RESERVED).

601. REPORTING REQUIREMENTS AND RESPONSIBILITIES.

Changes in a household's circumstances, during the certification period, must be used to redetermine eligibility and benefit level. The household must report and verify changes in circumstances within time limits. Changes may be reported by phone, by mail or directly to the Department. The Department must act on household changes that affect eligibility and/or benefit level. (6-1-94)

602. HOUSEHOLD MUST PROVIDE PROOF.

The household must furnish proof to support its statements and resolve inconsistent information. Proof can be provided in person, by mail, or by an authorized representative. Reasonable proof includes information to verify reported changes. If the household finds it difficult or impossible to get the proof, the Department must offer help to get the proof. (6-1-94)

603. PERSON OUTSIDE HOUSEHOLD FAILS TO PROVIDE PROOF--CHANGES.

Food Stamps cannot be closed solely because a person outside the household fails to provide requested proof. The Department will attempt to get another source of proof if a person outside the household did not provide requested proof. Disqualified household members are not persons outside the household. (6-1-94)

604. -- 610. (RESERVED).

611. REPORTING PROCEDURES.

Households must report changes in circumstances within ten (10) days of the date the change becomes known to the household. At the initial interview and at recertification, inform the household to report changes. Inform the household of change reporting requirements. Give the household a written explanation of change report information. Explain to the household reporting forms and how to complete them. Explain verification requirements. Tell the household the toll free number to call to get help to complete the report. Provide help to households completing or filing change report forms if adult members are mentally or physically handicapped or lacking in reading or writing skills. If changes occur after the certification interview, but before the Notice of Decision is sent, the household must report changes within ten (10) days of the Notice of Decision date. Changes are counted as reported the day the Field Office gets the report. Changes are counted as reported the day the client has personal or telephone contact with the Field Office. (7-1-99)

01. Must Not Impose Added Reporting Requirements. The Department must not require additional household reporting not listed in these rules. (6-1-94)

02. Report Form. The Department must give households a Change Report Form at certification, at recertification, when the household reports a change and when the household requests the form. (7-1-99)

03. Reporting Methods. Changes can be reported by telephone, personal contact, or mail. Changes can be reported by a household member or authorized representative. (6-1-94)

04. Failure To Report. If Food Stamps are overissued because a household fails to report required

changes, a Claim Determination must be prepared. A person can be disqualified for failure to report a change if he commits an Intentional Program Violation. (7-1-99)

612. HOUSEHOLD MUST REPORT CHANGES.

Households must report any changes listed below: (6-1-94)

01. Household Composition. Households must report when a person enters or leaves the Food Stamp household. (7-1-97)

02. Residence. Households must report residence changes and resulting shelter cost changes. (6-1-94)

03. Subsidized Rent. Households must report any change in subsidized rent. (7-1-99)

04. Unearned Income. Households must report changes in an unearned income source. Households must report changes in unearned gross monthly income of twenty-five dollars (\$25) or more, except changes in TAFI or AABD grants. This includes vendor payments and reimbursements. (7-1-98)

05. Earned Income. Households must report a change in an earned income source. Households must report a change in hourly rate or salary. Households must report a change from part-time to full-time work or full-time to part-time work. Work of less than thirty (30) hours weekly is part-time work. Thirty (30) or more hours weekly is full-time work. (7-1-94)

06. Vehicles. Households must report any change in the number or type of licensed vehicles. (6-1-94)

07. Resources. Households must report changes in cash on hand, stocks, bonds, savings, and bank accounts combining to reach or exceed two thousand dollars (\$2,000). (6-1-94)

08. Child Support. Households must report changes in legal obligations. Legal obligations include but are not limited to changes in the child support amount or the child reaches an age at which child support is no longer legally obligated. (7-1-98)

613. DEPARTMENT MUST TAKE ACTION ON CHANGES.

The Department must act when changes are reported or become known to the Department. (6-1-94)

01. Documentation. Changes must be documented in the case record, even if there is no change in the Food Stamp amount. (6-1-94)

02. Change Report Form. A new Change Report Form (HW 0594 or HW 0586) must be given or sent to the household when a change is reported. (6-1-94)

03. Receipt Of Report Notice. The Department must notify the household when the report is received. A Notice of Decision meets this requirement, when notifying the household of a benefit determination. (6-1-94)

04. Proof. Inform the household that proof of changes is required. The household must be told failure to provide the proof will result in decreased or stopped benefits. The Department must document how the request for proof was made. (6-1-94)

614. CHANGES IN INCOME, HOUSEHOLD COMPOSITION, OR ASSETS.

If a client reports a change in income, household composition, or assets resulting in excess resources, request proof of the change. If the household provides the proof by the requested date, provide notice and end or adjust benefits. If the household does not provide proof, send a closure notice. If the household then provides proof before the first day of the month the case would close, benefits must be continued, adjusted, or ended. The Department must give adequate notice to adjust or end benefits. (6-1-94)

615. CHANGES IN SHELTER, DEPENDENT CARE, CHILD SUPPORT OR MEDICAL EXPENSES.

If a client reports a change in shelter, dependent care, child support or questionable medical expenses, the Department must request proof of the change. If the household provides the proof by the requested date, notice must be sent and

benefits adjusted. If the household does not provide the proof and the change would result in decreased benefits, no deduction is allowed. If the change would result in an increase in benefits, but the household does not provide proof, the deduction is not increased. The deduction remains at the amount verified before the change. Proof of anticipated medical expenses is not required provided the client has informed the Department of the expense and the expense is not questionable. Act on a medical change learned from a source other than the household only if the change can be made without contact with the household for further information or proof. Do not act on a medical change learned from a source other than the household if not verified upon receipt or if contact with the household for proof is necessary. (7-1-97)

616. DECREASES OR CLOSURE OF FOOD STAMPS.

If a change results in a decrease or closure of Food Stamps, the Department must provide notice. The notice must be sent within ten (10) days of the date the change is reported. The change must be effective the first month following timely notice, unless the change does not require ten (10) day advance notice. If the household fails to provide required proof of a change affecting eligibility by the requested date, the Department must send a closure notice. If the household fails to provide required proof of a change affecting Food Stamp amount by the requested date, and the change would result in decreased benefits, no deduction is allowed or benefits are decreased. If the household provides the change verification after the date requested, act on the change as if it was an increase. The effective date of the change is the month after the month the change is verified. (6-1-94)

617. INCREASES IN FOOD STAMPS.

If a change results in an increase in Food Stamps, the Department must allow the household ten (10) days to provide proof. The increase must be handled as follows: (6-1-94)

01. Proof Provided Within Ten Days. If the household provides proof within ten (10) days of reporting the change, act on the change the month after the change was reported, not from the date proof was provided. Make the change effective the next regular Food Stamp issuance. For changes reported after the 20th of the month, issue a supplement for the next month. Issue the supplement no later than the 10th of the next month. If the change is reported and verified after EPICS cut off date, the change must be made by the second monthly Food Stamp issuance after the change is reported. (7-1-97)

02. No Proof Of Eligibility Change. If the household fails to provide proof of a change affecting eligibility, Food Stamps must be closed. Changes in income or household composition are changes affecting eligibility. Changes in assets causing resources to exceed the limits are changes affecting eligibility. (6-1-94)

03. No Proof Of Benefit Level Change. If the household fails to provide proof of a change increasing the benefit level, the change is not allowed. The deduction remains at the amount already verified. Changes in shelter costs, dependent care costs, or medical costs affect benefit level. (6-1-94)

04. Proof Provided After Ten Days. If the household fails to show proof within ten (10) days of reporting the change, but shows the proof later, increase benefits the month after the month proof is provided. (6-1-94)

618. FOOD STAMP INCREASE DUE TO ADDITION OF HOUSEHOLD MEMBER.

If a change results in a Food Stamp increase due to an added household member, the increase must be made the month following the month the change is reported, if proof is provided within ten (10) days of the Department's request. Make the change effective the next regular Food Stamp issuance. For changes reported after the 20th of the month, issue a supplement for the next month. Issue the supplement no later than the 10th of the next month. (7-1-97)

619. FOOD STAMP INCREASE DUE TO DECREASED INCOME.

If a change results in a Food Stamp increase, due to a fifty dollar (\$50) or more decrease in the household's gross income, the increase must be made the month following the month the change is reported, if proof is provided within ten (10) days of the Department's request. Make the change effective the next regular Food Stamp issuance. For changes reported after the 20th of the month, issue a supplement for the next month. Issue the supplement no later than the 10th of the next month. (7-1-97)

620. REFUSAL TO COOPERATE.

If the Department determines a household refused to cooperate in establishing eligibility, the household's eligibility must end. Refusal to cooperate includes, but is not limited to, a refusal to act without good cause or in a timely manner. Refusal to cooperate includes willful misrepresentation. Notify the household of refusal to cooperate with a Notice of Decision. (6-1-94)

621. TAFI OR AABD HOUSEHOLD REPORTING CHANGES.

If a change requires a reduction or ending TAFI or AABD and Food Stamp benefits, and the Department can determine Food Stamp benefits, the Department will issue a Notice of Decision for both AABD and Food Stamps or TAFI and Food Stamps. If the household timely requests a fair hearing and continued benefits Food Stamps continue pending the hearing. The household must reapply if certification expires before the hearing is complete. If Food Stamps increase due to lowering or ending TAFI or AABD, issue the TAFI or AABD notice of adverse action, but do not increase Food Stamps until the household decides if it will appeal the action. If the household appeals and TAFI or AABD is continued, continue Food Stamp benefits at the old level. If the household does not appeal, change Food Stamps after notice. The time limit to act on changes increasing Food Stamps must be calculated from the date the TAFI or AABD Notice of Decision expires. (7-1-98)

622. CHANGE ENDS TAFI OR AABD INCOME.

A change ending a household's income from TAFI or AABD during the certification period may affect Food Stamp eligibility. If the household appeals and TAFI or AABD is continued, continue Food Stamps at the same level. If a TAFI or AABD notice is not required or the household does not appeal, send a notice explaining the household's benefits will end due to changes which may affect eligibility and/or benefit level. A notice must be sent to the household when Food Stamp benefits change because of a TAFI or AABD change. If TAFI or AABD ends and they remain Food Stamp eligible, advise the household of the work registration requirements. When the certification is shortened to reflect changes, the certification period must not end earlier than the month after the notice is issued, allowing adequate time to send a Notice of Expiration and for the household to timely reapply. (7-1-98)

623. FAILURE TO TAKE PROMPT ACTION.

If the Department is unable to make a change in Food Stamp eligibility or issuance and an overissuance results, a Claim Determination (HW 0560) form must be prepared. If the Department fails to act on a change that increases household benefits, restore lost benefits. (6-1-94)

624. -- 628. (RESERVED).

629. NOTICE OF LOWERING OR ENDING BENEFITS.

Households must be sent a Notice of Decision when Food Stamps are ended or reduced, unless notice is not required under these rules. (6-1-94)

630. ADEQUATE NOTICE.

Adequate notice is a written statement telling the household the action the Department is taking. The notice must tell the reasons for the action and the rules supporting the action. The notice must advise the household of the right to a hearing. All notices must be adequate. If Food Stamps are reduced, the household must receive the notice on or before the first day of the month the action is effective. If Food Stamps are ended, the household must receive the notice on or before the first day of the month the action is effective. (7-1-99)

631. TIMELY NOTICE.

Notices must be sent within the time limits listed in these rules. Advance notice is mailed at least ten (10) days before the effective date of the action. (6-1-94)

632. TEN DAY ADVANCE NOTICE NOT REQUIRED.

Ten (10) day advance notice is not required, when the conditions listed below are met. Adequate notice must be given. (6-1-94)

01. Statement Of Household. The Department gets a clear, written, signed statement from the household. Food Stamps can be ended or reduced from the facts given in the household statement. (6-1-94)

02. Food Stamps Reduced After Closure Notice. The household is sent a notice of closure because it

did not provide requested proof. The household provides the proof before the first day of the month of closure. If the proof results in reduced Food Stamps, the reduced benefits are issued. Ten (10) day advance notice of the reduction is not required. (6-1-94)

03. Food Stamps Closed Or Reduced Because of Intentional Program Violation (IPV) Penalty. The Department must impose the IPV penalty the first of the month after the month it gives written notice to the client. Ten (10) day advance notice is not required. (7-1-97)

633. NOTICE OF CHANGES NOT REQUIRED.

Notice to individual Food Stamp households is not required when the conditions listed in Subsection 633.01 below are met. Mass notice must be given in some situations, as listed in Subsection 633.02 below: (4-5-00)

01. Waiver By The Household. A household member or authorized representative provides a written statement requesting closure. The person gives information causing reduction or an end to benefits and states, in writing, they know adverse action will be taken. The person acknowledges in writing continuation of benefits is waived, if a fair hearing is requested. (4-5-00)

02. Mass Change. Mass changes include: (6-1-94)

- a. Changes in the income limit tables. (6-1-94)
- b. Changes in the issuance tables. (6-1-94)
- c. Changes in Social Security benefits. (6-1-94)
- d. Changes in SSI payments. (6-1-94)
- e. Changes in TAFI or AABD grants. (7-1-98)
- f. Changes caused by a reduction, suspension, or cancellation of Food Stamps ordered by the Secretary of USDA. (6-1-94)

g. When it performs mass changes, the Department notifies Food Stamp households of the mass change by one of the following methods: (6-1-94)

- i. Media notices. (6-1-94)
- ii. Posters in the Food Stamp offices and issuance locations. (6-1-94)
- iii. A general notice mailed to households. (6-1-94)

03. Mass Changes In TAFI Or AABD. When a mass change to TAFI or AABD causes a Food Stamp change, use the following criteria: (7-1-98)

a. If the Department has thirty (30) days advance notice of the TAFI or AABD mass change, Food Stamps must be adjusted the same month as the change. (7-1-98)

b. If the Department does not have advance notice, Food Stamp benefits must be changed no later than the month after the TAFI or AABD mass change. (7-1-98)

c. Ten (10) day advance notice to Food Stamp households is not required. Adequate notice must be sent to Food Stamp households. (6-1-94)

d. If a household requests a fair hearing because of an issue other than mass change, continue Food Stamps. (6-1-94)

04. Notice Of Death. Notice is not required when the Department learns of the death of all household

members. (6-1-94)

05. Move From Project Area. Notice is not required when the household moves from the project area. (6-1-94)

06. Completion Of Restored Benefits. Notice is not required when an increased allotment, due to restored benefits, ends. The household must have been notified in writing when the increase would end. (6-1-94)

07. Joint Public Assistance And Food Stamp Applications. Notice is not required if the household jointly applies for TAFI or AABD and Food Stamps and gets Food Stamps pending TAFI or AABD approval. The household must be notified at certification that Food Stamps will be reduced upon TAFI or AABD approval. (7-1-98)

08. Converting From Repayment To Benefit Reduction. Notice is not required if a household with an IHE or IPV claim fails to repay under the repayment schedule. An allotment reduction is enforced. (6-1-94)

09. Households Getting Expedited Service. Notice is not required if all the following conditions are met: (6-1-94)

a. The applicant got expedited services. (6-1-94)

b. Proof was postponed. (6-1-94)

c. A regular certification period was assigned. (6-1-94)

d. Written notice, stating future Food Stamps depend on postponed proof, was given at approval. (6-1-94)

10. Residents Of A Drug Or Alcoholic Treatment Center Or A Group Living Arrangement Center. Notice is not required when the Department ends Food Stamps to residents of a drug or alcoholic treatment center or group living arrangement center if: (6-1-94)

a. The Department revokes the center's certification. (6-1-94)

b. FCS disqualifies the center as a retailer. (7-1-98)

634. VERBAL REQUEST FOR END OF FOOD STAMPS.

If a household makes a verbal request for closure, end the benefits and notify the household with a ten (10) day advance Notice of Decision. (6-1-94)

635. -- 637. (RESERVED).

638. FAIR HEARINGS.

If Food Stamp benefits are reduced or ended, the household retains the right to a fair hearing. A household can request a hearing on any action or loss of benefits which occurred in the prior ninety (90) days. (6-1-94)

639. CONTINUATION OF BENEFITS PENDING A HEARING.

The household retains the right to continued benefits when the household requests a fair hearing within the ten (10) day notice period. The household must request this continuation of Food Stamps. If certification has not expired, Food Stamps can continue at the former level. Benefits must be continued within five (5) working days of the household's request for a fair hearing. (6-1-94)

640. REINSTATEMENT OF BENEFITS PENDING A HEARING.

Reinstate benefits if the household shows good cause for failure to request a hearing during the advance notice period. Reinstate benefits if Food Stamps were reduced or ended due to a mass change, without an individual notice, if the issue is being appealed. Mass change appeal must be for improperly computed eligibility or benefits, or misapplied Federal law or regulation. (6-1-94)

641. REDUCING OR ENDING BENEFITS BEFORE HEARING DECISION.

Benefits may be ended or reduced before the hearing decision, if a condition listed below is met: (6-1-94)

01. Appeal Of Federal Law. The hearing official states, in writing, the sole issue being appealed is one of Federal law, regulation, or policy. (6-1-94)

02. Food Stamp Issuance Changes. Food Stamp eligibility or benefit level changes occur before the hearing decision and a new hearing is not requested. (6-1-94)

03 Food Stamps Expire. The Food Stamp certification period expires. (6-1-94)

04. Mass Change. A mass change occurs before the hearing decision. (6-1-94)

642. -- 643. (RESERVED).

644. EXPIRATION OF CERTIFICATION PERIOD.

Household eligibility ends when the certification period expires. (6-1-94)

645. RECERTIFICATION PROCESS.

Recertification procedures are listed below: (6-1-94)

01. Notice Of Recertification. The Department must give households a Notice of Expiration and a recertification form before the certification ends. (6-1-94)

a. Households certified two (2) months or longer must get a Notice of Expiration form and a recertification form during the calendar month before the last month of certification. (1-1-95)

b. If certification is not completed until the second month of a two (2) month certification, the Department must give a Notice of Expiration and a recertification form at the time certification is completed. (6-1-94)

c. If the household is certified for one (1) month, the Department must give a Notice of Expiration and a recertification form at the time certification is completed. (6-1-94)

02. Recertification Interview. The Department must: (6-1-94)

a. Conduct a complete interview with a household member or authorized representative. (6-1-94)

b. Schedule the interview during the notice of expiration period. (1-1-95)

c. Permit the household member or authorized representative to complete the recertification form before or during the interview. (6-1-94)

d. The household must submit the recertification form no later than the interview date. (6-1-94)

03. Recertification Time Limits. If the reapplication is timely, the Department must recertify eligible households effective the month after the current certification ends. (9-1-94)

04. Initial Month Or Beginning Month Benefits. (6-1-94)

a. A household applies for recertification before the end of certification. There is no break in benefits. The first month of new eligibility is not an initial month. The household gets a full month's Food Stamp issuance. Benefits are not pro- rated for the first month. (6-1-94)

b. A household applies for recertification before the certification ends. The household is not eligible the month after certification ends. The first month of eligibility, after at least one (1) month without benefits, is counted as an initial month. Benefits are prorated from the date of application. (6-1-94)

646. NOTICE OF DECISION FOR RECERTIFICATION.

A Notice of Decision must be sent to households that reapply for Food Stamps. (6-1-94)

01. Regular Certification Period. To get Food Stamps with no break in issuance, households must apply for recertification before the fifteenth day of the last month of certification. The Department will notify the household of eligibility or denial by the end of the current certification period. (6-1-94)

02. Short Certification Period. Households certified for a short period and issued a notice of expiration at the time of certification, must be advised to reapply before the end of their certification period. The Department will send the household a notice of eligibility or denial no later than thirty (30) days after the date of the household's last allotment. (6-1-94)

647. -- 649. (RESERVED).

650. RESTORATION OF LOST BENEFITS.

Lost benefits must be restored. The Department may find Food Stamps have been incorrectly denied, ended, or underissued to an eligible household. The Department may learn of lost benefits from case reviews, Quality Control reviews, or other sources. Benefits are restored when caused by a Department error, when a fair hearing is reversed, or an IPV disqualification is reversed. Restore benefits to eligible and previously eligible households. Restore benefits to households who have moved out of state. Restore benefits for SSA joint processing errors. (6-1-94)

651. TIME FRAMES FOR RESTORATION OF BENEFITS.

Benefits must not be restored if lost more than twelve (12) months before notification or discovery. (6-1-94)

01. Lost Benefits Reported By Household. Lost benefits are restored when the Department learns of lost benefits reported by the household, a person outside the household or by another agency. Twelve (12) months are counted from the month the Department is notified of the lost benefits. (6-1-94)

02. Lost Benefits Discovered By Department. Lost benefits are restored when the Department discovers lost benefits during the course of business. Twelve (12) months are counted from the month the Department discovers the benefits were lost. (6-1-94)

03. Lost Benefits From Fair Hearing. Lost benefits are restored to a household that requests a fair hearing and the decision is in the household's favor. Twelve (12) months are counted from the effective date of the adverse action causing the fair hearing. (6-1-94)

652. PROCEDURES FOR RESTORING BENEFITS.

Procedures for restoring lost benefits are listed below: (6-1-94)

01. Errors Discovered By The Department. The Department must restore lost benefits to entitled households. Household action is not necessary. Benefits lost twelve (12) months or less before Department discovery must be restored. Benefits lost twelve (12) months or less before the Department was notified must be restored. The household must be notified of: (6-1-94)

- a. Its entitlement. (6-1-94)
- b. The amount of benefits to be restored. (6-1-94)
- c. Offsetting benefits. (6-1-94)
- d. The method of restoration. (6-1-94)
- e. The right to a fair hearing if the household disagrees with the benefit restoration. (6-1-94)

02. Lost Benefits To Persons Disqualified For IPV. Persons disqualified for IPV are entitled to restored benefits if the disqualification is later overturned or reversed. Determine the restored benefit by comparing

Food Stamps received with the Food Stamps which would have been received if the member was not disqualified. Benefits must be restored regardless of the elapsed time since the disqualification. Restored benefits may exceed twelve (12) months. (6-1-94)

03. Restoring Benefits To Households Who Have Moved Out Of State. If benefits are not restored before the household moves, send a letter to the household authorizing the receiving State to restore lost benefits. The receiving State must accept the authorization and issue the benefits. The letter may be presented by the household or sent to the receiving state. Food Stamps must not be issued to a household residing out of state. To request another State to issue the benefits: (7-1-98)

a. Write a letter to the household or receiving state's certification office. Explain lost benefits must be restored. Explain lost benefits were not issued before the household's departure. (6-1-94)

b. Mail the letter to the household or the receiving state's Food Stamp office. Keep a copy of the letter in the case record. (6-1-94)

04. Computing The Restored Amount. If the lost benefits were an incorrect issuance to an eligible household, issue the difference between the correct and incorrect allotment: (6-1-94)

a. Issue the difference for the months the household got Food Stamps. (6-1-94)

b. Issue the difference for the months the household did not get Food Stamps, but was eligible. (6-1-94)

c. If the loss was caused by an incorrect delay, calculate the restored benefits for the months benefits were lost. (6-1-94)

d. If the loss was caused by an incorrect denial, prorate benefits from the application date. If an eligible household reapplied on time, and was denied incorrectly, restore lost benefits beginning the month after the first certification expired. (6-1-94)

e. If the loss was caused by incorrect closure of the Food Stamp case, restore lost benefits beginning the first month benefits were not issued because of the closure. (6-1-94)

f. The calculation of lost benefits continues until: (6-1-94)

i. The error causing lost benefits is corrected; or (6-1-94)

ii. The household is found ineligible for Food Stamps. (6-1-94)

g. The Department must compute the household's eligibility for each month of loss. If the case file does not document eligibility, inform the household of proof needed to determine eligibility for the lost benefit months. For each month the household cannot provide proof, the household is ineligible. (6-1-94)

h. If a Food Stamp claim against the household is unpaid or in suspense, the restored benefits must be offset against the claim before benefits are issued. (6-1-94)

05. Method Of Restoration. The Department must: (6-1-94)

a. Issue lost benefits to entitled households, currently eligible or ineligible. (6-1-94)

b. Issue lost benefits equal to the amount lost. (6-1-94)

c. Issue lost benefits in addition to the current Food Stamps. (6-1-94)

06. Changes In Household Composition. When lost Food Stamps are due a household whose membership has changed, lost benefits must be restored to the household containing the majority of individuals who

were members at the time of the loss. If the Department cannot locate or determine the household containing the most members, restore lost benefits to the household containing the head of the household at the time of loss. (6-1-94)

07. Disputed Benefits. If the Department and the household do not agree on the restoration calculated or with any other Department action to restore benefits: (6-1-94)

a. The household has ninety (90) days from the determination date to request a fair hearing. If a hearing is requested, the Department must issue lost benefits pending the fair hearing. If the decision is favorable to the household, lost benefits must be restored under the hearing decision. (6-1-94)

b. Do not restore benefits lost more than twelve (12) months prior to the date the Department was initially informed of the loss. (6-1-94)

08. Prevent Recurrence. The Department must act to prevent recurrence of errors when caused by the Department. (6-1-94)

653. -- 655. (RESERVED).

656. REPLACING FOOD DESTROYED BY A DISASTER.

Conditions and procedures for replacing food destroyed by a disaster are listed below. The food must have been purchased with Food Stamps. (6-1-94)

01. Food Destroyed In A Disaster. The actual value of loss, not to exceed one (1) month's allotment, can be replaced. The food bought with Food Stamps must have been destroyed in a disaster. The disaster may involve only the household, such as a house fire, or a larger scope, such as a flood. There is no limit on the number of times food destroyed in a disaster may be replaced. (6-1-94)

02. Replacement Time Limit For Disaster Loss. The Department must provide either disaster Food Stamps or replacement Food Stamps, but not both, within ten (10) days of the reported loss, if: (6-1-94)

a. The household reports the disaster within ten (10) days of the incident. (6-1-94)

b. The disaster is verified by collateral contact, an organization such as the Fire Department or Red Cross, or by home visit. (6-1-94)

657. -- 674. (RESERVED).

675. OVERISSUANCE CLAIMS AGAINST HOUSEHOLDS.

When more Food Stamps are issued than a household is eligible for, an overissuance exists. The Department must begin a Food Stamp Intentional Program Violation (IPV), Inadvertent Household Error (IHE), or Administrative Error (AE) claim against any household with a Food Stamp overissuance. All adult household members are jointly and separately liable for the value of overissuances. The adult household members, in the household at the time of the overissuance, are liable whether residing in the household with the claim or in any other household. An overissuance does not exist when the household does not pay a budgeted expense. An overissuance does not exist if the Department did not ensure the household signed the application, registered for work or provided or applied for an SSN. (7-1-98)

676. INADVERTENT HOUSEHOLD ERRORS (IHE).

An IHE is an accidental household error resulting in a Food Stamp overissuance. Causes of IHE claims are listed below: (6-1-94)

01. Failure To Give Information. An IHE claim occurs when a household unintentionally fails to give correct or complete information. (6-1-94)

02. Failure To Report Change. An IHE claim occurs when a household unintentionally fails to report changes or to report at all. (6-1-94)

03. Failure To Comply. An IHE claim occurs when a household unintentionally fails to comply due to

language barrier, educational level, or not understanding written or verbal instructions. (6-1-94)

04. Pending Hearing. An IHE claim occurs when a household gets continuing Food Stamps pending a fair hearing decision and the decision is against the household. (6-1-94)

05. Pending IPV. An IHE claim occurs between the time of an IPV referral and an IPV decision. (6-1-94)

677. COMPUTING IHE CLAIMS.

The IHE claim is the difference between the Food Stamps the household received and the Food Stamps they should have received. Compute the claim back to the month the IHE occurred. Do not allow the earned income deduction when determining an overissuance due to a household's failure, without good cause, to report earned income on time. Do not compute more than six (6) years before the date the overissuance was discovered. The first month of overissuance is the month the Food Stamp amount would have decreased if the change had been reported. The change can never be later than two (2) months after the error occurred. The Department must offset the claim against any amounts not yet restored to the household. (7-1-98)

678. IHE DEMAND FOR REPAYMENT.

The Department must send a completed Demand Letter for Overissuance and Repayment Agreement (HW 0544) to the household. If the Department delivers the demand letter in person, the household must tell the Department its choice of repayment method on that day. If the Department delivers the demand letter by mail, the household must tell the Department its choice of repayment method, within twenty (20) days of the mailing date of the demand letter. (6-1-94)

679. ACTION AGAINST IHE HOUSEHOLDS FAILING TO RESPOND.

If the household fails to respond to the demand letter within twenty (20) days, reduce the Food Stamps by allotment reduction as soon as possible after notice. If the household requested continued Food Stamps or is getting continued Food Stamps at the time the household makes repayment choice, Food Stamp reduction must not begin until an adverse fair hearing decision is issued or the certification period ends and a new certification period begins. (6-1-94)

680. COLLECTING IHE CLAIMS.

Food Stamps are reduced by ten percent (10%) of the monthly Food Stamps or ten dollars (\$10) per month, whichever is greater. Food Stamps must not be withheld from an initial month's benefits. (2-1-01)T

01. Household Fails To Pay. Send a notice if the household fails to pay under the repayment agreement, by paying nothing or less than agreed. (7-1-98)

a. The notice must state insufficient or no payment was received. (6-1-94)

b. The notice must state the household may contact the Department to renegotiate their repayment agreement. (6-1-94)

c. The notice must state if the household fails to make the overdue payment or to contact the Department to discuss renegotiation, the current Food Stamps will be reduced without further notice. (6-1-94)

02. Household Renegotiates Repayment. If the household requests renegotiation, decide if their financial circumstances allow payment renegotiation. If their financial circumstances warrant renegotiation, negotiate a new repayment agreement. If renegotiation is not feasible, continue renegotiation until a settlement is reached. Begin allotment reduction if a settlement is not reached. Notice is not required. (7-1-98)

03. Household Fails To Respond To Notice. Begin allotment reduction if a Food Stamp household fails to respond to the notice. (6-1-94)

04. IHE Collection By Treasury Offset Program (TOP). Past Due claims can be submitted for collection through TOP as specified in 7CFR 273.18 (n). The claim must meet the following criteria: (2-1-01)T

a. The claim is properly established. (7-1-97)

- b. No person liable for the claim currently participates in a Food Stamp household. (7-1-97)
- c. The claim is for at least thirty dollars (\$30). Multiple claims may be combined to total thirty dollars (\$30). (7-1-97)
- d. The date of the first demand letter is within ten (10) years of the quarterly TOP submission. There is no time limit on court judgements. (2-1-01)T
- e. Voluntary or involuntary payments are one hundred-eighty (180) days past due. (2-1-01)T

05. TOP Notices. Sixty (60) days before referring claims for collection under TOP, the Department will provide the person with a notice of intent to collect via Treasury offset. The notice must inform the person of their right to request a Department review of the intended collection action. The request for review must be received within sixty (60) days of the notice of intent. The Department will determine if the claims in question are past due and legally enforceable based on a review of its records or other information submitted by the person. The Department will notify the person in writing if it is determined the claim is past due and legally enforceable and the Department intends to refer the claim to TOP for offset. The notice of determination must inform the person of the right to request that FCS review the Department's decision. The notice must include instructions for requesting a review by FCS and the address of the FCS regional office. (2-1-01)T

06. TOP Effect On The Person. When a claim is referred to TOP, any eligible Federal payment owed to the person may be intercepted, and applied to the claim to reduce the debt. The person may be required to pay collection or processing fees charged by the Federal government to intercept the payment. (2-1-01)T

681. EXCEPTIONS FOR STARTING IHE COLLECTION.

Do not start collection action on IHE claims when the claim is collected through an offset. Do not start collection action on IHE claims when the claim is less than thirty-five dollars (\$35) and cannot be recovered by allotment reduction. Do not start collection action on IHE claims when the Department finds the household cannot be located. Do not start collection action on IHE claims when the collection action may prejudice the IPV determination. (6-1-94)

682. HOUSEHOLD MEMBERS CHANGE WHEN IHE EXISTS.

The Department must collect against any or all adult members of the household which received the overissuance. If household membership changes, collect from any household having a member who was an adult member of the household with the overissuance. Offset the claim against any household with a member who was an adult member of the original household when the overissuance occurred. (6-1-94)

683. SUSPENDING OR ENDING IHE CLAIM.

IHE claims may be suspended when at least one (1) demand letter was sent to a household not getting Food Stamps and the household cannot be located. IHE claims may be suspended when at least one (1) demand letter was sent to a household not getting Food Stamps and the cost of further action may exceed the recovery amount. IHE claims may end when the claim is determined uncollectible after three (3) years in suspense. (6-1-94)

684. -- 686. (RESERVED).

687. ADMINISTRATIVE ERROR CLAIMS.

An administrative error is an overissuance due to an action or failure to act by the Department. The Administrative Error claim is the difference between the Food Stamps the household received and the Food Stamps they should have received. Compute the claim back to the month the administrative error occurred. Do not go back more than twelve (12) months before the date the overissuance was discovered. When the Department did not act on timely change report, the first claim month is the first month the change would have affected Food Stamp amount. The first change month must not be later than two (2) months after the month the change occurred. The Department must offset the claim against any amounts not yet restored. (7-1-98)

688. ADMINISTRATIVE DEMAND LETTER.

The Department must start collection by sending the household a completed Demand Letter for Overissuance and

Repayment Agreement (HW 0544). The Department must allow the household twenty (20) days to decide on a repayment method and inform the department. (7-1-98)

689. ACTION AGAINST ADMINISTRATIVE ERROR HOUSEHOLD FAILING TO RESPOND.

If the household fails to respond to the demand letter within twenty (20) days, reduce the Food Stamp allotment as soon as possible after notice. If the household requested continued Food Stamps, or is getting continued Food Stamps when it makes a repayment choice, reduction must not begin until an adverse fair hearing decision is issued or the certification ends and a new certification period begins. (7-1-98)

690. ADMINISTRATIVE ERROR COLLECTION ACTION NOT TAKEN.

When the claim is collected by offset no further collection action is necessary unless there is a balance owed. Except for reconciliation claims, collection action is not started if the claim is less than one hundred dollars (\$100). Collection action is not started if the Department finds the household cannot be located. Collection action is not started if the Department or FCS are taking steps to disqualify a drug or alcohol rehabilitation center and collection action may prejudice the case. (7-1-98)

691. RECONCILIATION CLAIMS.

The Department must account for all issuances through a reconciliation process. The Department must reconcile incorrectly authorized issuances. Reconciliation errors are administrative errors identified by Central Office. Collection action is initiated on all reconciliation claims regardless of the amount. (6-1-94)

692. SUSPENDING AND ENDING ADMINISTRATIVE ERROR CLAIMS.

Administrative error claims may be suspended when at least one (1) demand letter was sent to household not getting Food Stamps and the household cannot be located. Administrative error claims may be suspended when at least one (1) demand letter was sent to household not getting Food Stamps and the cost of further action may exceed the recovery amount. Administrative error claims may be stopped when the claim is determined uncollectible by holding in suspense three (3) years. (6-1-94)

693. COLLECTING ADMINISTRATIVE ERROR CLAIMS.

The Department must collect against any or all adult members of the household with the AE claim. If household membership changes, collect from any previous adult member of the household with the claim. (2-1-01)T

01. Household Fails To Repay. Send a notice if the household fails to pay under a repayment agreement by paying nothing or less than agreed. The notice must state insufficient or no payment was received. The notice must state the household may contact the Department to renegotiate their repayment agreement. If the household requests renegotiation, negotiate a new repayment agreement. Begin allotment reduction if a settlement is not reached. Notice is not required. (7-1-98)

02. Food Stamp Amount Reduced. The amount of Food Stamp reduction will not exceed the greater of ten percent (10%) of monthly Food Stamps or ten dollars (\$10) per month, unless the household requests a higher amount, in writing. (7-1-98)

03. Department Must Not. The Department must not start allotment reduction from an initial month's benefits. (7-1-98)

04. AE Collection By Treasury Offset Program (TOP). Past Due claims can be submitted for collection through TOP as specified in 7 CFR 273.18(n). The claim must meet the criteria is Subsections 713.04.a. through 713.04.e. (2-1-01)T

- a. The claim is properly established. (2-1-01)T
- b. No person liable for the claim currently participates in a Food Stamp household. (2-1-01)T
- c. The claim is for at least thirty dollars (\$30). Multiple claims may be combined to total thirty dollars (\$30). (2-1-01)T
- d. The date of the first demand letter is within ten (10) years of the quarterly TOP submission.

(2-1-01)T

- e. Voluntary or involuntary payments are one hundred eighty (180) days past due. (2-1-01)T

05. TOP Notices. Sixty (60) days before referring claims for collection under TOP, the Department will provide the person a notice of intent to collect via Treasury offset. The notice must inform the person of their right to request a Department review of the intended collection action. The Department must receive the request for review within sixty (60) days of sending the notice of intent. The Department will determine if the claims are past due and legally enforceable, based on a review of its records or information submitted by the person. The Department will notify the person in writing if it determines the claim is past due and legally enforceable, and intends to refer the claim to TOP for offset. The notice of determination must inform the person of the right to request that FCS review the Department's decision. The notice must include instructions for requesting a review by FCS and the address of the FCS regional office. (2-1-01)T

06. TOP Effect On The Person. When a claim is referred to TOP, any eligible Federal payment owed to the person may be intercepted, and applied to the claim to reduce the debt. The person may also be required to pay collection or processing fees charged by the Federal government to intercept the payment. (2-1-01)T

694. -- 697. (RESERVED).

698. INTENTIONAL PROGRAM VIOLATION (IPV).

IPV includes client actions listed below. The client must intentionally, knowingly, and willfully commit a program violation. An IPV penalty can occur without an overissuance claim. (6-1-94)

01. False Statement. A person makes a false statement to the Department, either orally or in writing, to get Food Stamps. (6-1-94)

02. Misleading Statement. A person makes a misleading statement to the Department, either orally or in writing, to get Food Stamps. (6-1-94)

03. Misrepresenting. A person misrepresents facts to the Department, either orally or in writing, to get Food Stamps. (6-1-94)

04. Concealing. A person conceals or withholds facts to get Food Stamps. (6-1-94)

05. Violation Of Regulations. A person commits any act violating the Food Stamp Act or regulations. A person commits any act violating State regulations. The violation may relate to Food Stamps or ATP use, presentation, transfer, acquisition, receipt, or possession. (6-1-94)

699. INTENTIONAL PROGRAM VIOLATION (IPV) CLAIM.

An IPV may be established by actions listed below: (6-1-94)

01. Waiver. The client signs a waiver to a disqualification hearing. (6-1-94)

02. Disqualification Consent. The client signs a disqualification consent form to prevent court action by the Department. (6-1-94)

03. Hearing. An administrative disqualification hearing determines an IPV. (6-1-94)

04. Judgement. A court judgement determines an IPV. (6-1-94)

700. ADMINISTRATIVE RESPONSIBILITY FOR ESTABLISHING IPV.

The Department must investigate and refer cases for an IPV determination. If there is enough recorded evidence to establish an IPV, the Department must take the actions listed below: (6-1-94)

01. Act To Collect. The Department must act to collect overissuances. The Department must set up IHE overissuance claims, when a suspected IPV claim is not pursued under administrative or prosecution procedures.

(6-1-94)

when: **02. Obtain Administrative Disqualification.** The Department pursues administrative disqualification (6-1-94)

a. The case facts do not warrant civil or criminal prosecution. (6-1-94)

b. The case referred for prosecution was declined. (6-1-94)

c. The case was referred for prosecution and no action was taken in a reasonable time. (6-1-94)

d. The case was referred for prosecution, but the case was withdrawn by the Department. (6-1-94)

03. Do Not Obtain Administrative Disqualification. The Department must not pursue an administrative disqualification in cases: (6-1-94)

a. Being referred for prosecution. (6-1-94)

b. After any prosecutor action against the accused if the case issues are the same or related circumstances. (6-1-94)

701. PENALTIES FOR AN IPV.

IPV persons are ineligible for Food Stamps for twelve (12) months for the first violation. IPV persons are ineligible for Food Stamps for twenty-four (24) months for the second violation. IPV persons are ineligible for Food Stamps permanently for the third violation. The Department must impose penalties if the court does not impose a disqualification period. The imposed penalties must not be contrary to the court order. Disqualify only the person or persons who committed the IPV. (7-1-98)

702. PENALTIES FOR IPV TRAFFICKING.

IPV persons are ineligible for Food Stamps for two (2) years for the first finding by a court the recipient purchased illegal drugs with Food Stamps. IPV persons are permanently ineligible for Food Stamps for a second finding by the court the recipient purchased illegal drugs with Food Stamps. IPV persons are permanently ineligible for Food Stamps for a first finding by a court the recipient purchased firearms, ammunition or explosives with Food Stamps. A person convicted of trafficking in Food Stamp benefits of five hundred dollars (\$500) or more is permanently disqualified from the Food Stamp program. (7-1-98)

703. COMPUTING IPV CLAIMS.

Compute the difference between the Food Stamps the household received and the Food Stamps they should have received. The twenty percent (20%) earned income deduction cannot be deducted for nonreported earned income overissuances. Compute the claim back to the month the IPV occurred. Do not compute back more than six (6) years before the overissuance discovery date. The first month of the overissuance is the first month the change would have been effective if reported as required. The first overissuance month must never be later than two (2) months after the IPV occurred. Offset the claim against any amounts not yet restored to the household. (4-5-00)

704. STARTING IPV CLAIM COLLECTION ACTION.

Start collection against the household by personal contact, if possible. The Department must start IPV collection even if it was formerly started as an IHE claim. The Department should not start the IPV claim if the overissuance is repaid. The Department should not start the IPV claim if there is case record evidence the household cannot be located. The Department should not start the IPV claim if collection action will prejudice the case. The Department should request the restitution matter be brought before the court when the IPV is decided by the court. The Department should address restitution in the agreement when the IPV is decided by signing the deferred adjudication agreement. (6-1-94)

705. IPV DEMAND FOR REPAYMENT.

The Department must send a completed Demand Letter for Overissuance and Repayment Agreement (HW 0544) to the household. If the Department delivers the demand letter in person, the household must tell the Department its choice of repayment method on that day. If the Department delivers the demand letter by mail, the household must tell

the Department its choice of repayment method, within ten (10) days of the mailing date of the demand letter.

(6-1-94)

706. ACTION AGAINST IPV HOUSEHOLDS FAILING TO RESPOND.

If the household fails to respond to the demand letter within ten (10) days, reduce the Food Stamps by allotment reduction as soon as possible after notice. If the household requested continued Food Stamps or is getting continued Food Stamps at the time the household makes repayment choice, Food Stamp reduction must not begin until an adverse fair hearing decision is issued or the certification period ends and a new certification period begins. (6-1-94)

707. SUSPENDING IPV CLAIMS.

An IPV claim may be suspended if the Department meets a condition listed below:

(6-1-94)

01. Household Cannot Be Located. The Department has case record documents showing the household cannot be located. (6-1-94)

02. Letters Sent. If the household is not getting Food Stamps the Department has sent: (6-1-94)

- a. One (1) demand letter for claims under one hundred dollars (\$100). (6-1-94)
- b. Two (2) demand letters for claims between one hundred dollars (\$100) and four hundred (400) dollars. (6-1-94)
- c. Three (3) demand letters for claims exceeding four hundred dollars (\$400). (6-1-94)

03. Cost More Than Recovery Amount. The Department determines further action against a household, not getting Food Stamps, may cost more than the recovery amount. (6-1-94)

708. HOUSEHOLD MEMBERS CHANGE WHEN IPV EXISTS.

The Department must collect against any or all adult members of the household which received the overissuance. If household membership changes, collect from any household having a member who was an adult member of the household with the overissuance. Offset the claim against any household with a member who was an adult member of the original household when the overissuance occurred. (6-1-94)

709. PENALTIES FOR IPV RECEIPT OF MULTIPLE BENEFITS.

A person found making a fraudulent statement or representation about identity or residence to get multiple benefits is ineligible for Food Stamps for ten (10) years for the first and second offenses and permanently for the third offense. (7-1-99)

710. -- 712. (RESERVED).

713. COLLECTING IPV CLAIMS.

The Department must collect against any or all adult members of the household with the IPV claim. If household membership changes, collect from any previous adult member of the household with the claim. (2-1-01)T

01. Household Fails To Pay. Send a notice if the household fails to pay under the repayment agreement, by paying nothing or less than agreed. The notice must state: (7-1-98)

- a. No payment, or not enough payment, was received. (6-1-94)
- b. The household may contact the Department to renegotiate their repayment agreement. (6-1-94)
- c. If the household fails to make the overdue payment or to contact the Department to discuss renegotiation, the current Food Stamps will be reduced without further notice. (6-1-94)

02. Household Renegotiates Repayment. If the household requests renegotiation, the Department must decide if their financial circumstances allow payment renegotiation. If their financial circumstances warrant renegotiation, negotiate a new repayment agreement. If renegotiation is not feasible, continue renegotiation until a

settlement is reached. Begin allotment reduction if a settlement is not reached. Notice is not required. (6-1-94)

03. Household Fails To Respond To Notice. If a Food Stamp household fails to respond to the notice by making the overdue payments or requesting renegotiation, reduce Food Stamp issuance. (6-1-94)

04. Collection By Treasury Offset Program (TOP). Past Due claims can be submitted for collection through TOP as specified in 7CFR 273.18 (n). The claim must meet the following criteria: (2-1-01)T

- a. The claim is properly established. (7-1-97)
- b. No person liable for the claim currently participates in a Food Stamp household. (7-1-97)
- c. The claim is for at least thirty dollars (\$30). Multiple claims may be combined to total thirty dollars (\$30). (7-1-97)
- d. The date of the first demand letter is within ten (10) years of the quarterly TOP submission. There is no time limit on court judgements. (2-1-01)T
- e. Voluntary or involuntary payments are one hundred eighty (180) days past due. (2-1-01)T

05. TOP Notices. Sixty (60) days before referring claims for collection under TOP, the Department will provide the person with a notice of intent to collect via Treasury offset. The notice must inform the person of their right to request a Department review of the intended collection action. The request for review must be received within sixty (60) days of the notice of intent. The Department will determine if the claims in question are past due and legally enforceable based on a review of its records or other information submitted by the person. The Department will notify the person in writing if it is determined the claim is past due and legally enforceable and the Department intends to refer the claim to TOP. The notice of determination must inform the person of the right to request that FCS review the Department's decision. The notice must include instructions for requesting a review by FCS and the address of the FCS regional office. (2-1-01)T

06. TOP Effect On The Person. When a claim is referred to TOP, any eligible Federal payment owed to the person may be intercepted, and applied to the claim to reduce the debt. The person may also be required to pay collection or processing fees charged by the Federal government to intercept the payment. (2-1-01)T

714. IPV REPAYMENT AMOUNTS.

IPV repayment factors are listed below: (6-1-94)

01. Repayment Amount. The repayment amount is the greater of: (6-1-94)

- a. Twenty percent (20%) of the household's monthly Food Stamp amount, if they had not been disqualified. (6-1-94)

- b. Ten dollars (\$10) per month. (6-1-94)

02. Repayment Amount Adjusted Monthly. The repayment amount is adjusted monthly as the Food Stamps increase or decrease. (6-1-94)

03. Installment Payments Not Adjusted Monthly. The installment repayment agreement must specify monthly payments, not less than the allotment reduction amount. Once negotiated, monthly installments remain unchanged. The Department or household may renegotiate payments if the household's finances change. (6-1-94)

04. Full Repayment Within Three Years. Restitution of a claim must be paid within three (3) years. The Department may compromise the claim amount to allow repayment within the three (3) years. The full amount, including compromises, must be used to offset benefits. (6-1-94)

05. Payment Not Withheld From First Month's Benefit. The Food Stamp reduction must never be

withheld from an initial month's benefits. (6-1-94)

06. Department Must Inform Household. The Department must tell the household of the options of lump sum cash payment, coupon lump sum, installment cash, or coupons, or a combination of lump and installment repayments. (7-1-98)

- a. Tell the household the formula used for reducing the Food Stamp amount. (7-1-98)
- b. Tell the household the Food Stamp amount will be reduced unless the household repays by a lump sum cash or coupon return, or negotiates and repays under a repayment agreement. (7-1-98)
- c. Tell the household there is a ten dollar (\$10) minimum Food Stamp issuance for one (1) and two (2) person households. If the Department is collecting an overissuance by withholding, benefits cannot be reduced below a ten dollar (\$10) minimum for one (1) and two (2) person households. (7-1-98)

715. WAIVED HEARINGS.

Persons accused of an IPV may waive their right to an administrative disqualification hearing by completing and signing a Waiver of Disqualification Hearing. The steps needed to waive the hearing are listed below: (7-1-98)

01. Review Of Evidence. The Department must be sure the evidence warrants scheduling a disqualification hearing before giving household members, suspected of an IPV, the waiver option. Household circumstances must be reviewed by the Examiner assigned the case and a program supervisor or designee. (6-1-94)

02. Advance Notice. If the reviewers determine a waiver is proper, each household member suspected of IPV must be mailed or given a Waiver of Disqualification Hearing. The following information must be entered on the waiver form: (7-1-98)

- a. The accused member's name and address. (6-1-94)
- b. The case name and number. (6-1-94)
- c. Select the penalty violation box. (6-1-94)
- d. The date the waiver must be received to avoid a hearing. The household member has thirty (30) days to return the form. (6-1-94)
- e. The hearing schedule information. (6-1-94)
- f. The telephone number, person and Field Office to contact for information. (6-1-94)

716. DISQUALIFICATION AFTER WAIVED HEARING.

Persons waiving their right to an IPV administrative disqualification hearing must have penalties imposed. The steps to impose disqualification penalties are listed below: (6-1-94)

01. Member Disqualified. If the household member signs, completes, and returns the waiver form within thirty (30) days, the household member must be disqualified. The Food Stamp disqualification period begins the first month after the month the member gets written notice of disqualification. (6-1-94)

02. Disqualification Notice. To start the disqualification, the Department must send a completed Notice of Disqualification (HW 0541) to the disqualified member and remaining household members. The Department must send a completed Demand Letter for Overissuance and Repayment Agreement (HW 0544) to the disqualified member. (6-1-94)

03. Penalty Continued. Once a disqualification penalty has been imposed against a household member getting Food Stamps, the disqualification period continues without stopping until completed, regardless of the member's eligibility. (6-1-94)

717. COURT REFERRALS.

Procedures for court referrals are listed below:

(6-1-94)

01. Referred Cases. The Department must refer persons suspected of getting large amounts of Food Stamps by committing an IPV. The Department must refer persons suspected of committing more than one (1) act of IPV. (6-1-94)

02. Referral To Department Fraud Unit. The Department refers appropriate IPV cases to the Department Fraud Unit. The Fraud Unit investigates the case to determine if it should be prosecuted. If the referral is determined fitting for prosecution, the Department will refer the case to the prosecuting authority. (6-1-94)

03. Impose Court Penalties. The Department must disqualify a person found guilty of IPV by a court for the length of time specified by the court. The disqualified member's household will remain responsible for the overissuance, resulting from the disqualified member's IPV, regardless of the household's eligibility. If the court fails to specify a period, use the IPV penalty periods specified in Section 701 unless they are contrary to the court order. (7-1-98)

04. Penalty Start Date. Once a disqualification penalty has been imposed against a household member, the disqualification period continues without stopping until completed, regardless of the member's eligibility. If disqualification is ordered but a start date is not specified, start the disqualification period: (6-1-94)

a. Within forty-five (45) days of the date the disqualification was ordered. (7-1-98)

b. The date the court found the person guilty of civil or criminal intentional program violation. (7-1-98)

c. Once a disqualification penalty has been imposed against a household member, the disqualification period continues without stopping until completed, regardless of the member's eligibility. (7-1-98)

05. Notice Of Disqualification. The disqualification period must begin within forty-five (45) days of the date of the court ordered disqualification. If there is no court ordered disqualification, disqualify the person within forty-five (45) days of the date the court found the person guilty. The Department must: (6-1-94)

a. Send a Notice of Disqualification (HW 0541) to the disqualified member and the remaining household members if the court finds the member committed an IPV. (6-1-94)

b. Give written notice to the household member before the disqualification, if possible. (6-1-94)

c. Tell the member the disqualification period and the date the disqualification will take effect. (6-1-94)

06. Notice To Other Household Members. The Department must give written notice to the remaining household members. The notice must state the amount of Food Stamps they will get during the period of disqualification or the household must reapply because the certification expired. (6-1-94)

07. Demand For Repayment. The Department must send the household a written Demand Letter for Overissuance and Repayment Agreement (HW 0544). (6-1-94)

718. DEFERRED ADJUDICATION.

Deferred Adjudication is an out-of-court settlement between the accused IPV member and the prosecutor. Terms of the settlement are listed below: (6-1-94)

01. Deferred Judgement Conditions. Guilt is not decided by the court because the accused person has met the terms of a court order or an agreement with the prosecutor. (6-1-94)

02. Agreement With Prosecutor. If the Department has an agreement with the prosecutor, the prosecutor may defer adjudication. The prosecutor must agree to give advance written notice to the member stating

the consequences of consenting to disqualification. (6-1-94)

03. Notice To Food Stamp Member. If the prosecutor decides deferred adjudication is fitting, the household member suspected of IPV must be mailed or presented with a Deferred Adjudication Disqualification Consent Agreement (HW 0546). The prosecutor must enter the following information on the form: (6-1-94)

- a. The accused member's name and address. (6-1-94)
- b. The case name and number. (6-1-94)
- c. The date the agreement must be received by the prosecutor to avoid court action. (6-1-94)
- d. Check the penalty violation box. (6-1-94)

04. Impose Penalties. The Department must disqualify a person found guilty of IPV by an out-of-court settlement. The disqualified member's household will remain responsible for the overissuance resulting from the disqualified member's IPV, regardless of the household's eligibility. If the prosecutor fails to specify a period, use the IPV penalty periods as specified in Section 701 unless they are contrary to the court order. The disqualified member's household will remain responsible for the overissuance resulting from the disqualified member's IPV, regardless of the household's eligibility. (7-1-98)

05. Disqualification Period. The period of disqualification must begin within forty-five (45) days of the date the member signed the Deferred Adjudication Disqualification Consent Agreement (HW 0546). The period of disqualification must begin as agreed upon with the Prosecutor. Once a disqualification penalty is imposed against a member, the period continues uninterrupted regardless of the household's eligibility. The disqualified member's household continues to be responsible for overissuance repayment resulting from the disqualified member's IPV regardless of the household's eligibility. (7-1-97)

06. Notice Of Disqualification. The Department must provide a completed Notice of Disqualification (HW 0541) before the disqualification to the disqualified member and remaining household members. The Department must provide a Demand Letter for Overissuance and Repayment Agreement (HW 0544). (6-1-94)

719. (RESERVED).

720. CLAIMS DISCHARGED BY BANKRUPTCY.

The Department will act for FCS in bankruptcy proceedings against households owing claims. The Department may file proofs of claims, objections to discharge, exceptions, petitions and any other documents, motions, or objectives FCS might have filed. Upon receiving notice a household has filed for bankruptcy, the Department must perform steps listed below: (7-1-98)

01. Suspend Collection Activity. The Department must suspend all collection action, including recoupment. (6-1-94)

02. Consult Court. The Department must consult with the court if there is doubt about the status of the filing or to clarify the status. The Department must advise the court of the claim and if the claim is for an IPV. IPV claims may not be dischargeable in a bankruptcy proceeding. (6-1-94)

03. Collect Claim. The Department must resume or start collection action after the final court action. (6-1-94)

04. Forward Collections. The Field Office must forward amounts collected to the Bureau of Financial Services. The Field Office must send a photocopy to the Bureau of Welfare Programs. (6-1-94)

721. CLAIMS ACCOUNTING PROCEDURES.

Regions must maintain a system to monitor claims. The system requirements are described below: (6-1-94)

01. Claim Form. A completed claim form. (6-1-94)

- 02. Restoration Of Benefits Accounting.** An accounting of households entitled to restored benefits. (6-1-94)
- 03. Households Who Fail To Respond.** A record of households who have not responded to notices. A record of households who have not made installment payments. (6-1-94)
- 04. Food Stamp Reduction Listings.** A monthly updated listing of active Food Stamp reduction households. (6-1-94)
- 05. Receipts.** A record of receipts given or mailed to persons who paid. The receipt must contain the name, date, and amount received. The receipt must be retained in the claims record. (6-1-94)
- 06. Automated File.** An automated record containing case information, the claim amount, and amounts collected. (6-1-94)
- 07. Record Of Collections Submitted.** A record of amounts submitted to the Bureau of Financial Services. (6-1-94)
- 08. Separate Accounting.** Separate accounts for IPV, IHE, and AE claims. (6-1-94)
- 722. INTERSTATE CLAIMS COLLECTION.**
If a household owes a claim and moves from one State to another, the first State should start or continue collection action. The first State has the initial opportunity to collect. The receiving State should take collection action if the first State fails to act. The receiving State should contact the first State to be sure the first State does not intend to pursue collection. The State share of claims collected is kept by the State making the collection. (6-1-94)
- 723. -- 727. (RESERVED).**
- 728. FOOD STAMP REDUCTION, SUSPENSION, OR CANCELLATION.**
Food Stamps for all Food Stamp households must be reduced suspended, or cancelled, if ordered by the USDA Secretary to comply with Section 18 of the Food Stamp Act of 1977. Reduced Food Stamps are computed using the thrifty food plan amounts and are reduced by a percentage defined by FCS. Food Stamp reduction, suspension, and cancellation rules are described below: (7-1-98)
- 01. Reducing Food Stamps.** FCS will notify the Department of the effective date of reduction and of the thrifty food plan reduction percentage. The Department must: (7-1-98)
- a. Act immediately to carry out the reduction. (6-1-94)
 - b. Guarantee one (1) and two (2) person households a minimum benefit of ten dollars (\$10) unless the reduction is ninety percent (90%) or more of total projected monthly benefits. (6-1-94)
 - c. Notify Field Offices of the effective date and reduction percentage. (6-1-94)
- 02. Notice To Households.** Reductions, suspensions, or cancellations are mass changes. Individual notice is not required. (6-1-94)
- 03. Restoring Lost Benefits.** Households whose Food Stamps are reduced or cancelled under this section are not entitled to restoration of benefits. Reductions or cancellations of Food Stamps may be ordered restored by the USDA Secretary. (6-1-94)
- 04. Effects On Certification.** Field Offices must continue to accept and process expedited service applications, regular applications, and recertifications to determine eligibility, and to assign certification periods during a reduction, suspension, or cancellation. (6-1-94)
- 05. Food Stamps For Eligible Households.** If a reduction is in effect, compute Food Stamps by

reducing the thrifty food plan amount for the eligible household's size by the percentage ordered by FCS. Then deduct thirty percent (30%) of the household's net Food Stamp income from the thrifty food plan amount. (7-1-98)

06. Suspension Or Cancellation. If a suspension or cancellation is in effect, no Food Stamps are to be issued to the applicant. (6-1-94)

07. Expedited Services. If expedited services are allowed in reduction, suspension, or cancellation months: (6-1-94)

- a. Process applications during reduction months and apply the reductions as instructed. (6-1-94)
- b. Process applications during suspension months and suspend Food Stamps until the suspension ends. (6-1-94)
- c. Process applications during cancellation months. The deadline for processing is two (2) days or the end of the application month, whichever is later. Suspend Food Stamps until the cancellation ends. (6-1-94)

08. Hearings. Any household whose allotment was reduced, suspended, or cancelled under this section can request a fair hearing. (6-1-94)

729. -- 733. (RESERVED).

734. TRANSFERS OF CASE RECORDS.

Procedures for transfer of case records from one Field Office to another include time requirements and authorization. (6-1-94)

01. Time Requirements For Processing Transfers. Process transfers as soon as possible, but not later than thirty (30) days after the household tells the Department it has moved. (6-1-94)

02. Authorization For Transfer. When a household moves from one Field Office area to another, the receiving Field Office must authorize the case record transfer. The sending Field Office must start the automated transfer. (6-1-94)

735. FOOD STAMP HOUSEHOLDS THAT MOVE.

When a Food Stamp household moves, the sending and receiving Field Offices must transfer the case record and change the Food Stamp delivery address. (6-1-94)

01. Responsibilities Of Sending Field Office. If a household reports its move, or plan to move, to another area, the sending Field Office must take steps to transfer the case. Duties of the sending Field Office are listed below: (6-1-94)

- a. Record New Address. Record the household's new address in the case record and in EPICS. (6-1-94)
- b. Advise Household. Give the household the address and telephone number of the receiving Field Office. If the request for case record transfer is not received within thirty (30) days of the date the client was told to contact the receiving office, Food Stamps must end. Advise the household to:
 - i. Contact the new Field Office at once. (6-1-94)
 - ii. Report their new address and living arrangements. (6-1-94)
 - iii. Allow the new Field Office time to authorize and request transfer of the case record. (6-1-94)
 - iv. Contact the new Field Office or the sending Field Office will act to end Food Stamps. (6-1-94)

02. Transfer Of Case Record. When the receiving Field Office requests a case file, the sending Field

Office must send the file. The sending Field Office must forward the case record to the receiving office within two (2) working days. The case record transfer must include all past and current eligibility and overissuance collection records. (6-1-94)

03. Ending Benefits. If the case record was not requested by the thirtieth day after the household said they were moving, Food Stamps must be ended. The sending Field Office must send a Notice of Decision to the household's last known address. The sending Field Office must end the household's Food Stamps. (6-1-94)

04. Responsibilities Of Receiving Field Office. When a Field Office learns a household has moved to its area, the receiving Field Office must request the case record within two (2) working days. The receiving office must show the household's new address in the case record. The receiving office must review the household's eligibility and benefit level. The office must review the case not later than thirty (30) days after the household's transfer request. (6-1-94)

736. -- 749. (RESERVED).

750. SPECIAL HOUSEHOLDS.

Some households have special conditions for getting Food Stamps. Sections 751 through 849 are rules for households with special conditions. (6-1-94)

751. BOARDERS.

Boarders are persons, or groups of persons, living with others. Boarders pay for meals and lodging. Boarders must pay an amount equal to or greater than the thrifty food plan for meals. Rules for Food Stamp boarders are listed below: (6-1-94)

01. Boarder Status. (6-1-94)

a. Boarder status must not be given to parents and children. (6-1-94)

b. Boarder status must not be given to spouses living together. (6-1-94)

c. Boarders are not eligible for Food Stamps as a separate household. (6-1-94)

02. Boarder Included With Food Stamp Household. Boarders may be included in the Food Stamp household providing board. The Food Stamp household must request the boarder be included. The household must be otherwise eligible. (6-1-94)

03. Foster Children. Foster children are boarders. Foster care payments and guardianship payments are not income for Food Stamps if the foster child does not get Food Stamps as part of the household. If the household requests the foster child be included in the Food Stamp household, foster care payments and guardianship payments are counted. (4-5-00)

04. Foster Adults. Foster adults are boarders. Foster care payments are not income for Food Stamps if the foster adult does not get Food Stamps as part of the household. If the household requests the foster adult be included in the Food Stamp household, the foster care payments are counted. (6-1-94)

05. Meal Compensation. Boarder status must be given to persons paying a reasonable monthly amount for meals. (6-1-94)

a. Payments for more than two (2) meals a day must equal or exceed the thrifty food plan for the boarder household size. (6-1-94)

b. Payments for two (2) meals or less per day must equal or exceed two-thirds (2/3) of the thrifty food plan for the boarder household size. (6-1-94)

06. Nonboarder Status. A person paying less than a reasonable amount for meals is a member of the household providing board. (10-1-94)

07. Income From Boarders. If the boarder is not a Food Stamp household member: (6-1-94)

a. The meals and lodging payment is self-employment income for the Food Stamp household. (6-1-94)

b. The boarder's income and resources are not counted for the Food Stamp household. (6-1-94)

752. STRIKERS.

Households with strikers are not eligible to get Food Stamps, unless the household was eligible the day before the strike. (6-1-94)

01. Persons Counted As Strikers. A striker is a household member involved in a strike or work stoppage by employees. Strikes include stoppage due to an expired collective bargaining agreement, a slowdown of operations, or an interruption caused by employees. (6-1-94)

02. Persons Not Counted As Strikers. Persons locked out of their work place, because the employer closed operations due to a strike, are not strikers. Persons exempt from work registration the day before the strike, for reasons other than employment, are not strikers. Persons unable to work due to other striking employees are not strikers. Persons, not part of the striking unit, who do not cross a picket line for fear of personal injury or death, are not strikers. (6-1-94)

03. Calculating Striker Food Stamps. Households with striking members are eligible, if the household was eligible for Food Stamps the day before the strike and is otherwise eligible at application. To determine eligibility and benefits use steps in Subsections 752.03.a. through 752.03.d. (6-1-94)

a. Step 1. Consider the day before the strike as the application date. (6-1-94)

b. Step 2. Compare the striker's income for the calendar month before the strike to the striker's current income. Add the higher of the two (2) incomes to the current income of nonstriking members. (6-1-94)

c. Step 3. Do not increase the Food Stamp issuance if the increase is due to the striking members decrease in income because of the strike. (6-1-94)

d. Step 4. Calculate the deductions for the application month, as for any other household. (6-1-94)

753. SPONSORED LEGAL NON-CITIZENS.

Sponsored legal non-citizens are lawfully admitted for permanent United States residence, as defined in Sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act. A sponsor executes an affidavit of support or similar agreement on behalf of legal non-citizen, as a condition of the legal non-citizen's entry or admission into the United States as a permanent resident. Treatment of a sponsor's income and resources is based on the type of affidavit of support the sponsor signed. Types of affidavits of support are listed in Table 753. (7-1-98)

01. Affidavit Signed Between February 1, 1983 And December 18, 1997. Income and resources of a sponsor who signed this affidavit of support will have some of their income and resources counted for the sponsored legal non-citizens. The income and resources of the sponsor will be deemed for three (3) years after the legal non-citizen is admitted for permanent residence to the U.S. (7-1-99)

02. Affidavit Signed On Or After December 19, 1997. A sponsor who signed an affidavit of support after December 19, 1997, pursuant to Section 213A of the Immigration and Nationality Act, will have all of their income and resources counted for the sponsored legal non-citizen. The income and resources of the sponsor will be deemed until the legal non-citizen becomes a naturalized citizen or until he has worked forty (40) qualifying quarters of coverage under Title II of the Social Security Act. A qualifying quarter includes a quarter worked by the legal non-citizen's parent while the legal non-citizen was under eighteen (18) and a quarter worked by the legal non-citizen's spouse during marriage if the legal non-citizen remains married to the spouse or the spouse is deceased. Any quarter after January 1, 1997 in which a legal non-citizen received any Federal means-tested benefit is not counted as a qualifying quarter. (7-1-99)

754. DEEMING INCOME AND RESOURCES TO SPONSORED LEGAL NON-CITIZEN.

Income and resources of the sponsor are deemed available to the legal non-citizen. If the sponsor lives with his spouse, the spouse's income and resources are also deemed available to the legal non-citizen. The income and resources are deemed, even if the sponsor and spouse were married after the sponsor signed the sponsorship agreement. The income and resources deemed to the legal non-citizen must be counted toward Food Stamp eligibility and issuance level of the legal non-citizen's household. Subsection 754.01 describes the steps for deeming income from a sponsor who signed an affidavit of support between February 1, 1983 and December 18, 1997. Subsection 754.02 describes the steps for deeming resources from a sponsor who signed an affidavit of support between February 1, 1983 and December 18, 1997. Subsection 754.03 describes the steps for deeming income from a sponsor who signed an affidavit of support on or after December 19, 1997. Subsection 754.04 describes the steps for deeming resources from a sponsor who signed an affidavit of support on or after December 19, 1997. (7-1-99)

01. Deeming Income From A Sponsor Who Signed An Affidavit Of Support Between February 1, 1983 And December 18, 1997. (7-1-99)

- a. Step 1. Compute the total monthly income of the sponsor and spouse when the legal non-citizen applies or is recertified. If the legal non-citizen has already reported under TAFI sponsored legal non-citizen rules use the TAFI reported gross income information. (7-1-98)
- b. Step 2. Subtract the earned income deduction from the earned income of the sponsor and spouse. (6-1-94)
- c. Step 3. Compute the sponsor's household size. Count the sponsor, the spouse and persons claimed by them as dependents for Federal income tax. (6-1-94)
- d. Step 4. Find the Food Stamp gross monthly income limit for the sponsor's household size. (6-1-94)
- e. Step 5. Subtract the Food Stamp gross monthly income limit for the sponsor's household from the remainder in Step 2. (6-1-94)
- f. Step 6. The income remaining after Step 5 is deemed to the legal non-citizen household. (7-1-98)
- g. Step 7. The sponsor may actually pay the legal non-citizen more income than deemed in Step 6. Any income the sponsor pays the legal non-citizen, exceeding the income deemed in Step 6, is also counted for Food Stamps. (7-1-98)
- h. Step 8. If the legal non-citizen can verify his sponsor sponsors other legal non-citizens, divide the deemed income by the number of legal non-citizens applying for or getting Food Stamps. Deem all income and resources to the legal non-citizen until verification is provided. (7-1-98)

02. Deeming Resources From A Sponsor Who Signed An Affidavit Of Support Between February 1, 1983 And December 18, 1997. (7-1-99)

- a. Step 1. Compute the resources of the sponsor and his spouse. Use the TAFI reported resource information if the legal non-citizen has already reported under TAFI sponsored legal non-citizen rules. (7-1-98)
- b. Step 2. Subtract two thousand dollars (\$2,000) from the total resources of the sponsor and spouse computed in Step 1. (6-1-94)
- c. Step 3. The resources remaining after Step 2 are deemed to the legal non-citizen household. (7-1-98)
- d. Step 4. If the legal non-citizen can verify his sponsor sponsors other legal non-citizens, divide the deemed resources by the number of legal non-citizens applying for or getting Food Stamps. Deem all income and resources to the legal non-citizen until verification is provided. (7-1-98)

03. Deeming Income From A Sponsor Who Signed An Affidavit Of Support On Or After December 19, 1997. (7-1-99)

- a. Step 1. Compute the total month income of the sponsor and the spouse if living with the sponsor when the legal non-citizen applies or is recertified. (7-1-99)
- b. Step 2. Subtract the earned income deduction from the earned income of the sponsor and spouse. (7-1-98)
- c. Step 3. The income remaining after Step 2 is deemed to the legal non-citizen household. (7-1-98)
- d. Step 4. The sponsor may actually pay the legal non-citizen more income than deemed in Step 3. Any income the sponsor pays the legal non-citizen exceeding the income deemed in Step 3 is also counted for Food Stamps. (7-1-98)
- e. Step 5. If the legal non-citizen can verify his sponsor sponsors other legal non-citizens, divide the deemed income by the number of legal non-citizens applying for or getting Food Stamps. Deem all income and resources to the legal non-citizen until verification is provided. (7-1-98)

04. Deeming Resources From A Sponsor Who Signed An Affidavit Of Support On Or After December 19, 1997. (7-1-99)

- a. Step 1. Compute the resources of the sponsor and his spouse if living with the sponsor. (7-1-99)
- b. Step 2. The resources computed in Step 1 are deemed to the legal non-citizen household. (7-1-98)
- c. Step 3. If the legal non-citizen can verify his sponsor sponsors other legal non-citizens, divide the deemed resources by the number of legal non-citizens applying for or getting Food Stamps. Deem all income and resources to the legal non-citizen until verification is provided. (7-1-98)

755. DEEMING INCOME AND RESOURCES FROM A LEGAL NON-CITIZEN'S NEW SPONSOR.

If the legal non-citizen reports a change in sponsors, compute the deemed income and resources again, using information from the new sponsor. The method of deeming used depends on the type of affidavit signed by the sponsor. The new sponsor's income and resources will be deemed for the remainder of the period specified in Section 753. (7-1-98)

756. EXCEPTIONS TO SPONSOR DEEMING.

Exceptions to sponsor deeming are listed in Subsections 756.01 through 756.04. (7-1-99)

01. Legal Non-Citizen Whose Sponsor Signed An Affidavit Of Support Between February 1, 1983 And December 18, 1997. A legal non-citizen whose sponsor signed an affidavit of support between February 1, 1983 and December 18, 1997 is exempt from deeming if: (7-1-99)

- a. The legal non-citizen is a member of the sponsor's Food Stamp household. (7-1-99)
- b. The sponsor has a separate Food Stamp household and the legal non-citizen is a member of another Food Stamp household. (7-1-99)
- c. The legal non-citizen is sponsored by an organization or group. (7-1-99)
- d. The legal non-citizen is not required to have a sponsor under the Immigration and Nationality Act. This includes a refugee, asylee, deportee, parolee or Cuban or Haitian entrant. (7-1-99)

02. Legal Non-Citizen Whose Sponsor Signed An Affidavit Of Support On Or After December 19, 1997. A legal non-citizen whose sponsor signed an affidavit of support on or after December 19, 1997 is exempt from deeming if: (7-1-99)

- a. The legal non-citizen is a member of the sponsor's Food Stamp household. (7-1-99)
- b. The legal non-citizen is sponsored by an organization or group. (7-1-99)
- c. The legal non-citizen is not required to have a sponsor under the Immigration and Nationality Act. This includes a refugee, asylee, deportee, parolee or Cuban or Haitian entrant. (7-1-99)

03. Battered Legal Non-Citizen Whose Sponsor Signed An Affidavit Of Support On Or After December 19, 1997. For sponsor deeming, a battered legal non-citizen includes the non-citizen and the child of the non-citizen. The non-citizen or child must be battered in the U.S. by a spouse, parent, or member of the family in the same household. The non-citizen must not participate in, or acquiesce to, the battering of the child. (7-1-99)

a. A battered legal non-citizen whose sponsor signed an affidavit of support on or after December 19, 1997 is exempt from the sponsor deeming requirement for one (1) year, if the need for Food Stamps is connected to the battery and the legal non-citizen no longer lives with the batterer. (7-1-99)

b. The exemption from the sponsor deeming requirement can exceed more than one (1) year if the legal non-citizen demonstrates the battery has been recognized in an order of a judge or by the INS and the need for Food Stamps is connected to the battery. (7-1-99)

04. Indigent Legal Non-Citizen Whose Sponsor Signed An Affidavit Of Support On Or After December 19, 1997. A non-citizen is indigent if the Department determines he is unable to obtain food and shelter without receiving Food Stamps. For an indigent non-citizen, the Department counts only the income and resources actually provided by the sponsor and spouse who signed an affidavit of support on or after December 19, 1997. Only actual income and resources are counted for one (1) year after the indigent determination is made. (7-1-99)

757. SPONSORED LEGAL NON-CITIZEN'S RESPONSIBILITY.

The legal non-citizen and legal non-citizen's spouse are responsible for getting the sponsor to cooperate with the Department in determining Food Stamp eligibility. The legal non-citizen and legal non-citizen's spouse are responsible for providing the information and proof to determine the income and resources of the sponsor and sponsor's spouse. The legal non-citizen and legal non-citizen's spouse are responsible for providing information and proof to determine if the sponsor sponsors other legal non-citizens and how many. (7-1-98)

758. VERIFICATION FROM SPONSORED LEGAL NON-CITIZEN.

The legal non-citizen and legal non-citizen's spouse must give the Department proof listed below: (7-1-98)

- 01. Sponsor's Income And Resources.** Income and resources proof for the sponsor and spouse. (6-1-94)
- 02. Number Of Legal Non-Citizens Sponsored.** The total number of other legal non-citizens the sponsor sponsors. (7-1-98)
- 03. INS Status.** The Immigration and Nationality Act document under which the legal non-citizen was admitted. (7-1-98)
- 04. Entry Date.** The date of the legal non-citizen's entry or status as a lawful permanent resident. (7-1-98)
- 05. Birth Information.** The legal non-citizen's date and place of birth, and registration number. (7-1-98)
- 06. Sponsor's Dependents.** The number of Federal income tax dependents of the sponsor and spouse. (6-1-94)
- 07. Sponsor Data.** The name, address, and telephone number of the sponsor. (6-1-94)
- 08. Suspect Data.** Any information determined questionable. (6-1-94)

759. SPONSORED LEGAL NON-CITIZEN INELIGIBLE UNTIL PROOF PROVIDED.

If proof is not received, the legal non-citizen and his spouse are ineligible for Food Stamps. Eligibility of remaining household members must be determined. Consider the ineligible legal non-citizen and his spouse as disqualified household members. Do not count the deemed income and resources of the sponsor and sponsor's spouse. If the proof is later provided, act on the information as a reported change in household composition. (7-1-98)

760. OVERISSUANCE DUE TO INCORRECT SPONSOR DATA.

The sponsor who signed an affidavit of support between February 1, 1983 and December 18, 1997 and sponsored legal non-citizen are both liable for repayment of overissuances caused by incorrect sponsor data, unless the sponsor had good cause. Good cause exists unless the sponsor gives false statements or willfully withholds data. The sponsor may have a fair hearing to contest the fault and liability. If the sponsor had good cause or was without fault for incorrect data, the legal non-citizen's household is solely liable for the overissuance repayment. If the sponsor did not have good cause, start a claim against the sponsor, the legal non-citizen's household, or both. Claims may be started against both parties at the same time. Start a claim against the party most likely to repay the claim first. If the first party fails to respond to the demand letter within twenty (20) days, start a claim against the other party. Identify the claim as either an IHE or IPV claim. (7-1-99)

761. COLLECTING CLAIMS AGAINST SPONSORS WHO SIGNED AN AFFIDAVIT OF SUPPORT BETWEEN FEBRUARY 1, 1983 AND DECEMBER 18, 1997.

Start collection by sending a demand letter to the sponsor. The demand letter must include the amount owed, the reason for the claim, and the repayment options. The demand letter must tell the sponsor he will not have to repay, if he can show he did not give false statements or withhold information about his circumstances. Collection action may be stopped if documentation is obtained showing the sponsor cannot be located. Collection action may be stopped if the cost of collection exceeds the amount to be recovered. If the sponsor responds to the demand letter, collect a lump sum cash payment if the sponsor can pay the claim at one (1) time. If the sponsor cannot pay by lump sum, negotiate a monthly repayment schedule. Sponsor repayments must be recorded in the case file and identified as either an IHE or IPV claim. (7-1-99)

762. COLLECTING CLAIMS AGAINST SPONSORED LEGAL NON-CITIZENS.

Collect claims against sponsored legal non-citizens with a sponsor who signed an affidavit of support between February 1, 1983 and December 18, 1997 using procedures listed below. Take action to collect, whether or not the legal non-citizen household currently gets Food Stamps. (7-1-99)

01. IHE Determined. An IHE results if information provided about the sponsor or sponsor's spouse was wrong because the household misunderstood or failed to provide data. Start a claim against the legal non-citizen's household. (7-1-98)

02. IPV Determined. An IPV results if information provided about the sponsor or sponsor's spouse was incorrect because the household concealed or provided false information. Start a claim against the legal non-citizen's household. (7-1-98)

03. IPV Referral. Pursue an IPV if enough evidence exists to show information from the sponsor or the sponsor's spouse was false or concealed through misrepresentation or willful withholding by the legal non-citizen. Handle the claim as an IHE until the IPV decision is made. Start a claim against the legal non-citizen's household. (7-1-98)

763. REIMBURSEMENT FOR BENEFITS RECEIVED.

A sponsor who signed an affidavit on or after December 19, 1997 must reimburse the Department for the amount of Food Stamps received by the sponsored legal non-citizen. At the time of application for a sponsored legal non-citizen, the legal non-citizen's sponsor must be notified that he will be required to reimburse the Department for the entire amount of Food Stamps received by the sponsored legal non-citizen. (7-1-99)

764. -- 773. (RESERVED).

774. EXCLUDED HOUSEHOLD MEMBERS.

Household members excluded from participation in the Food Stamp program are listed in Subsections 774.01 through

774.07. (3-30-01)

01. Intentional Program Violation (IPV). Persons may be excluded from Food Stamps for an IPV. (3-30-01)

02. Work Requirements. Persons may be excluded from Food Stamps for failure to comply with JSAP requirements, a voluntary quit or reduction of work hours. (3-30-01)

03. Social Security Number. Persons may be excluded from Food Stamps for failure or refusal to provide a Social Security Number. (3-30-01)

04. Citizenship. Persons may be excluded from Food Stamps for failure to sign a citizenship or legal non-citizen status declaration or because the member is an ineligible legal non-citizen or an ineligible sponsored legal non-citizen. (3-30-01)

05. ABAWD Requirements. A person who has received Food Stamps for three (3) months in a three (3) year period in which he did not meet the ABAWD work requirement is excluded from Food Stamps. (3-30-01)

06. Fugitive Felons and Parole Violators. Fugitive felons and, probation or parole violators are excluded from Food Stamps. (3-30-01)

07. Felony Conviction Involving Controlled Substance. Individuals convicted under federal or state law of any offense, classified as a felony, involving the possession, use, or distribution of a controlled substance are excluded from Food Stamps when they do not comply with the terms of a withheld judgment, probation, or parole. The felony must have occurred after August 22, 1996. (3-30-01)

775. FOOD STAMPS FOR HOUSEHOLDS WITH IPV MEMBERS, INELIGIBLE FUGITIVE FELON, PROBATION/PAROLE VIOLATOR, OR A MEMBER CONVICTED OF A CONTROLLED SUBSTANCE-RELATED FELONY.

Food Stamp eligibility and benefit level for households containing members disqualified for an IPV, ineligible fugitive felon, probation/parole violator, or a member ineligible because of a controlled substance-related felony must be computed using steps in Subsections 775.01 through 775.08. The household's Food Stamps must not increase because a household member is disqualified for IPV. (3-30-01)

01. Step 1. Count all resources of the disqualified IPV, ineligible fugitive felon, probation/parole violator, or ineligible controlled substance felon members as resources to the household. (3-30-01)

02. Step 2. Do not count the IPV, ineligible fugitive felon, probation/parole violator, or ineligible controlled substance convicted felon member as part of the household to compute the resource limit. (3-30-01)

03. Step 3. Count all income of the IPV, ineligible fugitive felon, probation/parole violator, or ineligible controlled substance convicted felon members as income to the household. (3-30-01)

04. Step 4. Do not count the IPV, ineligible fugitive felon, probation/parole violator, or ineligible controlled substance convicted felon member when computing household size for the gross and net income limit tests. (3-30-01)

05. Step 5. The entire household's allowable earned income, standard, medical, dependent care, child support, and excess shelter deductions apply to the remaining household members. (7-1-98)

06. Step 6. Count the IPV, ineligible fugitive felon, probation/parole violator, or ineligible controlled substance convicted felon member to compute medical deduction. (3-30-01)

07. Step 7. Count the IPV, ineligible fugitive felon, probation/parole violator, or ineligible controlled substance convicted felon member to compute uncapped shelter deduction. (3-30-01)

08. Step 8. Do not count the IPV, ineligible fugitive felon, probation/parole violator, or ineligible

controlled substance convicted felon member to compute household size for Food Stamp issuance. (3-30-01)

776. HOUSEHOLD MEMBER DISQUALIFIED FOR JSAP, WORK REGISTRATION REQUIREMENTS, VOLUNTARY QUIT OR REDUCTION OF WORK.

Food Stamp eligibility and benefit level for households containing members disqualified for failure to comply with JSAP, work registration requirements, voluntary quit or reduction of work must be computed using steps in Subsections 776.01 through 776.08. (4-5-00)

- 01. Step 1.** Count all resources of the disqualified members as resources to the household. (6-1-94)
- 02. Step 2.** Do not count the disqualified member as part of the household to compute the resource limit. (6-1-94)
- 03. Step 3.** Count all income of the disqualified members as income to the household. (6-1-94)
- 04. Step 4.** Do not count the disqualified member when computing household size for the gross and net income limit tests. (6-1-94)
- 05. Step 5.** The entire household's allowable earned income, standard, medical, dependent care, child support, and excess shelter deductions apply to the remaining household members. (7-1-97)
- 06. Step 6.** Count the disqualified member to compute medical deduction. (6-1-94)
- 07. Step 7.** Count the disqualified member to compute uncapped shelter deduction. (6-1-94)
- 08. Step 8.** Do not count the disqualified member to compute household size for Food Stamp issuance. (6-1-94)

777. MEMBER DISQUALIFIED FOR FAILURE OR REFUSAL TO PROVIDE A SSN.

Food Stamp eligibility and benefit level for households containing members disqualified for failure or refusal to provide a SSN, or for failure to sign a citizenship or legal non-citizen status declaration must be computed using steps in Subsections 777.01 through 777.09. (7-1-98)

- 01. Step 1.** Count the resources of the disqualified members as resources to the Food Stamp household. (6-1-94)
- 02. Step 2.** Count part of the income of the disqualified members as income to the household. (6-1-94)
 - a. Subtract Food Stamp exclusions from the disqualified member's income. (6-1-94)
 - b. Divide the income evenly among all members, including the disqualified member. (6-1-94)
 - c. Count all but the disqualified member's share as income to the Food Stamp household. (6-1-94)
- 03. Step 3.** Apply the earned income deduction to the prorated income of the excluded member. (6-1-94)
- 04. Step 4.** Divide the allowable shelter, dependent care and child support expenses, paid by or billed to the disqualified member, among the household members. All but the disqualified member's share is a deductible expense. (7-1-97)
- 05. Step 5.** Do not count the disqualified member as part of the household to compute the resource limit. (6-1-94)
- 06. Step 6.** Do not count the disqualified member when computing household size for the gross and net income limit tests. (6-1-94)

- 07. **Step 7.** Do not count the disqualified member to compute medical deduction. (7-1-98)
- 08. **Step 8.** Do not count the disqualified member to compute uncapped shelter deduction. (7-1-98)
- 09. **Step 9.** Do not count the disqualified member to compute household size for Food Stamp issuance. (6-1-94)

778. FOOD STAMPS FOR HOUSEHOLDS WITH MEMBERS DISQUALIFIED FOR FAILURE TO MEET THE ABAWD WORK REQUIREMENT, FOR CITIZEN OR LEGAL NON-CITIZEN STATUS OR FOR FAILURE TO COOPERATE IN ESTABLISHING PATERNITY AND OBTAINING SUPPORT.

Food Stamp eligibility and benefit level for households containing disqualified members must be computed using the steps in Table 778 if the member fails to meet the ABAWD work requirement, to cooperate in establishing paternity and obtaining support, or because the member is an ineligible legal non-citizen. (7-1-98)

- 01. **Step 1.** Count all resources of the disqualified members as resources to the household. (7-1-98)
- 02. **Step 2.** Do not count the disqualified member as a part of the household to compute the resource limit. (7-1-98)
- 03. **Step 3.** Count all income of the disqualified members as income to the household. (7-1-98)
- 04. **Step 4.** Do not count the disqualified member when computing household size for the gross and net income limit tests. (7-1-98)
- 05. **Step 5.** The entire household's allowable earned income, standard, medical, dependent care, child support and excess shelter deductions apply to the remaining household members. (7-1-98)
- 06. **Step 6.** Count the disqualified member to compute the medical deduction. (7-1-98)
- 07. **Step 7.** Count the disqualified member to compute uncapped shelter deduction. (7-1-98)
- 08. **Step 8.** Do not count the disqualified member to compute the household size for Food Stamps. (7-1-98)

779. -- 780. (REERVED).

781. PERSON DISQUALIFIED DURING CERTIFICATION PERIOD.

When a person is disqualified during a certification period, determine the eligibility of the other members based on information in the case record. Actions the Department must take to reduce or end benefits are listed below: (6-1-94)

- 01. **SSN Standards Not Met.** Benefits are reduced or ended within the certification period when a member has been disqualified for failure to meet the SSN requirement. The Department must send a notice of adverse action to tell the household a member has been disqualified. The notice must tell the reason for the exclusion and the benefit level. The notice must tell the household the actions needed to end the disqualification. (6-1-94)
- 02. **IPV Disqualification.** The Department must send the household a Notice of Disqualification (HW 0541). The notice must indicate the Food Stamp amount. The notice must tell the household if they need to reapply. The Department does not have to provide a notice of adverse action. The household may request a fair hearing. The household may not have a second fair hearing if the household had a consolidated fair hearing on the Food Stamp amount and the disqualification. (6-1-94)
- 03. **JSAP Requirements Not Met.** The Department must send a notice of adverse action when a non-head of household fails to comply with JSAP. The notice must tell the household a member has been disqualified. The notice must tell the household the disqualification reason and Food Stamp amount. The notice must tell the household actions the household can take to end disqualification. (6-1-94)
- 04. **Failed To Show Citizenship Or Legal Non-Citizen Status.** The Department must send a notice of

adverse action to the household for ineligible alien status or failure to attest to citizenship or alien status. The notice must tell the household a member is disqualified. The notice must tell the household the disqualification reason and Food Stamp amount. (7-1-98)

05. Voluntary Quit Or Reduction Of Hours Worked. The Department must send a notice of adverse action when a non-head of household is sanctioned for a voluntary quit or reduction of hours of work. The notice must tell the household a member has been disqualified. The notice must tell the household the disqualification reason and Food Stamp amount. (7-1-98)

06. ABAWD Work Requirement Not Met. The Department must send a notice of adverse action to the household when an ABAWD has received three (3) months of Food Stamp benefits in a three (3) year period while not meeting the work requirement. The notice must tell the household the disqualification reason and Food Stamp amount. (7-1-98)

07. Failure To Cooperate In Establishing Paternity And Obtaining Support. The Department must send a notice of adverse action to the household when a parent of a minor child or individual exercising parental control over a minor child fails to cooperate in establishing paternity and obtaining support. The notice must tell the household the disqualification reason and Food Stamp amount. (7-1-98)

782. -- 787. (RESERVED).

788. INCOME AND RESOURCES OF NONHOUSEHOLD MEMBERS.

Nonhousehold members of a Food Stamp household cannot get Food Stamps. Nonhousehold members are not counted for Food Stamp issuance or eligibility. Nonhousehold members include students, roomers, and live-in attendants. Income and resources of nonhousehold members are not considered available to the Food Stamp household. Actions the Department must take regarding nonhousehold members are listed below: (6-1-94)

01. Cash Payments. Cash payments from the nonhousehold member to the household are counted as income. (6-1-94)

02. Vendor Payments. Vendor payments from a nonhousehold member are not counted as income. (6-1-94)

03. Shared Deductible Expenses. If the household shares deductible expenses with the nonhousehold member, subtract the amount actually paid by the household as an expense. If the payment cannot be distinguished, prorate the expenses among the persons paying and subtract only the household's prorated share. (6-1-94)

04. Shared Income. When the earned income of the household and the nonhousehold member is combined, household income must be determined. (6-1-94)

a. If the household's share can be identified, count the household's portion as earned income. (6-1-94)

b. If the household's share cannot be identified, prorate the earned income among all persons with earned income. Then count the prorated share as earned income for the household. (6-1-94)

789. -- 790. (RESERVED).

791. RESIDENT OF AN INSTITUTION.

A resident of an institution is not eligible for Food Stamps unless the resident meets one (1) of the requirements listed below. A person is a resident of an institution if the institution provides over fifty percent (50%) of the person's meals as a part of normal services. Residents must be otherwise Food Stamp eligible. (6-1-94)

01. Resident Under Housing Act. The resident is in Federally subsidized housing for the elderly, under Section 202 of the Housing Act or 236 of the National Housing Act. (6-1-94)

02. Narcotic Addict Or Alcoholic. The resident is a narcotic addict or an alcoholic living and taking part in a treatment and rehabilitation program. (6-1-94)

- 03. Blind or Disabled.** The person is a disabled or blind resident of a group living arrangement. (6-1-94)
- 04. Battered Women And Children.** The resident is a woman or a woman and her children, temporarily living in a shelter for battered women and children. (6-1-94)
- a. The woman is a separate household from other shelter residents for Food Stamps. (6-1-94)
- b. The woman and her children are a separate household from other shelter residents for Food Stamps. (6-1-94)
- 05. Homeless Persons.** The resident is a person living in a public or private nonprofit shelter for homeless persons. (6-1-94)
- 792. PRERELEASE APPLICANTS FROM PUBLIC INSTITUTIONS.**
Residents of public institutions who apply for prerelease program SSI may apply for Food Stamps before their release from public institutions. The application date is the date the person is released from the institution. Eligibility is based on the best estimate of a household's circumstances for the release month and the month after. Eligibility and Food Stamp amount are based on income and resources. Food Stamps for the initial month are prorated from the date the person is released from the institution to the end of the calendar month. (6-1-94)
- 793. NARCOTIC ADDICT AND ALCOHOLIC TREATMENT CENTERS.**
Narcotic addicts and their children residing in a treatment center may qualify for Food Stamps. Alcoholics and their children residing in a treatment center may qualify for Food Stamps. Food Stamp rules for residents in a drug addiction or alcohol treatment and rehabilitation program lasting at least thirty (30) days are listed below: (9-1-94)
- 01. Optional Appointment Of Authorized Representative.** Unless the household requests it, the center will not be made authorized representative on the household's own EBT card for months of benefits received while not in the center. (4-5-00)
- 02. Center Provides Certification List.** Each month, each center must give the Field Office a list of current client residents. The list's accuracy must be certified in writing by the center manager or designee. The Department must conduct random on-site visits to assure list accuracy. If the list is not accurate, or the Department fails to act on the change, the Department may transfer the Food Stamp amount from the center's account to the household's Food Stamp account, for the months the household was not living in the center. (4-5-00)
- 03. Resident And Nonresident Clients.** Eligible narcotic addicts or alcoholics must be certified as one (1) person households. Eligible narcotic addicts with children or alcoholics with children residing in a center must be certified as one (1) household. Clients not residing at the treatment center are certified under normal procedures. (9-1-94)
- 04. Food Stamp Basis.** Eligibility and Food Stamp amounts must be based on income and resources. (6-1-94)
- 05. Work Registration.** Resident clients are exempt from work registration. (6-1-94)
- 06. Expedited Processing.** When the application needs expedited processing, Food Stamps must be received by the seventh calendar day after the application date. (7-1-98)
- 07. Normal Processing.** If processing under normal procedures, the Department must verify circumstances before determining eligibility. Changes and recertifications are processed using the standards for all other households. Resident clients have the same rights to adverse action notices, fair hearings and lost Food Stamps as all other households. (6-1-94)
- 08. Center Misusing Food Stamps.** The Department must promptly notify FCS if it believes a center is misusing coupons. The Department must not take action before FCS takes action against the center. (7-1-98)

794. TREATMENT CENTER RESPONSIBILITIES.

Treatment Center responsibilities are listed below: (6-1-94)

01. Appoint Authorized Representative. The publicly operated community mental health or private nonprofit organization running the center must designate an authorized representative. (6-1-94)

- a. The authorized representative must be an employee, over age eighteen (18). (6-1-94)
- b. The authorized representative applies for, obtains and uses the Food Stamps on behalf of a resident. (6-1-94)
- c. The Food Stamps can be used to purchase meals served at the center. (6-1-94)
- d. The authorized representative must be knowledgeable about the financial circumstances of the client. (6-1-94)
- e. The authorized representative's designation must not interfere with the treatment and rehabilitation program of the client. (6-1-94)

02. Notify Department Of Changes. The center must notify the Department of changes in household circumstances affecting eligibility or Food Stamp amount, including when a resident leaves the center. (6-1-94)

03. Return Food Stamps. (6-1-94)

- a. The center must return all issue documents and Food Stamps, not given to a departing resident, to the Department. (6-1-94)
- b. Food Stamps must be returned to the Department if the client left before the sixteenth of the month and the center was unable to give him the Food Stamps. (6-1-94)
- c. Food Stamps must be returned to the Department if they were left over for a resident who left on or after the sixteenth of the month. (6-1-94)

04. Fraud Or Misrepresentation. The center is responsible for misrepresentation or fraud in certification of resident clients. The center is liable for residents' overissuances, losses, or misuse of Food Stamps. (6-1-94)

05. Give Food Stamps To Departing Client. (6-1-94)

- a. The center must give the departing client the ID card and any unredeemed Food Stamps. (6-1-94)
- b. The center must give the client a full month's Food Stamps if they have been issued, but none have been spent on behalf of the client. (6-1-94)
- c. The center must give the departing client one-half (1/2) of the monthly Food Stamps if the client leaves before the sixteenth of the month and a portion of the Food Stamps have been spent on behalf of the client. (6-1-94)
- d. If the client leaves the center on or after the sixteenth, and Food Stamps were issued and used, the center is not required to give Food Stamps to the client. (6-1-94)

06. End Representation. The center must not be an authorized representative for clients who leave the center. (6-1-94)

07. Food Stamp Misuse. The center must be disqualified if it is administratively or judicially found the center misappropriated or used coupons for purchases not contributing to a certified client's meals. (6-1-94)

08. FCS Disqualifies Center. If FCS disqualifies a center as a retailer, the Department must close residents' cases. Individual notice of adverse action is not required. (7-1-98)

795. RESIDENTS OF GROUP LIVING ARRANGEMENTS.

Disabled or blind residents of public or private non-profit group living arrangements, serving no more than sixteen (16) residents may get Food Stamps. Residents get Food Stamps under the same standards as other households. Group living arrangements rules are listed below: (6-1-94)

01. FCS Authorized Retailer Or Department Certified. The center must be an FCS authorized retailer or be certified by the Department as a non-profit group living center. Center status must comply with Section 1616(e) of the Social Security Act or comparable standards of the Secretary of USDA. (7-1-98)

02. List Of Residents. Each center must give the Field Office a list of current Food Stamp residents. The list must include a statement, signed by a center official, attesting the validity of the list. The Department must require the list on a periodic basis. The Department must conduct random on-site visits to assure the accuracy of the list. (6-1-94)

03. Application Option. Residents may apply on their own. Residents may apply as a group. Residents may apply through an authorized representative employed and designated by the center. Residents may apply through an authorized representative of the resident's choice. (6-1-94)

04. Residents Apply On Their Own Behalf. A person or a group of residents making up a household can apply on their own behalf. The center must determine the resident is physically and mentally capable of handling his own affairs. If the resident is eligible the center does not act as the authorized representative. The resident or group is responsible for reporting any changes affecting eligibility or benefit level. The resident is responsible for overissuances. (6-1-94)

05. Certification. Residents of a center applying through the center's authorized representative must be certified as a one (1) person household. Residents of a center applying on their own behalf must be certified according to household size. (6-1-94)

06. Benefit Level. Eligibility and benefit levels are based on the income and resources of the household. (6-1-94)

07. Exempt From Work Registration. Residents are exempt from work registration. (6-1-94)

08. Notices. Residents are entitled to notices of adverse action. If a group living arrangement center loses its authorization or certification notice is not required. (6-1-94)

09. Using Food Stamps. The Food Stamps may be used by the resident, a group of residents, or by the center to purchase food for the resident. The center may accept coupons as payment for meals. If residents purchase or prepare food for home consumption, the center must insure each resident's coupons are used for meals intended for that resident. (6-1-94)

10. Penalties And Disqualifications. The center can be penalized or disqualified if Food Stamps are misappropriated or used for purchases not contributing to the household. The misuse may be determined administratively or judicially. The Department must promptly notify FCS if it believes a center is misusing Food Stamps. The Department must not take action before FCS makes a determination. If FCS disqualifies a center as a retailer, the Department must suspend the center's authorized representative status for the same period. If the center loses FCS authorization to accept and redeem Food Stamps or is no longer authorized by the Department, its residents are no longer eligible for Food Stamps. The residents are not entitled to notice of adverse action. (7-1-98)

796. SHELTERS FOR BATTERED WOMEN AND CHILDREN.

The Department must determine if the shelter for battered women and children is a public or private non-profit residential facility. The Department must determine if the shelter serves only battered women and their children. If the facility serves other persons, the Department must determine if a portion of the facility is set aside to serve only

battered women and children. Shelters having FCS authorization to redeem Food Stamps on a wholesale basis meet the shelter definition. Battered women and children shelter rules are listed below: (7-1-98)

01. Food Stamp Eligibility. Women and children who recently left a household containing a person who abused them may get Food Stamps, even if the household they left was getting Food Stamps. Shelter residents may apply for and get separate Food Stamps only once in a month. The original Food Stamp certification must have included the person who subjected them to abuse. The resident household must meet eligibility criteria for income, resources, and expenses. (6-1-94)

02. Income, Resources, And Expenses. Income, resources, and expenses of the household are counted. Income, resources, and expenses of their former household, containing the person who subjected them to abuse, are not counted. Jointly held resources are inaccessible if the resources are jointly owned by the shelter resident and members of the abusive household. Jointly held resources are inaccessible if the shelter residents' access to the resource is dependent on the agreement of the joint owner still living in the former household. Room payments to the shelter are shelter expenses. (6-1-94)

03. Expedited Services. If shelter residents are eligible for expedited services, Food Stamps must be received within seven (7) days. (9-22-96)T

04. Food Stamps For Former Household. The Department must take prompt action to correct the former household's eligibility and allotment. The Department must issue a ten (10) day advance notice of adverse action. (6-1-94)

05. Using Food Stamps To Get Prepared Meals. Residents of shelters for battered women and children may use Food Stamps to purchase meals prepared for them at the shelter. (6-1-94)

797. -- 809. (RESERVED).

810. HOMELESS FOOD STAMP HOUSEHOLDS.

Homeless Food Stamp households may use Food Stamps to buy meals prepared and served by homeless meal providers. The providers must be FCS authorized to accept Food Stamps. (7-1-98)

811. -- 815. (RESERVED).

816. PURCHASE OF PREPARED MEALS.

Persons listed below may purchase prepared meals with their Food Stamps. (6-1-94)

01. Older Persons Eating At Communal Dining Facility. Persons sixty (60) or older and their spouses, or persons who receive SSI and their spouses, can use Food Stamps to buy meals made for them at FCS authorized communal dining facilities. (7-1-98)

02. Persons Unable To Prepare Meals Getting Meal Delivery Service. A person sixty (60) years of age or over, and a spouse, can elect to use Food Stamps to purchase meals from a nonprofit meal delivery service. A housebound, physically handicapped or otherwise disabled person, unable to adequately prepare all meals, and a spouse, can elect to use Food Stamps to purchase meals from a nonprofit meal delivery service. The meal service must be FCS authorized to accept Food Stamps. (7-1-98)

03. Resident Addicts Or Alcoholics. A narcotics addict or alcoholic residing in a drug addiction or alcoholic center can use Food Stamps at the center. The person must be enrolled in a treatment and rehabilitation program operated by a nonprofit organization or institution. The center must be authorized by FCS to accept Food Stamps. (7-1-98)

04. Battered Women And Children. A resident of a shelter for battered women and children can use Food Stamps to purchase meals prepared by the shelter. The shelter must be FCS authorized to accept Food Stamps. (7-1-98)

05. Homeless. A homeless Food Stamp client can use Food Stamps to buy meals prepared by a

homeless meal provider. The meal provider must be FCS authorized to accept Food Stamps. (7-1-98)

817. RETAIL STORE OWNERS AND MANAGERS.

Owners and managers of stores, authorized by FCS to accept Food Stamps of cooperative buying clubs, may get Food Stamps if they are members of eligible households. Cooperative buying clubs are organizations of persons pooling their buying power to get food at lower prices. (7-1-98)

818. -- 849. (RESERVED).

850. FOOD STAMP RIGHTS.

The Food Stamp household has rights protected by Federal and State laws and Department rules. The Department must inform clients of their rights during the application process and eligibility reviews. Food Stamp rights are listed below: (6-1-94)

- 01. Application.** The right to get an application on the date requested. (6-1-94)
- 02. Application Registered.** The right to have the signed application accepted right away. (6-1-94)
- 03. Representative.** The right to have an authorized representative if the applicant cannot get to the Food Stamp office. The authorized representative must have knowledge of the applicant's situation. (6-1-94)
- 04. Home Visit Or Telephone Interview.** The right to have a home visit or telephone interview. The applicant must be: (6-1-94)
 - a. Age sixty (60) or older; or (6-1-94)
 - b. Disabled and unable to come to the Food Stamp office. (6-1-94)
 - c. The Department may also allow a home visit or telephone interview because of transportation difficulties or other hardships. (6-1-94)
- 05. Thirty Day Processing.** The right to have the application processed and Food Stamps issued within thirty (30) days. (6-1-94)
- 06. Expedited Service.** The right to get Food Stamps within seven (7) days if eligible for expedited service. (9-22-96)T
- 07. Fair And Equal Treatment.** The right to fair and equal treatment, regardless of age, gender, race, color, handicap, religious creed, national origin, political belief. (4-5-00)
- 08. Case Record And Food Stamp Rules Available.** The right to look at the client's case file. The right to look at a copy of the Food Stamp program rules. (6-1-94)
- 09. Notification.** The right to be told in writing of: (6-1-94)
 - a. The reasons for the Department's action if the application is rejected. (6-1-94)
 - b. The reasons for the Department's action if Food Stamps are reduced or stopped. (6-1-94)
- 10. Fair Hearing.** The right to request a fair hearing about the Department's decision. The right to request a fair hearing if the household feels discrimination has taken place in any way. Food Stamp fair hearings must be requested within ninety (90) days from the day notice is mailed. In certain situations, Food Stamps may continue if a fair hearing is requested. (6-1-94)

851. ACKNOWLEDGING RIGHTS.

Each Food Stamp household must acknowledge it understands the rights and reporting requirements for Food Stamps. Acknowledgement occurs when the client signs the Application for Assistance (AFA) or the Rights and

Responsibilities (HW 0918) form.

(6-1-94)

852. FOOD STAMP HOUSEHOLD RESPONSIBILITIES.

The Food Stamp household must provide correct and complete information so the Department can make accurate eligibility and benefit decisions. The responsibilities of the Food Stamp household are listed below: (6-1-94)

01. Provide Information. The Food Stamp household must provide information to determine Food stamp eligibility. This includes, but is not limited to, all information about household income, work and housing cost. This includes information about people moving in or out of the household and any other changes in circumstances. (6-1-94)

02. Change Reporting. The Food Stamp household must report changes of income, expenses, resources or household composition to the Department. (6-1-94)

03. Change Of Address. The Food Stamp household must report any move or change of address. (6-1-94)

04. Quality Control. The Food Stamp household must cooperate with Quality Control if the case is selected for review. (6-1-94)

853. DEPARTMENT INFORMING RESPONSIBILITIES.

The Department must inform the Food Stamp household of what is expected of the household in the eligibility determination process. The Department must advise the household of the information listed below: (6-1-94)

01. Households Rights And Responsibilities. The Department must inform the household of the household's rights and responsibilities. (6-1-94)

02. Eligibility Factors. The Department must inform the household of the eligibility factors that must be met. (6-1-94)

03. Eligibility Factor Proof. The Department must inform the household all eligibility factors must be proven. (6-1-94)

04. Consequences Of Failure To Cooperate. The Department must inform the household of the consequences for failure to provide proof of eligibility factors. (6-1-94)

05. Methods For Getting Proof. The Department must inform the household of the alternate methods to prove eligibility when the household is unable to provide proof. (6-1-94)

06. Department Methods For Getting Proof. The Department must inform the household of the methods it uses to prove eligibility when the household is unable to provide proof. (6-1-94)

07. Aid Available. The Department must inform the household about financial, medical and social services available. (6-1-94)

08. Social Security Number Use. The Department must inform the household Social Security Numbers will be used to get wage, income and employment information. Information is obtained from the Department of Employment (DOE), the Social Security Administration (SSA) and the Internal Revenue Service (IRS). (6-1-94)

09. Fraud Penalties. The Department must give the household written notice of penalties if the household commits an IPV or fraud. (6-1-94)

10. Cooperation With Quality Control. The Department must inform the household it must cooperate with Quality Control. (6-1-94)

854. DEPARTMENT WILL DOCUMENT ELIGIBILITY DECISIONS.

The Department will document eligibility, ineligibility and Food Stamp issuance in the case record. The Department must record enough detail to support the Food Stamp determination. (6-1-94)

855. -- 860. (RESERVED).

861. NO DISCRIMINATION IN FOOD STAMP PROGRAM.

The Department must not allow human rights discrimination in the Food Stamp Program. The Department will administer the Food Stamp program so no applicant or recipient in Idaho is discriminated for or against due to race, color, gender or age. The Department will administer the Food Stamp program so no applicant or recipient in Idaho is discriminated for or against, due to political or religious belief or affiliation, national origin, handicap or disability. (4-5-00)

862. PUBLIC NOTICE FOR NO DISCRIMINATION.

The Department must inform the public the Food Stamp Program is conducted without discrimination. The Department must display the U.S.D.A. poster "... And Justice for All" in all Field Offices. The application form must inform the public the Food Stamp Program is conducted without discrimination. Department Food Stamp publications must inform the public the Food Stamp Program is conducted without discrimination. (6-1-94)

863. DISCRIMINATION COMPLAINT INFORMATION.

Field Offices must maintain copies of notices informing the public the Food Stamp Program is conducted without discrimination. These files must be available for inspection during reviews and audits. Field Offices must maintain a supply of the Department's written complaint procedure. Complaint procedures must be available to the public upon request. (6-1-94)

864. DISCRIMINATION COMPLAINT PROCEDURE.

Any person can file a discrimination complaint. The person may use the Department's complaint procedure. The person may file a complaint directly to FCS, to the Department or both. The Field Office must explain both procedures orally or in writing. The Field Office must explain the one hundred eighty (180) day filing time limit, extensions and where to submit complaints. The Department must submit a written report describing the discrimination complaint and the action taken. This report is submitted to the Department's Civil Rights Coordinator. The Department must keep all complaints and complaint records for three (3) years. (7-1-98)

865. DISCLOSURE OF INFORMATION.

Disclosure of information must comply with IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records," of the Department of Health and Welfare. The use of client information is limited to the administration or enforcement of Department programs. Department programs include the Food Stamp Act, Federal regulations, Federal or Federally-aided means-tested assistance programs and general assistance programs with a means test and formal application procedures. With supervisory approval, upon request, make available to any Federal, State or local law enforcement officer the address, SSN, and (if available) photograph of a Food Stamp recipient. The officer must furnish the recipient's name and notify the Department the person is fleeing to avoid prosecution, custody or confinement for a felony; violating a condition of parole or probation; or has information necessary for the officer to conduct an official duty related to a felony/parole violation. (7-1-98)

866. AVAILABILITY OF PUBLIC INFORMATION.

Rules, plans of operation, procedures, manuals and instructions used to certify households must be available to the public. These materials must be available for public examination during regular office hours and workdays. Copies of audits or investigations, conducted by USDA, are for official use only and are not for public examination. (6-1-94)

867. FOOD STAMP INFORMATION REQUIREMENTS.

Federal regulations and procedures in FCS notices and policy memos must be available for examination by the public. State plans of operation must be available for examination by the public. Examination may take place during office hours at Department headquarters. Handbooks must be available for examination upon request at each Field Office. The Department must provide information about Food Stamps through mass media, posters, fliers, pamphlets and face-to-face contacts. Minimum requirements are listed below: (7-1-98)

- 01. Rights And Responsibilities.** Households must be informed of Food Stamp program rights and

responsibilities.

(6-1-94)

02. Expanded Food And Nutrition Education Program. Households should be encouraged to take part in the Expanded Food and Nutrition Education Program (EFNEP). When practical, EFNEP personnel must be allowed into Field Offices to distribute information and speak with Food Stamp recipients. (6-1-94)

03. Bilingual Information. All program information must be available in Spanish. Spanish information must say the program is available without regard to race, color, sex, age, handicap, religious creed, national origin or political belief. (6-1-94)

868. -- 870. (RESERVED).

871. FOOD DISTRIBUTION PROGRAM.

Households eligible for the Food Stamp program or the Food Distribution program, in areas where both programs are available, may choose either program. Households must not take part in both programs at the same time. Households may choose one (1) program, then choose the other program at the end of the certification period. (6-1-94)

872. PROGRAM TRANSFER DURING CERTIFICATION PERIOD.

Households changing from one (1) program to the other program within a certification period can do so only by ending participation. The household must tell the proper agency of its intent to switch programs. Households certified in either program on the first day of the month can only get that program's benefits during that month. A household, wanting to switch from one (1) program to the other program, must have its eligibility stopped for the currently certified program. Eligibility must end as of the last day of the month it chooses to change programs. The household must file an application for the program in which it wishes to take part. (6-1-94)

873. -- 875. (RESERVED).

876. PERSONNEL REQUIREMENTS.

The Department must provide the qualified employees needed to assure prompt action on applications and issuance of benefits. Department employees certifying households for Food Stamps must be hired under Idaho Personnel Commission standards. Only qualified Department employees can interview households and determine eligibility and benefit amount. Only authorized employees or contractors of the Department may have access to Food Stamps, Authorization to Participate (ATP) cards or other issuance documents. (6-1-94)

877. VOLUNTEERS.

Volunteers, or other persons not employed by the Department, can engage in certification-related activities. Volunteers, or other persons not employed by the Department, must not conduct interviews or certify households. Volunteers and other persons can teach nutrition education and provide transportation to the Field Offices. Volunteers and other persons can help households complete the application forms. Volunteers and other persons can help get proof for information reported on the application. (6-1-94)

878. PERSONNEL AND FACILITIES OF PARTIES TO A STRIKE.

Persons or organizations, who are parties to a strike or lockout, cannot be used in any activity related to certification. These persons must not certify applicant households, interview households or help get proof for the households. These persons can give proof of information provided by households, if they are in the best position to confirm a household's circumstances. Facilities of persons or organizations who are parties to a strike or lockout cannot be used in the certification process or as an interview site. (6-1-94)

879. REVIEW OF CASE FILE.

The client or his representative is allowed to review his case file under Department Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records". (6-1-94)

880. -- 882. (RESERVED).

883. QUALITY CONTROL AND FOOD STAMP ELIGIBILITY.

Quality Control (QC) is the Department's case review system. QC determines rates of correct Food Stamp issuances and Department and recipient caused errors. QC reviews open Food Stamp cases, denials and closures. Households

selected for review by State Quality Control (SQC) and Federal Quality Control (FQC) must cooperate with both reviews. If a household refuses to cooperate in a SQC or FQC review, it is ineligible for Food Stamps as shown below: (6-1-94)

01. Refusal To Cooperate With QC. If a household refuses to cooperate in a SQC or FQC review, it is not eligible. The SQC analyst or FQC reviewer will tell the Department of the refusal to cooperate. (6-1-94)

a. The Department will close the Food Stamp case. (6-1-94)

b. The Department must send the household advance notice to end Food Stamps. The notice must list the proposed action reason, the right to a hearing, the right to schedule a conference or to continue the QC review. (6-1-94)

02. Food Stamp Eligibility During QC Review Period, After Refusal To Cooperate. The QC review period extends from October 1 to September 30. The household is not eligible for Food Stamps during the QC review period until it cooperates with the SQC or FQC review. (6-1-94)

03. Food Stamps After Review Period, Refusal To Cooperate With SQC. The QC review period extends from October 1 to September 30. The household is not eligible for Food Stamps until ninety-five (95) days after the end of annual review period. (6-1-94)

a. The household must reapply. (6-1-94)

b. The household must supply proof of all current eligibility information before certification. (6-1-94)

04. Food Stamps After Review Period, Refusal To Cooperate With FQC. The QC review period extends from October 1 to September 30. The household is not eligible for Food Stamps until seven (7) months after the end of the annual review period. (6-1-94)

a. The household must reapply. (6-1-94)

b. The household must supply proof of all current eligibility information before certification. (6-1-94)

884. -- 995. (RESERVED).

996. FAIR HEARING.

If the client does not agree with the actions of the Department, he can request a fair hearing under IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings," Section 350. (7-1-97)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records". (6-1-94)

998. INCLUSIVE GENDER.

For these rules, words used in the masculine gender include the feminine. (6-1-94)

999. SEVERABILITY.

The rules of Title 03, Chapter 04, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of the remaining portions of this Chapter. (6-1-94)

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