# IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

## Division of Welfare

## 16.03.04 – Idaho Food Stamp Program

**Who does this rule apply to**?
*For those seeking nutrition assistance under the Idaho Food Stamp Program (also known as the Supplemental Nutrition Assistance Program - SNAP).*

**What is the purpose of this rule**?
*The purpose of these rules 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. These rules contain the eligibility criteria for those seeking to receive benefits under the Idaho Food Stamp Program administered by the Department of Health and Welfare for the United States Department of Agriculture.*

**What is the legal authority for the agency to promulgate this rule**?
*This rule implements the following statutes passed by the Idaho Legislature:*

Public Assistance and Welfare -
- Section 56-203, Idaho Code - Hospital Licenses and Inspection: Powers of the State Department

**Where can I find information on Administrative Appeals**?
*Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings."*

**How do I request public records**?
*Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records."*

**Who do I contact for more information on this rule**?

Idaho Department of Health and Welfare
Division of Welfare – Idaho Food Stamp Program
450 West State Street
Boise, ID 83702

P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5815 or Toll-Free (877) 456-1233
Fax: (208) 334-5817
Email: SRProgramRules@dhw.idaho.gov
Webpage: https://foodstamps.idaho.gov

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**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, Idaho Code. (4-11-06)

**001. TITLE, SCOPE, AND PURPOSE.**

**01. Title**. These rules are titled IDAPA 16.03.04 "Idaho Food Stamp Program." (3-20-20)

**02. Scope**. These rules contain the requirements for application and the eligibility criteria to receive benefits in the Food Stamp Program. These rules are administered by the Department of Health and Welfare for the United States Department of Agriculture. (4-11-06)

**03. Purpose**. The purpose of these rules 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. These rules also provide the regulatory basis for that procedure. (4-11-06)

**002. -- 007. (RESERVED)**

**008. AUDIT, INVESTIGATION AND ENFORCEMENT.**
In addition to any actions specified in these rules, the Department may audit, investigate and take enforcement action under the provisions of IDAPA 16.05.07, "Investigation and Enforcement of Fraud, Abuse or Misconduct." (3-30-07)

**009. (RESERVED)**

**010. DEFINITIONS A THROUGH D.**
For the Food Stamp Program, the following definitions apply: (4-11-06)

**01. Adequate Notice**. Notice a household must receive on or before the first day of the month an action by the Department is effective. (4-6-05)

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

**03. Aid to the Aged, Blind and Disabled (AABD)**. Cash, excluding in-kind assistance, financed by federal, state or local government and provided to cover living expenses or other basic needs. (4-11-06)

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

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

**06. Application for Recertification**. When a household applies for recertification within thirty (30) days of the end of the certification period, it is considered an application for recertification even if a partial month of benefits is received. (4-11-06)

**07. Authorized Representative**. A person designated by the household to act on behalf of the household to apply for or receive 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. (4-11-06)

**08. 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)

**09. 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)

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

**11.** **Broad Based Categorical Eligibility**. If a participant meets the eligibility requirements found in 7 CFR Section 273.2(j)(2) as well as all other Food Stamp eligibility criteria, then the participant is eligible for Food Stamps. Participants who are eligible under this definition are also subject to resource, gross, and net income eligibility standards. (7-1-16)

**12.** **Categorical Eligibility**. If all household members receive or are authorized to receive monthly cash payment through TAFI, AABD or SSI, the household is categorically eligible. Categorically eligible households are exempt from resource, gross and net income eligibility standards. (4-11-06)

**13.** **Certification Period**. The period of time a household is certified to receive Food Stamp benefits. The month of application counts as the first month of certification. (4-11-06)

**14.** **Contact (Six-Month)**. A six-month contact is a recertification that waives the interview requirement, allowing for written contact and verification of the participant's circumstances in lieu of the interview. (3-29-12)

**15.** **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)

**16.** **Client**. A person entitled to or receiving Food Stamps. (6-1-94)

**17.** **Department**. The Idaho Department of Health and Welfare. (6-1-94)

**18.** **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)

**19.** **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)

**20. 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 XIX of the Public Health Service Act (42 USC 300x, et seq.). Indian reservation based centers may qualify if FNS 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. (4-6-05)

**011. DEFINITIONS E THROUGH L.**

For the Food Stamp Program, the following definitions apply: (4-11-06)

**01. Electronic Benefit Transfer**. A method of issuing Food Stamps to an eligible household. (7-1-98)

**02. 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)

**03. Eligible Household**. A household living in Idaho and meeting the eligibility criteria in these rules. (4-11-06)

**04. 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)

**05. 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)

**06. 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)

**07. Extended Certification Household (EC)**. A household in which all members are elderly or disabled, and no one has earned income. (3-29-10)

**08. Fair Hearing**. A fair hearing in an appeal of a Department decision. See Section 003 of these rules for appeals. (4-11-06)

**09. Federal Fiscal Year**. The federal fiscal year (FFY) is from October 1 to September 30. (6-1-94)

**10. Field Office**. A Department of Health and Welfare service delivery site. (4-6-05)

**11. Food and Nutrition Service (FNS)**. The Food and Nutrition Service of the U.S. Department of Agriculture. This is the federal entity that administers the Food Stamp program. (4-11-06)

**12. 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)

**13. 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)

**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)

**14. 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 FNS. (7-1-98)

**15. Identification Card**. The card identifying the bearer as eligible to receive and use Food Stamps. (4-11-06)

**16. 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)

**17. 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)

**18. 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)

**19. Institution of Post-Secondary Education**. 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. (4-11-06)

**20. Legal Noncitizen**. A qualified alien under 8 USC Section 1641(b). (4-6-05)

**21. Limited Utility Allowance (LUA)**. Utility deduction given to a food stamp household that has a cost for more than one (1) utility. This includes electricity and fuel for purposes other than heating or cooling, water, sewage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. (4-11-06)

**012. DEFINITIONS M THROUGH Z.**
For the Food Stamp Program, the following definitions apply: (4-11-06)

**01. Migrant Farmworker Household**. A migrant farmworker household has a member who travels

from community to community to do agricultural work. (4-6-05)

**02.** **Minimum Utility Allowance (MUA)**. Utility deduction given to a food stamp household that has a cost for one (1) utility that is not heating, cooling, or telephone. (3-29-10)

**03.** **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)

**04.** **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)

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

**06.** **Parental Control**. Parental control means that an adult household member has a minor in the household who 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. (4-6-05)

**07.** **Participant**. A person who receives Food Stamp benefits. (4-6-05)

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

**09.** **Public Assistance**. Public assistance means Temporary Assistance for Families in Idaho (TAFI), and Aid to the Aged, Blind, and Disabled (AABD). (4-6-05)

**10.** **Recertification**. A recertification is a process for determining ongoing eligibility for Food Stamps. (4-11-06)

**11.** **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 FNS. (7-1-98)

**12.** **Sanction**. A penalty period when an individual is ineligible for Food Stamps. (3-30-07)

**13.** **Seasonal Farmworker Household**. A seasonal farmworker household has a member who does agricultural work of a seasonal or other temporary nature. (4-6-05)

**14.** **Self-Employment**. Self-employment is the process of actively earning income directly from one's

own business, trade, or profession. To be considered self-employed, a person is responsible for obtaining or providing a service or product that generates or is expected to generate income. Self-employment applies only to a business owned by one (1) person. A business owned by more than one (1) person is considered employment, not self-employment. (4-11-19)

**15.** **Spouse**. Persons who are legally married under Idaho law. (4-4-13)

**16.** **Standard Utility Allowance (SUA)**. Utility deduction given to a food stamp household that has a cost for heating or cooling. (4-11-06)

**17.** **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)

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

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

**20.** **Supplemental Security Income (SSI)**. Monthly cash payments under Title XVI of the Social Security Act. Payments include state or federally administered supplements. (4-11-06)

**21.** **Systematic Alien Verification for Entitlements (SAVE)**. The federal automated system that provides immigration status needed to determine an applicant's eligibility for many public benefits, including Food Stamps. (4-11-06)

**22.** **Telephone Utility Allowance (TUA)**. Utility deduction given to a Food Stamp household that has a cost for telephone services and no other utilities. (3-29-10)

**23.** **Timely Notice**. Notice that is mailed via the U. S. Postal Service, or electronically, at least ten (10) days before the effective date of an action taken by the Department. (3-29-12)

**24.** **Twelve Month Contact**. For households that have a twenty-four (24) month certification period, Department staff contact the household during the twelfth month of the certification period for the purpose of determining continued eligibility. (4-6-05)

**25.** **Tribal General Assistance**. Cash, excluding in-kind assistance, financed by federal, state or local government and provided to cover living expenses or other basic needs. This cash is intended to promote the health and well-being of recipients. (4-11-06)

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

**27.** **Verified Upon Receipt**. Food stamp benefits are adjusted on open food stamp cases when information is received from "verified upon receipt" sources. Information "verified upon receipt" is received from a manual query or automated system match with the Social Security Administration or Homeland Security query for citizenship status. (3-30-07)

**28.** **Written Notice**. Correspondence that is generated by any method including handwritten, typed, or electronic, delivered to the customer by hand, U.S. Mail, professional delivery service, or by any electronic means. The terms "notice" and "written notice" are used interchangeably. (3-29-12)

**013. ABBREVIATIONS A THROUGH G.**
For the purposes of the Food Stamp Program, the following abbreviations are used. (4-11-06)

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

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

**03.** **AE**. Administrative Error. (3-15-02)

**04.** **AFA**. Application for Assistance. (7-1-98)

**05.** **BIA**. Bureau of Indian Affairs. (6-1-94)

**06.** **BIA GA**. Bureau of Indian Affairs-general assistance. (6-1-94)

**07.** **COLA**. Cost of Living Allowance. COLA data comes from SSA. (4-6-05)

**08.** **CSS**. Bureau of Child Support Services. (7-1-98)

**09.** **DHW**. The Department of Health and Welfare in Idaho. (6-1-94)

**10.** **DMV**. Department of Motor Vehicles in Idaho. (4-11-06)

**11.** **EBT**. Electronic Benefit Transfer. (7-1-98)

**12.** **EWS**. Enhanced Work Services. (4-6-05)

**13.** **FNS**. The Food and Nutrition Service of the U.S. Department of Agriculture. (4-11-06)

**14.** **FFY**. Federal fiscal year. (6-1-94)

**15.** **FMV**. Fair market value. (6-1-94)

**16.** **FPG**. Federal Poverty Guideline(s). (4-6-05)

**17.** **FQC**. Federal Quality Control. (6-1-94)

**18.** **HUD**. The U.S. Department of Housing and Urban Development. (6-1-94)

**014. ABBREVIATIONS I THROUGH Z.**
For the purposes of the Food Stamp Program, the following abbreviations are used. (4-11-06)

**01.** **ICCP**. Idaho Child Care Program. (4-11-06)

**02.** **IHE**. Inadvertent household error. (6-1-94)

**03.** **INS**. Immigration and Naturalization Service, in 2003, became the United States Citizenship and Immigration Service (USCIS), a Division of Homeland Security. (4-11-06)

**04.** **INA**. Immigration and Nationality Act. (4-6-05)

**05.** **IPV**. Intentional program violation. (6-1-94)

**06.** **IRS**. Internal Revenue Service. (6-1-94)

**07.** **JSAP**. Job Search Assistance Program. (6-1-94)

**08.** **LUA**. Limited utility allowance. (4-11-06)

**09.** **MUA**. Minimum utility allowance. (4-11-06)

**10.** **PA**. Public Assistance. (6-1-94)

**11.** **RSDI**. Retirement, Survivors, Disability Insurance received from SSA. (6-1-94)

**12.** **SAVE**. Systematic Alien Verification for Entitlements. (4-11-06)

**13.** **SDX**. State Data Exchange. (6-1-94)

**14.** **SQC**. State Quality Control. (6-1-94)

**15.** **SRS**. Self Reliance Specialist. (7-1-98)

**16.** **SUA**. Standard utility allowance. (4-11-06)

**17.** **SSA**. Social Security Administration. (6-1-94)

**18.** **SSI**. The Federal Supplemental Security Income Program for the aged, blind or disabled. (6-1-94)

**19.** **SSN**. Social Security number. (6-1-94)

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

**21.** **TOP**. Treasury Offset Program. (3-15-02)

**22.** **TUA**. Telephone Utility Allowance. (3-29-10)

**23.** **UI**. Unemployment Insurance. (6-1-94)

**24.** **USDA**. United States Department of Agriculture. (6-1-94)

**25.** **VA**. The Veterans Administration. (6-1-94)

**26.** **WIOA**. The Workforce Innovation and Opportunity Act. (4-11-19)

**27.** **WIC**. The special supplemental Food Program for Women, Infants, and Children. (6-1-94)

**015. -- 098. (RESERVED)**

**099. SIGNATURES.**
An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (3-29-12)

**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. (3-20-20)

**01.** **Expectation**. 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. (3-20-20)

**02. Explanation of Application Process**. The Department will provide a written statement telling what the household must do to complete the application process. The statement will identify sources of the proof needed to complete the application process. (3-15-02)

**102. (RESERVED)**

**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. -- 105. (RESERVED)**

**106. DETERMINATION OF WHEN A NEW APPLICATION FOR ASSISTANCE (AFA) IS REQUIRED.**
The Department must follow the procedure outlined in 7 CFR 273.2(g) and (h) in determining when a food stamp household is required to fill out a new application for assistance (AFA). (4-2-08)

**107. -- 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 six-month or twelve-month contact, 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. (3-29-12)

**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 an authorized representative. The household can designate in writing another responsible household member or a responsible adult outside the household as an authorized representative. An adult employee, of an authorized drug addiction or alcoholic treatment and rehabilitation center or an authorized group living arrangement center, may act as an authorized representative for the household. Conditions for an authorized representative are: (4-11-06)

**01. Designating Authorized Representative**. When household members cannot apply for, receive 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. (4-11-06)

**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. 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)

**06. 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 household cannot be required to go to the Field Office to complete this statement. (4-11-06)

**116. -- 119. (RESERVED)**

**120. HOUSEHOLD INTERVIEWS.**

The Department must conduct an interview with the applicant, a member of the household, or the authorized representative. Interviews must be conducted either face-to-face or via telephone, based on hardship criteria evident in the case record. The applicant may bring any other person to the interview. The Department does not require households to report for an in-office interview during their certification period. The frequency of the interview must be as follows: (4-11-06)

**01. Twenty-Four Months**. The interview must be at least once every twenty-four (24) months for households certified for twenty-four (24) months. (4-11-06)

**02. Twelve Months**. The interview must be every twelve (12) months for all other households. (4-11-06)

**121. -- 132. (RESERVED)**

**133. VERIFICATION.**
The Department must have verification to support the benefit determination. 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 household 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. (4-11-06)

**134. (RESERVED)**

**135. SOURCES OF VERIFICATION.**
The following sources of verification must be considered: (6-1-94)

**01. Written Confirmation**. A 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. (4-11-06)

**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. (3-20-20)

**03. Automated System Data**. Information that is obtained through interfacing with other government agency computer systems. (4-11-06)

**136. (RESERVED)**

**137. PROOF FOR QUESTIONABLE INFORMATION.**
Prior to the certification, a six-month or twelve-month contact, or recertification of the household, the Department must verify all questionable information regarding eligibility and benefit level. Proof is required when details are not consistent with information received by the Department. Proof may be obtained either verbally or in writing. (3-29-12)

**138. PROVIDING PROOF TO SUPPORT APPLICATION STATEMENTS.**
The household has primary responsibility to provide proof supporting its statements on the application. The household has primary responsibility to resolve any questionable information. The Department must assist the household in obtaining proof. Households may supply proof in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The Department will not require the household to present proof in person. (3-15-02)

**139. -- 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. -- 145. (RESERVED)**

**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)

**147. CASE ACTION AFTER DELAY CAUSED BY HOUSEHOLD.**
The Department must follow the procedure outlined in 7 CFR 273.2(g) and (h) in determining the appropriate action to take on food stamp benefits when the household has delayed completing the application process. (4-2-08)

**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. (RESERVED)**

**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. -- 154. (RESERVED)**

**155. EXPEDITED SERVICE ELIGIBILITY.**
Applicants must be screened to determine if the household is entitled to expedited service. The household must meet one (1) 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. (4-4-13)

**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. (RESERVED)**

**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 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. (3-15-02)

**02. Nonmigrant Household Applying from the Sixteenth Through the End of the Month**. For a non-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 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. (3-15-02)

**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. (3-15-02)

**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, the six-month or twelve-month contact, and recertification, but only for the first month of each contact or certification period. (3-29-12)

**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, a six-month or twelve-month contact, and recertification, but only for the first month of each contact or certification period. (3-29-12)

**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 or Six-Month or Twelve-Month Contact**. 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. (3-29-12)

**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. The Department will tell Food Stamp households, applying for TAFI, that TAFI time limits and requirements do not apply to the Food Stamp program. Households no longer receiving TAFI may still be eligible for Food Stamps. (3-15-02)

**178. CATEGORICALLY ELIGIBLE HOUSEHOLDS.**
Households with all members meeting one (1) of the criteria below are categorically eligible for Food Stamps. 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. (4-7-11)

**01. Cash Benefits**. All household members are approved for, or already receive, TAFI or AABD or SSI cash benefits. The household is categorically eligible. (4-7-11)

**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 receiving TAFI or AABD or SSI because their grant is less than ten dollars ($10). The household is categorically eligible. (4-7-11)

**179. HOUSEHOLDS NOT CATEGORICALLY ELIGIBLE.**
The households listed below are not categorically eligible for Food Stamps. (4-7-11)

**01. Medicaid Only**. Households are not categorically eligible if any household member receives Medicaid benefits only. (4-7-11)

**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 the 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 receive 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. (4-7-11)

**181. BROAD BASED CATEGORICALLY ELIGIBLE HOUSEHOLD EXCEPTIONS.**
If a household contains any of the following members, the household is not eligible under Broad Based Categorical Eligibility. (7-1-16)

**01. IPV**. Any household member is disqualified for an Intentional Program Violation (IPV). (7-1-16)

**02. Drug-Related Felony**. Any household member is ineligible because of a drug-related felony. (7-1-16)

**03. Strike**. Any household member is on strike. (7-1-16)

**04. Transferred Resources**. Any household member transferred resources in order to qualify for benefits. (7-1-16)

**05. Refusal to Cooperate**. Any household member refused to cooperate in providing information that is needed to determine initial or ongoing eligibility. (7-1-16)

**182. VERIFICATION FOR TAFI OR AABD HOUSEHOLDS.**
To determine eligibility for Food Stamps in TAFI or AABD households, the Department will use TAFI or AABD proof. (3-20-20)

**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. -- 194. (RESERVED)**

**195. DISASTER CERTIFICATION.**
When allowed by FNS, 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 Idaho when it applies for Food Stamps. A person can get Food Stamps as a member of only one (1) household a month. (3-20-20)

**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)

**203. SOCIAL SECURITY NUMBER (SSN) REQUIREMENT.**

**01. Expectations**. 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. Each SSN must be verified by the Social Security Administration (SSA). A household member with an unverified SSN is not eligible for Food Stamp benefits. The ineligible person's income and resources must be

counted in the Food Stamp budget. If benefits are reduced or ended, because one (1) or more persons fail to meet the SSN requirement, the household must be notified in writing. (3-20-20)

**02. Good Cause for Not Applying for SSN**. If a household member can show good cause why an SSN application was not completed in a timely manner, an extension must be granted to allow him to receive Food Stamp benefits for one (1) month in addition to the month of application. Good cause for failure to apply must be shown monthly in order for such a household member to continue to participate. Good cause is described below: (3-20-04)

**204. CITIZENSHIP AND QUALIFIED NON-CITIZEN REQUIREMENTS.**
To be eligible for Food Stamps, an individual must meet the requirements specified in 7 CFR 273.4, "Citizenship and alien status." In addition, special immigrants from Iraq and Afghanistan have refugee status under Public Law 111-118, Subsection 8120. (4-7-11)

**205. WRITTEN DECLARATION OF CITIZENSHIP OR IMMIGRATION STATUS.**
To get Food Stamps, one (1) adult household member must certify by signing a statement, under penalty of perjury, regarding the citizenship and immigration status of household members applying for benefits. (3-20-20)

**206. PROOF OF PROPER IMMIGRATION STATUS.**

**01. Expectations**. Households are required to submit documents to verify the immigration status of the legal non-citizen applicants. An alien number, by itself, is not considered proof of immigration status. (3-20-20)

**02. 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)

**207. NON-CITIZEN ELIGIBILITY PENDING VERIFICATION.**
When the applicant or the Department has submitted a request to a federal agency for proof of eligible alien status, the Department must certify the person applying as eligible for Food Stamps pending the results of the investigation. The certification can last up to six (6) months from the date of the original request for proof. (3-20-20)

**208. -- 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 (1) 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 net monthly income limit for the household size. To count income for the one hundred sixty-five percent (165%) net monthly 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 net monthly income eligibility standard for that size household. (5-3-03)

**214. CHILD CUSTODY.**
For a child who is under the age of eighteen (18), the parent who has primary physical custody is eligible to receive Food Stamp benefits for that child. If both parents request food stamp benefits for the child, primary custody is determined by where the child is expected to spend fifty-one percent (51%) or more of the nights during a certification period. When only one (1) parent applies for food stamp benefits, the child may be included in that parent's household even though they do not have primary physical custody of the child. (4-4-13)

**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 (1) 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 intellectually 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. A resident of an institution is an ineligible household member 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 Food Stamps. (3-30-07)

**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**. Individuals who are fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony (or in the State of New Jersey, a high misdemeanor) or who are violating a condition of probation or parole under a federal or state law. (3-20-04)

**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. CIRCUMSTANCES UNDER WHICH FOOD STAMP PARTICIPATION IS PROHIBITED.**

**01. Prohibition from Receiving Food Stamp Benefits**. An individual is prohibited from receiving Food Stamp benefits at the time of application if he: (4-7-11)

**a.** Receives tribal commodities; (4-6-05)

**b.** Is incarcerated; (4-6-05)

**c.** Is in an institution; (4-6-05)

**d.** Is in foster care and the foster parents are receiving a cash benefit for providing care and maintenance for the child; (4-7-11)

**e.** Receives Food Stamp benefits in another household; (3-29-12)

**f.** Is deceased; or (3-29-12)

**g.** Receives cash benefits in a TAFI Caretaker Relative household. (3-29-12)

**02. Prohibited Participation During the Certification Period**. If the Department learns of prohibited participation during the certification period, it will act to end benefits for that individual. (4-7-11)

**220. -- 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, a six-month or twelve-month contact, recertification, and when household changes occur. (3-29-12)

**02. JSAP Information**. The Department will explain the JSAP requirement, rights, responsibilities, and the result of failure to comply. (3-20-20)

**227. EXEMPTIONS FROM JSAP.**
Exemptions from JSAP are listed in Subsections 227.01 through 227.13 of these rules. (5-3-03)

**01. Parents or Caretakers of a Child Under Six Years of Age**. A parent or caretaker responsible for the care of a dependent child under age six (6) is exempt from JSAP. If the child becomes six (6) during the certification period, the parent or caretaker must register for JSAP at the next scheduled six-month or twelve-month contact or recertification, unless exempt for another reason. (3-29-12)

**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 is exempt from JSAP. (5-3-03)

**03. Persons Who Are Incapacitated**. A person who is physically or intellectually unfit for employment is exempt from JSAP. If a disability is claimed which is not evident, proof to support the disability can be required. Acceptable proof includes receipt of permanent or temporary disability benefits, or a statement from a physician or licensed or certified psychologist. (5-3-03)

**04. Students Enrolled Half Time**. A student who is eighteen (18) years or older is exempt from JSAP if: (4-11-06)

**a.** He is enrolled at least half-time in any institution of higher learning and if he meets the definition of an eligible student in Section 282 of these rules; or (5-3-03)

**b.** He is enrolled at least half-time in any other recognized school or training program. (5-3-03)

**c.** He remains enrolled during normal periods of class attendance, vacation, and recess. If he graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer), he must register for work at the next scheduled six-month or twelve-month contact or recertification. (3-29-12)

**05. SSI Applicants**. A person who is applying for SSI is exempt from JSAP until SSI eligibility is determined. (5-3-03)

**06. Persons Who Are Employed**. A person who is employed is exempt from JSAP if: (5-3-03)

**a.** He is working at least thirty (30) hours per week; or (5-3-03)

**b.** He is receiving earnings equal to the Federal minimum wage multiplied by thirty (30) hours; or (5-3-03)

**c.** He is a migrant or seasonal farm worker under contract or agreement to begin employment within thirty (30) days. (5-3-03)

**07. Persons Who Are Self-Employed**. A person who is self-employed is exempt from JSAP when the person is working a minimum of thirty (30) hours per week and is receiving earnings equal to or greater than the Federal minimum wage multiplied by thirty (30) hours. (4-11-19)

**08. Persons in Treatment for a Substance Use Disorder**. A regular participant in a drug or alcohol treatment and rehabilitation program is exempt from JSAP. (3-20-20)

**09. Unemployment Insurance (UI) Applicant/Recipient**. A person receiving UI is exempt from JSAP. A person applying for, but not receiving UI, is exempt from JSAP if he is required to register for work with the Department of Commerce and Labor as part of the UI application process. (5-3-03)

**10. Children Under Age Sixteen**. A child under age sixteen (16) is exempt from JSAP. A child who turns sixteen (16) within a certification period must register for JSAP at the six-month or twelve-month contact or recertification, unless exempt for another reason. (3-29-12)

**11. Persons Age Sixteen or Seventeen**. A household member age sixteen (16) or seventeen (17) is exempt from JSAP if he is attending school at least half-time, or is enrolled in an employment and training program, including GED, at least half-time. (5-3-03)

**12. Participants Age Sixty or Older**. A participant age sixty (60) or older is exempt from JSAP. (5-3-03)

**13. Pregnant Women**. A pregnant woman in her third trimester is exempt from JSAP. (3-29-12)

**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. -- 235. (RESERVED)**

**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 WORK PROGRAM REQUIREMENTS.**
When a JSAP participant fails or refuses to comply with work program requirements without good cause, sanctions listed in Subsections 237.01 and 237.02 of these rules must be applied. In determining which sanction to impose, sanctions previously imposed for voluntary quit or reduction in work hours as described in Section 271 of these rules must be considered. (3-30-07)

**01. Noncomplying Household Member**. The participant who commits the work program violation is excluded as a household member when determining the Food Stamp allotment. The person cannot receive Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. The person must serve a minimum sanction period plus take corrective action to become eligible for Food Stamps again. If the sanctioned household member becomes exempt from JSAP requirements, end the sanction. (3-30-07)

**a.** First work program violation. A minimum sanction period of one (1) month is imposed. (3-30-07)

**b.** Second work program violation. A minimum sanction period of three (3) months is imposed. (3-30-07)

**c.** Third and subsequent work program violations. A minimum sanction period of six (6) months is imposed. (3-30-07)

**02. Joins Another Household**. If a sanctioned household member leaves the original household and joins another Food Stamp household, treat the sanctioned member as an excluded household member. The person cannot receive 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 and until corrective actions are taken. (3-30-07)

**03. Closure Reason**. The household must be informed of the reason for the closure. (3-30-07)

**04. Sanction Notice**. The household must be informed of the proposed sanction period. (3-30-07)

**05. Sanction Start**. The household must be informed the sanction will begin the first month after timely notice. (3-30-07)

**06. Actions to End Sanction**. The household must be informed of the actions the household can take to end the sanction. (3-30-07)

**07. Fair Hearing**. The household must be informed of the right to a fair hearing. (3-30-07)

**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 it's 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, "Contested Case Proceedings 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 FOR WORK PROGRAMS.**

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 work program requirements. (3-30-07)

**243. -- 250. (RESERVED)**

**251. ABLE BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) WORK REQUIREMENT.**
To participate in the Food Stamp program, a person must meet one (1) of the conditions in Subsections 251.01 through 251.05 of this rule. A person who does not meet one (1) of these conditions 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 a fixed thirty-six (36) month period. (3-29-17)

**01. Work at Least Eighty Hours per Month**. The person must work at least eighty (80) hours per month. The definition of work under Section 251 of this rule is any combination of: (5-3-03)

**a.** Work in exchange for money. (3-15-02)

**b.** Work in exchange for goods or services, known as “in-kind” work. (3-15-02)

**c.** Unpaid work, with a public or private non-profit agency. (3-15-02)

**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 WIOA 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 at least eighty (80) hours per month. (4-11-19)

**03. Combination of Work and Work Programs**. The person must work and participate in a work program. Participation in work and work programs must total at least eighty (80) hours per month. (3-15-02)

**04. Participate in Work Opportunities**. The person must participate in and comply with the requirements of a Work Opportunities program. (7-1-99)

**05. Residents of High Unemployment Areas**. ABAWDs residing in a county identified as having high unemployment or lack of jobs are not subject to the three (3) month limitation of benefits. ABAWDs residing in these counties are subject to JSAP work requirement but will not lose Food Stamp eligibility after three (3) months if they participate fewer than eighty (80) hours per month. An ABAWD residing in a high unemployment area must participate according to his plan. (3-20-04)

**252. PROOF REQUIRED FOR ABAWDS.**
The Department requires proof of compliance with the ABAWD requirements. (3-15-02)

**01. Proof of Hours Worked**. Each month the ABAWD must supply proof of work hours, participation in work programs, or participation in work opportunities. (3-15-02)

**02. Food Stamp Months in Another State**. If there is evidence the ABAWD got Food Stamps in another state, get proof of the number of countable months from that state, before certification. A written or verbal statement from the other state agency of countable months is acceptable proof. (3-15-02)

**253. ABAWD GOOD CAUSE.**
The work requirement is met if an ABAWD would have worked at least eighty (80) hours per month, but missed work for good cause. The absence from work must be temporary. The ABAWD must keep the job. Circumstances beyond control of the ABAWD are the basis of good cause. These include illness, illness of a household member requiring the presence of the ABAWD, household emergency, and lack of transportation. (3-15-02)

**254. REPORTING ABAWD CHANGES.**
ABAWDs must report within ten (10) days of the date of change, if total work or work program hours drop below

eighty (80) hours per month. (3-15-02)

**255. REGAINING ELIGIBILITY.**
ABAWDs whose three (3) month eligibility expires may regain eligibility for Food Stamps. During any thirty (30) consecutive days, the person must meet one (1) of the work requirements in Subsections 255.01 and 255.02. Prorate Food Stamp benefits from the date the person regains eligibility. ABAWDs must continue to meet the work requirement to get Food Stamps, or meet conditions for the three (3) additional months. There is no limit on the number of times an ABAWD may regain and maintain eligibility by meeting the work requirement. (3-15-02)

**01. Work Eighty Hours**. The person must work eighty (80) or more hours per month. (3-15-02)

**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 WIOA program, or a program under section 236 of the Trade Act of 1974 for eighty (80) or more hours per month. (4-11-19)

**256. THREE ADDITIONAL MONTHS OF FOOD STAMPS AFTER REGAINING ELIGIBILITY.**
A person who regained eligibility under Section 255 of these rules, but is no longer fulfilling the ABAWD work requirements in Section 251 of these rules through no fault of his own, may get Food Stamps for an additional three (3) consecutive months. For an applicant, the three (3) consecutive months begin the first full month of benefits. For a participant, the three (3) consecutive months begin the month following the month the participant no longer meets the work requirements. A person is eligible for the additional three (3) consecutive months only once in a thirty-six (36) month period. (5-3-03)

**257. PERSONS NOT CONSIDERED ABAWD.**
Persons meeting a condition in Subsections 257.01 through 257.04 of this rule are not considered ABAWD. (4-6-05)

**01. Age**. Persons under eighteen (18) and fifty (50) years of age or older. (3-15-02)

**02. Disability**. Persons medically certified as physically or intellectually unfit for employment. Proof of the disability is required. A person is medically certified as physically or intellectually unfit for employment if: (3-15-02)

**a.** Receiving temporary or permanent disability benefits issued by a government or private source. (3-15-02)

**b.** Obviously intellectually or physically unfit for employment, as determined by the Department. (3-15-02)

**c.** The person has a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, a social worker, or any other medical personnel the Department determines appropriate, verifying physical or intellectual unfitness for employment. (3-15-02)

**03. Residing in a Household Where a Member Is Under Age Eighteen**. All persons residing in a household where a household member is under eighteen (18) years old. (3-15-02)

**04. Pregnancy**. Pregnant persons. (7-1-98)

**258. FOOD STAMPS ISSUED TO INELIGIBLE ABAWD.**
If an ineligible ABAWD gets a Food Stamp issuance, the issuance is an overissuance until the ABAWD pays it back in full. The overpaid months count against the ABAWD time limit until repaid. (3-15-02)

**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.**
An employed household member who voluntarily quits a job without good cause is not eligible for Food Stamps. The Department is required to make a voluntary job quit determination when it learns that any employed household member has quit his job and any of the circumstances apply that are listed in Subsections 261.01 through 261.02 of this rule. (5-3-03)

**01. Voluntary Job Quit Timeframes**. The Department must make a voluntary job quit determination: (5-3-03)

**a.** For any applicant who quits his job within sixty (60) days of the application date. (5-3-03)

**b.** For any new household member who quit his job within the sixty (60) days prior to entering the household. (5-3-03)

**c.** For any recipient who quits his job at any time during the certification period. (5-3-03)

**02. Job Definition for Voluntary Job Quit**. The Department must make a voluntary job quit determination for any household member who is not exempt from work registration for any reason other than employment, if: (5-3-03)

**a.** He quit a job of at least thirty (30) hours a week; or (5-3-03)

**b.** His weekly earnings from the job he quit are equivalent to the Federal minimum wage multiplied by thirty (30) hours. (5-3-03)

**262. VOLUNTARY REDUCTION IN WORK HOURS.**
An employed household member who voluntarily reduces hours of work without good cause is not eligible for Food Stamps. The Department is required to make a reduction in work hours determination when it learns that any employed household member has voluntarily reduced his work hours and any of the circumstances apply that are listed in Subsections 262.01 through 262.02 of this rule. (5-3-03)

**01. Voluntary Work Reduction Timeframe**. The Department must make a reduction in work hours determination if the hours of work were voluntarily reduced: (5-3-03)

**a.** By an applicant, within sixty (60) days of the application date. (5-3-03)

**b.** By a new household member, within the sixty (60) days prior to entering the household. (5-3-03)

**c.** By a recipient, at any time during the certification period. (5-3-03)

**02. What Counts as a Significant Voluntary Work Reduction**. In order for any household member's eligibility for Food Stamps to be affected, the Department must determine that: (5-3-03)

**a.** Prior to the voluntary reduction in hours, the job was at least thirty (30) hours a week; and (5-3-03)

**b.** The hours of work have been voluntarily reduced to less than thirty (30) hours per week without good cause. (5-3-03)

**263. -- 264. (RESERVED)**

**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. HOUSEHOLD MEMBER LEAVES DURING A PENALTY PERIOD.**
When the household member who committed a voluntary quit or reduction in hours penalty leaves the household, the penalty follows the household member who caused it. If the household member who committed the penalty joins another household, he is ineligible for the balance of the penalty period unless he meets the conditions stated in Subsection 275.01 of these rules. (5-3-03)

**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 the reasons listed below: (3-20-04)

**01. Personal Difficulties**. Personal difficulties include: (3-20-04)

**a.** Health problems; (3-20-04)

**b.** Structured drug and alcohol treatment; (3-20-04)

**c.** Jailed or necessary court appearances; and (3-20-04)

**d.** Conflicts with verified and practiced religious and ethical beliefs. (3-20-04)

**02. Family Emergencies**. Family emergencies include: (3-20-04)

**a.** Crisis in family health; and (3-20-04)

**b.** Child legal or behavioral problems. (3-20-04)

**03. Environmental Barriers**. Environmental barriers include: (3-20-04)

**a.** Weather conditions preventing the person from reaching the work site; (3-20-04)

**b.** Unexpected loss of transportation; and (3-20-04)

**c.** Housing or utility problems requiring immediate attention. (3-20-04)

**04. Work Site Problems**. Work site problems include: (3-20-04)

**a.** Temporary layoff from a regular, full-time job. The person must be able to return to the job within ninety (90) days; (3-20-04)

**b.** Work site conditions not meeting legal or local standards of health and safety, hours, pay, or benefits; and (3-20-04)

**c.** Alleged discrimination on the job site. (3-20-04)

**05. Employment or School**. The household member accepts employment, or enrolls at least half (1/2) 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 (1/2) 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 thirty (30) hours a week, or weekly earnings of less than the Federal minimum wage multiplied by thirty (30) hours. (3-20-04)

**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. (RESERVED)**

**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)

**04. Right to Reapply**. The household must be informed of the right to reapply after the ninety (90) day penalty period. (3-15-02)

**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 of this rule must be imposed. Food Stamps must be reduced, 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 sanction to impose, previous sanctions for noncompliance with JSAP and work registration requirements as described in Section 237 of these rules must be considered. Previous sanctions for recipient voluntary quit or work reduction must also be considered. If the sanctioned household member becomes exempt from JSAP requirements, end the sanction. The voluntary quit sanction does not end if the sanctioned household member becomes exempt due to application or receipt of Unemployment Insurance. (3-30-07)

**01. Non-Complying Household Member**. The participant who commits the work program violation is excluded as a household member when determining the Food Stamp allotment. The person cannot receive Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. The person must serve a minimum sanction period plus take corrective action to become eligible for Food Stamps again. Corrective action includes: returning to work, increasing work hours to meet the work exemption, or completing required activities with EWS. (3-30-07)

**a.** First work program violation. A minimum sanction period of one (1) month is imposed. (3-30-07)

**b.** Second work program violation. A minimum sanction period of three (3) months is imposed. (3-30-07)

**c.** Third and subsequent work program violation. A minimum sanction period of six (6) months is imposed, (3-30-07)

**02. Joins Another Household**. If a sanctioned household member leaves the original household and joins another Food Stamp household, treat the sanctioned member as an excluded household member. The person cannot receive 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 and until corrective actions are taken. (3-30-07)

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

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

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

**06. Actions to End Sanction**. The household must be informed of the actions the household can take to end the sanction. (6-1-94)

**07. 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 six-month or twelve-month contact or certification period the voluntary quit or work reduction penalty is imposed. (3-29-12)

**01. No Reapplication**. If the household does not apply for recertification in the last month of the six-month or twelve-month contact or 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. (3-29-12)

**02. Reapplication**. If the household does apply for recertification in the last month of the six-month or twelve-month contact or 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 six-month or twelve-month contact or certification period. (3-29-12)

**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. (RESERVED)**

**275. ENDING VOLUNTARY QUIT WORK PROGRAM PENALTIES.**
Eligibility may be reestablished before the end of the penalty period for an otherwise eligible household member when he meets the conditions in Subsection 275.01 of this rule. Eligibility may be reestablished after a voluntary quit or work reduction penalty period has elapsed for an otherwise eligible household member when he meets a condition in Subsection 275.02 of this rule. (3-30-07)

**01. Ending Voluntary Quit or Reduction Penalty Before the End of the Penalty Period**. If the sanctioned household member becomes exempt from JSAP requirements, his eligibility for Food Stamps may be reestablished. The voluntary quit penalty does not end if the sanctioned household member becomes exempt due to application or receipt of Unemployment Insurance. (3-30-07)

**02. Ending Voluntary Quit or Reduction Penalty After Penalty Period**. (5-3-03)

**a.** If the sanctioned household member gets a new job comparable in salary or hours to the job he quit, his eligibility for Food Stamps may be reestablished. A comparable job 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 thirty (30) hours per week and the salary or earnings for the new job cannot be less than Federal minimum wage multiplied by thirty (30) hours per week. (3-30-07)

**b.** If the sanctioned household member's hours of work are restored to more than thirty (30) hours per week before reduction, his eligibility for Food Stamps may be reestablished. (3-30-07)

**c.** A sanctioned household member can requalify for Food Stamps after serving the minimum sanction period and completing corrective action. The participant must contact the Department and request an opportunity to correct the sanction. The Department may require the participant to attend an assigned EWS activity for up to two (2) weeks to show his willingness to comply with work program requirements. (3-30-07)

**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 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. (3-20-04)

**277. PENALTY FOR FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS - TESTED PROGRAM.**
To prevent an increase in Food Stamp benefits, penalties will be applied to a Food Stamp case for failure to comply with a requirement of another means-tested program such as TAFI. 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 in Subsections 277.01 through 277.03 of this rule. (3-20-04)

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

**02. 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)

**03. 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)

**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 themselves. (3-20-20)

**279. FAILURE TO COOPERATE.**
When a parent or individual fails to cooperate in establishing paternity and obtaining support, they are not eligible to participate in the Food Stamp Program. (3-20-20)

**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 in obtaining support is listed below: (3-20-20)

**01. Rape or Incest**. Proof the child was conceived as a result of incest or forcible rape. (3-20-20)

**02. 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. (3-20-20)

**03. Minimum Information Cannot be Provided**. Substantial and credible proof is provided indicating the participant cannot provide the minimum information regarding the non-custodial parent. (3-20-20)

**281. (RESERVED)**

**282. STUDENT DEFINED.**
A student must be between the ages of eighteen (18) and fifty (50). A student must be physically and intellectually 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**. (3-29-12)

**a.** The student is employed a minimum of eighty (80) hours per month and is paid for such employment; or (3-29-12)

**b.** The student is self-employed a minimum of eighty (80) hours per month; and (3-29-12)

**c.** The student must earn at least the Federal minimum wage times eighty (80) hours. (3-29-12)

**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 WIOA program, the JOBS program, the JSAP program, a program under Section 236 of the Trade Act of 1974, or a program for employment and training operated by a State or local government. (4-11-19)

**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.**
The resources of all household members are counted unless the resource is excluded. (4-7-11)

**302. -- 304. (RESERVED)**

**305. RESOURCE LIMIT.**
The Food Stamp resource limit is five thousand dollars ($5,000) for Broad Based Categorically Eligible households. Households that do not meet the requirements for Broad Based Categorical Eligibility are subject to resource limits published by the USDA Food and Nutrition Service. (7-1-16)

**306. -- 307. (RESERVED)**

**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)

**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. -- 320. (RESERVED)**

**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 with Work Requirements**. Resources of a household member disqualified for failing to comply with a work requirement are counted. (4-11-06)

**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 considered a resource in the month received, unless excluded under these rules. A household is not required to report changes in resources during a certification period. Some lump sum payments are listed below: (3-29-10)

**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)

**f.** Child Support. (3-30-07)

**02. Insurance**. Insurance settlements. (6-1-94)

**03. Refunds**. Income tax refunds, rebates, or credits. (6-1-94)

**04. Property Payments**. Lump sum payment from sale of property. Contract payments from the sale of property are counted as income. (6-1-94)

**05. Security Deposits**. Refunds of security deposits on rental property or utilities. (6-1-94)

**06. Disability Pension**. Annual adjustment payments in VA disability pensions. (6-1-94)

**07. Vacation Pay**. Vacation pay, withdrawn in one lump sum by a terminated employee. (6-1-94)

**08. Military Bonus**. Military re-enlistment bonuses. (6-1-94)

**09. Readjustment Pay**. Job Corps readjustment pay. (6-1-94)

**10. Severance Pay**. Severance pay, paid in one (1) lump sum to a former employee. (6-1-94)

**11. TAFI One-Time Cash Payment**. The one-time TAFI cash diversion payment. (4-5-00)

**324. -- 333. (RESERVED)**

**334. VEHICLES.**
Treat any vehicle that is used primarily for transportation and not for recreational use, as described in Subsections 334.01 and 334.02 of this rule. The value of any vehicle that is primarily for recreational use counts toward the household's resource limit. (7-1-07)

**01. Exclude One Vehicle Per Adult**. The value of one (1) vehicle per adult in the Food Stamp household is excluded beginning with the highest valued vehicle. (7-1-07)

**02. All Other Vehicles Are Subject To Federal Regulations**. All other vehicles in the household will have their values counted as provided in 7 CFR 273. (7-1-07)

**335. -- 350. (RESERVED)**

**351. EXCLUDED RESOURCES.**
Some resources do not count against the limit because they are excluded. Resources excluded by federal law are also excluded for Food Stamps. Exclusions from resources are listed in Sections 352 through 382. (3-29-12)

**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 any funds in a plan, contract, or account, described in Sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c) of the Internal Revenue Code of 1986 and the value of funds in a Federal thrift Savings Plan account as provided for in 5 U.S.C. 8439 are excluded as a resource. This exclusion includes any current or future tax preferred retirement accounts which are approved under federal or state law. (5-8-09)

**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 it's 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. SALABLE 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. HUD FAMILY SELF-SUFFICIENCY (FSS) ESCROW ACCOUNT.**
Escrow accounts and the interest earned on an escrow account established by HUD for families participating in the Family Self-Sufficiency (FSS) Program established by Section 544 of the National Affordable Housing Act, are excluded as a resource when determining eligibility for food stamps. The federal exclusion for the funds in this program and other similar type escrow funds are only excluded while the funds are still in the escrow account or being used for a HUD approved purpose. Participants in the FSS program may withdraw funds from the escrow account before completing the program, with permission from the public housing authority, but only for purposes related to the goal of the Family Self-Sufficiency contract, such as completion of higher education, job training, or to meet start-up expenses involved in creation of a small business. (4-11-06)

**364. EDUCATIONAL ACCOUNTS EXCLUDED AS A RESOURCE.**

The cash value of any funds in a qualified tuition program described in Section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under Section 530 of the Internal Revenue Code are excluded as a resource. (5-8-09)

**365. INDIVIDUAL DEVELOPMENT ACCOUNT EXCLUDED AS A RESOURCE.**
The cash value of an Individual Development Account (IDA) established in compliance with Section 56-1101(5), Idaho Code, is excluded as a resource. (5-8-09)

**366. -- 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. (RESERVED)**

**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. (RESERVED)**

**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 (1) 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. (3-20-20)

**389. -- 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 in Section 401. (3-15-02)

**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 Vocational Rehabilitation are earned income. (3-20-04)

**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**. WIA income includes monies paid by WIA or the employer. Income from WIA 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. (3-15-02)

**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 are excluded unearned income. (4-7-11)

**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. Interest income is excluded unearned income. (4-7-11)

**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. 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)

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

**22. 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)

**23. 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**. A vendor payment is a money payment made on behalf of a household by a person or organization outside of the household directly to either the household's creditors or to a person or organization providing a service to the household. (3-20-04)

**09. Third Party Payments**. If a person or organization makes a payment to a third party on behalf of a household using funds that are not owed to the household, the payment will be excluded from income. (3-20-04)

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

**11. 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)

**12. 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)

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

**14. Work Study**. Work Study income received while attending post-secondary school is excluded as income. (3-20-04)

**15. HUD Family Self-Sufficiency (FSS) Escrow Account**. The federal exclusion for these funds are only excluded while the funds are in the escrow account or being used for a HUD approved purpose. See Section 363

of these rules for further clarification. (4-11-06)

**16. Temporary Census Earnings**. Wages earned for temporary employment related to U. S. Census activities are excluded as income during the regularly scheduled ten (10) year U. S. Census. (4-7-11)

**17. Income Excluded by Federal Law**. If income is excluded by federal law, it is excluded for Food Stamps. (3-29-12)

**406. (RESERVED)**

**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. (RESERVED)**

**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. (RESERVED)**

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

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

**05. 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 Department of Commerce and Labor 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. Educational income is excluded. (4-7-11)

**416. -- 426. (RESERVED)**

**427. AVERAGING SELF-EMPLOYMENT INCOME.**

**01. Annual Self-Employment Income**. When self-employment income is considered annual support by the household, the Department averages the self-employment income over a twelve-month (12) period, even if: (5-8-09)

**a.** The income is received over a shorter period of time than twelve (12) months; and (5-8-09)

**b.** The household receives income from other sources in addition to self-employment. (5-8-09)

**02. Seasonal Self-Employment Income**. A seasonally self-employed individual receives income from self-employment during part of the year. When self-employment income is considered seasonal, the Department averages self-employment income for only the part of the year the income is intended to cover. (5-8-09)

**428. CALCULATION OF SELF-EMPLOYMENT INCOME.**
The Department calculates self-employment income by adding monthly income to capital gains and subtracting a deduction for expenses as determined in Subsection 428.03 of this rule. (5-8-09)

**01. How Monthly Income Is Determined**. If no income fluctuations are expected, the average monthly income amount is projected for the certification period. If past income does not reflect expected future income, a proportionate adjustment is made to the expected monthly income. (5-8-09)

**02. Capital Gains Income**. Capital gains include profit from the sale or transfer of capital assets used in self-employment. The Department calculates capital gains using the federal income tax method. If the household expects to receive any capital gains income from self-employment assets during the certification period, this amount is added to the monthly income, as determined in Subsection 428.01 of this rule, to determine the gross monthly income. (5-8-09)

**03. Self-Employment Expense Deduction**. The Department uses the standard self-employment deduction in Subsection 428.03.a. of this rule, unless the applicant claims that his actual allowable expenses exceed the standard deduction and provides proof of the expenses as described in Subsection 428.03.b. of this rule. (5-8-09)

**a.** The self-employment standard deduction is determined by subtracting fifty percent (50%) of the gross monthly self-employment income as determined in Subsections 428.01 and 428.02 of this rule; or (5-8-09)

**b.** The self-employment actual expense deduction is determined by subtracting the actual allowable expenses from the gross monthly self-employment income. The following items are not allowable expenses and may not be subtracted from gross monthly self-employment income. (5-8-09)

i. Net losses from previous tax years; (5-8-09)

ii. Federal, state, and local income taxes; (5-8-09)

iii. Money set aside for retirement; (5-8-09)

iv. Work-related personal expenses such as transportation to and from work; and (5-8-09)

v. Depreciation. (5-8-09)

**429. SELF-EMPLOYED FARMER.**
To be considered a self-employed farmer, a person must receive, or expect to receive, an annual gross income of one thousand dollars ($1,000) or more earned from farming activities. If a farmer's cost of producing self-employment income results in a loss, the Department subtracts the loss from other countable income in the household in accordance with 7 CFR 273.11(a)(2)(ii)(A) and (B). (4-11-19)

**430. -- 500. (RESERVED)**

**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. Food Stamp Issuance Changes**. The Department will make changes to the household's Food Stamp issuance when it is required to act on a change. (3-30-07)

**02. Change Before Certification**. If a household reports a change in household circumstances before certification, include the reported information in determining Food Stamp eligibility and amount. (7-1-14)

**03. Change After Certification**. If a household reports a change after the initial Food Stamp benefit has been paid, the Department must act on the change as required by policy for acting on changes within a certification period. Notice of the change must be given to the Food Stamp household. (7-1-14)

**502. EARNED INCOME WHEN A HOUSEHOLD MEMBER TURNS AGE EIGHTEEN.**
When a child attending elementary or secondary school turns age eighteen (18), do not count earned income received or expected by that person until the next six-month or twelve-month contact, or recertification. (3-29-12)

**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)

**509. TYPES OF INCOME TO BE AVERAGED.**
Types of income to be averaged are listed below. Income for a destitute migrant or seasonal farm worker household is not averaged. (3-30-07)

**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. 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)

**04. Child Support**. Child support income can be averaged to make a valid projection for ongoing income. (3-30-07)

**510. -- 511. (RESERVED)**

**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. 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 PA. Count the full amount of means-tested benefits the household is entitled to, not the reduced amount caused by the failure to comply. (3-20-04)

**513. -- 531. (RESERVED)**

**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. A household with an elderly or disabled household member is exempt from the gross income limit. If all household members receive or are authorized to receive monthly payments through TAFI, AABD, or SSI, the household is categorically eligible. The gross income limit is raised each federal fiscal year by FNS, based on the federal cost of living (COLA) adjustment. (3-20-20)

**533. HOUSEHOLD ELIGIBILITY AND BENEFIT LEVEL.**
A household's eligibility and benefit level is calculated in accordance with 7 CFR 273.10, except as indicated below in Subsections 533.01 through 533.07. of this rule. The deductions in Subsections 533.01 through 533.07 of this rule are subtracted from non-excluded income. (4-11-06)

**01. Standard Deductions**. The standard deductions are controlled by Federal law. The monthly amounts are specified in Title 7 United States Code Section 2014. (3-20-20)

**02. Earned Income Deduction**. The earned income deduction is twenty percent (20%) of gross earned income. (6-1-94)

**03. Homeless Shelter Deduction**. The homeless shelter deduction is established by FNS. (3-20-20)

**04. Excess Medical Deduction**. Excess medical expense is nonreimbursed medical expense of 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 expense deduction. Special diets are not deductible. For allowable medical expenses, see Section 535 of these rules. (4-11-06)

**05. Dependent Care Deduction**. The dependent care expense deduction is for monthly dependent care expenses. The dependent care may be needed for children or adults. (5-8-09)

**06. Child Support Deduction**. The child support expense deduction is the legally obligated child support and arrearage the household pays, or expects to pay, to or for a non-household member. (4-11-06)

**07. Excess Shelter Deduction**. Excess shelter expense is the monthly shelter cost over fifty percent (50%) of the household's income after all other deductions. The excess shelter expense is not deducted if the household has received the homeless shelter deduction. For allowable shelter expenses, see Section 542 of these rules. (4-11-06)

**534. AVERAGING INFREQUENT, FLUCTUATING, OR ONE-TIME ONLY EXPENSES.**
Infrequent, fluctuating, or one-time only expenses for medical, child support, shelter or child care are averaged. (4-11-06)

**535. MEDICAL EXPENSES.**
Elderly or disabled household members that incur medical expenses over thirty-five dollars ($35) per month are allowed a Standard Medical Expense (SME) deduction. Eligible households must verify monthly medical expenses of more than thirty-five dollars ($35) at initial application. Households with medical expenses that exceed the monthly Standard Medical Expense may either verify the minimum amount to receive the SME or request and verify excess costs to receive an actual expense deduction at application and recertification. The household must provide proof of the incurred or anticipated cost before a deduction is allowed. (3-20-20)

**536. DEPENDENT CARE EXPENSES.**
The care of a dependent must be necessary to maintain employment, conduct job search, or attend school or training. The dependent care expenses must be deducted from income. (3-20-20)

**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. 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)

**05. Paid or Reimbursed Dependent Care**. Dependent care cannot be deducted if paid or reimbursed under a federal child care program. (3-20-04)

**538. CHILD SUPPORT EXPENSES.**
Child support expense may be deducted for a household paying or expecting to pay legally obligated child support to

or for a person living outside the household. The child support expense deducted must reflect the child support the household pays or expects to pay during the certification period, rather than the obligated amount. (3-20-20)

**539. -- 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. (3-20-20)

**543. UTILITY ALLOWANCES.**
The shelter deduction is computed using one (1) of four (4) utility allowances: Standard Utility Allowance (SUA). Limited Utility Allowance (LUA), the Minimum Utility Allowance (MUA), or the Telephone Utility Allowance (TUA). Utility allowances are not prorated. (3-29-10)

**01. Standard Utility Allowance (SUA)**. (4-6-05)

**a.** The household must have a primary heating or cooling cost to qualify for the SUA. The heating or cooling costs must be separate from rent or mortgage payments. (3-20-20)

**b.** Occupied and unoccupied homes are households with both an occupied home and an unoccupied home, that are limited to one (1) SUA. (3-20-20)

**02. Limited Utility Allowance (LUA)**. The household must be billed for more than one (1) utility that is not for heating or cooling. (3-20-20)

**03. Minimum Utility Allowance (MUA)**. The household must be billed for one (1) utility that is not for heating, cooling, or telephone service. (3-29-10)

**04. Telephone Utility Allowance (TUA)**. The household must be billed for telephone service and have no other verified utility expenses. (3-29-10)

**544. -- 546. (RESERVED)**

**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 USC Section 2014. (4-5-00)

**549. NET INCOME LIMIT TEST.**
Categorically eligible households do not have to meet the net income limit. All other households, including those with an elderly or disabled household member, must not exceed the net income limit to be eligible for Food Stamps. (3-20-20)

**550. DETERMINATION OF FOOD STAMP BENEFIT.**
The Food Stamp benefit is computed in accordance with 7 CFR 273.9 and 273.10. (4-6-05)

**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.**
Prorating is based on a thirty (30) day calendar month. Benefits are prorated from the application date to the end of the month. (3-20-20)

**563. FOOD STAMP PRORATING FORMULA.**
The prorated Food Stamp amount is determined per 7 CFR 273.10(a)(1)(iii)(B). If the amount for the initial month is less than ten dollars ($10), benefits must not be issued. (3-29-10)

**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 equal to eight percent (8%) of the maximum one (1) person allotment. (5-8-09)

**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 an allotment amount

of Food Stamps that is equal to at least eight percent (8%) of the maximum monthly one (1) person allotment, 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. (3-29-10)

**566. -- 572. (RESERVED)**

**573. ACTING ON HOUSEHOLD COMPOSITION CHANGES.**
Changes in household composition are not required to be reported. If a household does report a change in household composition, the Department will act on the change as required by options allowed under 7 CFR 273.12(c). (7-1-14)

**574. ADDING PREVIOUSLY DISQUALIFIED HOUSEHOLD MEMBERS.**
The resources, income, and deductions of a previously disqualified household member must be determined. Change the previously disqualified household member's participation the month following the last month in the sanction or if the person becomes exempt. The disqualification must have been due to an intentional program violation (IPV), work registration or Job Search Assistance Program (JSAP) sanction, 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 that were previously prorated are counted in full the month after the disqualification ends. Prorate benefits from the date the ABAWD becomes Food Stamp eligible by reaching eighty (80) hours by working, participating in a work program, or combining work and work programs. (4-11-06)

**575. HOUSEHOLD COMPOSITION CHANGES FOR STUDENT.**
Ineligible students are defined as non-household members. When a student's status changes, the change is treated as a new person entering or leaving the Food Stamp household. (7-1-14)

**576. -- 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. (3-20-20)

**589. -- 600. (RESERVED)**

**601. REPORTING REQUIREMENTS AND RESPONSIBILITIES.**
Changes may be reported by phone, mail, or e-mail, or directly to the Department. Households must report as follows: (3-29-10)

**01. Income Exceeds One Hundred Thirty Percent (130%) of FPG**. When the household's total gross income exceeds one hundred thirty percent (130%) of the Federal Poverty Guideline (FPG) for the household size. (3-29-10)

**02. Decrease in ABAWD Hours to Less Than Eighty (80) Hours Per Month**. When there is a decrease in the household's ABAWD hours to less than eighty (80) hours per month. (3-29-10)

**602. (RESERVED)**

**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 does not provide requested proof. Disqualified household members are not persons outside the household. (4-6-05)

**604. -- 610. (RESERVED)**

**611. TIME FRAMES FOR REPORTING CHANGES IN HOUSEHOLD CIRCUMSTANCES.**
Households must report changes in circumstances as required in Section 601 of these rules. Households reporting required changes to the Department must do so by the tenth day of the month following the month in which the change occurred. (3-29-10)

**01. Reporting Methods**. Changes can be reported by telephone, personal contact, mail, or e-mail. Changes can be reported by a household member or authorized representative. (3-29-10)

**02. Failure to Report**. If Food Stamps are over-issued 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. (RESERVED)**

**613. CHANGES ON WHICH THE DEPARTMENT MUST ACT.**
The Department must follow the procedures for acting on reported changes as described in 7 CFR 273.12. (7-1-14)

**614 -- 616. (RESERVED)**

**617. INCREASES IN FOOD STAMP BENEFITS.**

**01. Household Reports a Change**. If a household reports a change that results in an increase in Food Stamps and the proof cannot be obtained through interfaces or data brokers, the Department must allow the household ten (10) days to provide proof. (7-1-14)

**02. Failure to Provide Proof of Change**. If the household fails to provide proof of a change that would increase the benefit level, the Food Stamp benefit remains at the amount already established. (3-29-10)

**03. Proof Provided Within Ten Days**. If the household provides proof within ten (10) days of reporting the change, the Department will increase the Food Stamp benefits beginning the month immediately following the month in which the change was reported. For changes reported after the 20th of the month, a supplement is issued for the next month no later than the 10th of the next month. If the change is reported and verified after the final date to adjust Food Stamp benefits for the following month in the Department's automated eligibility system, the change to the Food Stamp benefits must be made by the following month, even if a supplement must be issued. (4-11-06)

**04. Proof Not Provided Within Ten Days**. If the household fails to provide proof within ten (10) days of reporting the change, but provides proof later, benefits are increased the month after the proof of the change is provided. (3-29-10)

**618. DECREASES IN FOOD STAMP BENEFITS.**
If the Department acts on a change that results in a decrease in Food Stamp benefits, the Department must give timely notice, if required. The notice must explain the reason for the action. (7-1-14)

**619 -- 620. (RESERVED)**

**621. TAFI OR AABD HOUSEHOLD REPORTING CHANGES.**
If a change in the AABD or TAFI grant results in a change in the household's Food Stamp benefits, the Department must count the new grant amount, regardless of whether the Food Stamps increase or decrease. If a change requires a reduction or ending of TAFI or AABD and Food Stamp benefits, the Department will issue a Notice of Decision for both programs. If the household makes a timely request for a fair hearing and continued benefits, Food Stamp benefits continue pending the hearing. The household must reapply if certification expires before the hearing is complete. (4-11-06)

**622. CHANGE ENDS TAFI OR AABD INCOME.**
A change ending a household's income from a TAFI or AABD grant during the certification period may affect Food Stamp eligibility. A household's Food Stamp benefits must not be closed just because of a TAFI or AABD closure. Food Stamp benefits will be closed only if the change requires the Department to take action under Section 613 of these rules and the action would close Food Stamps. 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, the Department must send a notice explaining that the household's benefits will end. 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 the

household remains Food Stamp eligible, the Department must advise the household of the work registration requirements. (4-6-05)

**623. FAILURE TO TAKE REQUIRED ACTION.**
If the Department is unable to make a change in Food Stamp eligibility or issuance and an overissuance results, collect the overpayment. If the Department fails to act on a change that increases household benefits, restore lost benefits. (4-11-06)

**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. 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. (3-20-20)

**631. NOTICE.**
Notices must be sent within the time limits listed in these rules. Timely notice must be mailed at least ten (10) days before the effective date of the action. (4-11-06)

**632. TIMELY NOTICE NOT REQUIRED.**
Timely notice is not required when the conditions listed below are met. Adequate notice must be given. (4-11-06)

**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. Timely notice of the reduction is not required. (4-11-06)

**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. Timely notice is not required. (4-11-06)

**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. 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)

**06. 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)

**07. 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)

**08. Households Receiving Expedited Service**. Notice is not required if all the following conditions are met: (4-11-06)

**a.** The applicant received expedited services. (4-11-06)

**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)

**09. 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.** FNS 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. -- 638. (RESERVED)**

**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. (RESERVED)**

**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.**
The Department must follow the recertification procedures described in 7 CFR 273.14. (4-6-05)

**646. NOTICE OF DECISION FOR TIMELY RECERTIFICATION.**
A Notice of Decision must be sent to households that reapply for Food Stamps. To receive Food Stamps with no break in issuance, households must complete a six-month or twelve-month contact or recertification before the fifteenth day of the last month of certification or six-month or twelve-month contact period. If the household applies before the fifteenth day of the month, the Department will notify the household of eligibility or denial by the end of the current certification period. (3-29-12)

**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. -- 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. IPV, IHE AND AE FOOD STAMP CLAIMS.**
An overissuance exists when the amount of Food Stamps issued exceeds the Food Stamps a household is eligible to receive. The Department must establish a claim against the household, to recover the value of Food Stamps overissued or misused. The types of Food Stamp claims are listed in Subsections 675.01 through 675.03 of this rule. (3-20-20)

**01. Intentional Program Violation (IPV) Claim**. An IPV claim is an overissuance caused by an intentional, knowing, and willful program violation. (3-15-02)

**02. Inadvertent Household Error (IHE) Claims**. An IHE is a household error, without intent to cause an overissuance, which results in a Food Stamp over-issuance. Causes of IHE claims are: (3-15-02)

**a.** Failure to give information. A household, without intent to cause an over-issuance, fails to give correct or complete information. (3-15-02)

**b.** Failure to report change that was required to be reported. A household, without intent to cause an over-issuance, fails to report changes or to report at all. (4-11-06)

**c.** Failure to comply. A household, without intent to cause an over-issuance, fails to comply due to language barrier, educational level, or not understanding written or verbal instructions. (3-15-02)

**d.** Pending IPV. An IHE claim occurs between the time of an IPV referral, and the IPV decision. (3-15-02)

**03. Agency Error Claim (AE)**. An agency error claim results from an overissuance caused by a Department action, or a failure to act. (3-15-02)

**676. PERSONS LIABLE FOR FOOD STAMP CLAIMS.**
The persons listed in Subsections 676.01 through 676.03 are responsible for paying a claim. (3-15-02)

**01. Adult Household Members**. Adult members of the household at the time of the overissuance or trafficking, are liable. They are individually and jointly liable, whether residing in the household where the claim arose, or in any other household. (3-15-02)

**02. Sponsor of an Alien**. The sponsor of an alien household member, if the sponsor is at fault for the claim. (3-15-02)

**03. Person Connected to the Household**. A person connected to the household, such as an authorized representative, who actually trafficks, or causes an overissuance or trafficking. (3-15-02)

**677. COMPUTING FOOD STAMP CLAIMS.**
The Department computes Food Stamp claims as described in Subsections 677.01 and 677.02 of this rule. (3-15-02)

**01. Claims Not Related to Trafficking**. The Department computes claims, not related to trafficking, back to a minimum of twelve (12) months before it became aware of the overissuance. The Department does not compute claims, not related to trafficking, back more than six (6) years. For an IPV claim, the Department computes back to the month the first act of IPV occurred. The Department continues to compute back a minimum of twelve (12) months before the first act of IPV. The Department does not compute IPV claims back more than six (6) years before the first act of IPV. (3-20-20)

**02. Trafficking-Related Claims**. Claims arising from trafficking-related offenses are the value of the trafficked Food Stamps as determined by: (3-15-02)

**a.** The individual's admission. (3-15-02)

**b.** Adjudication. (3-15-02)

**c.** The documentation forming the basis for the trafficking determination. (3-15-02)

**678. -- 691. (RESERVED)**

**692. DETERMINING DELINQUENT CLAIMS.**
The Department determines if a claim is delinquent by using Subsections 692.01 through 692.05 of this rule. (3-15-02)

**01. Claim Not Paid by Due Date**. The claim is delinquent if not paid by the due date, and there is not a satisfactory payment arrangement. The claim remains delinquent until paid in full, a satisfactory repayment agreement is negotiated, or allotment reduction is invoked. (3-15-02)

**02. Payment Arrangement Not Followed**. The claim is delinquent if a payment arrangement is established, but scheduled payment is not made by the due date. The claim remains delinquent until paid in full, allotment reduction is invoked, or the Department agrees to resume or re-negotiate the repayment schedule.(3-15-02)

**03. Previous Claim**. A claim is not delinquent if another claim for the same household is being paid through an installment agreement or allotment reduction. The Department begins collection on the new claim after the first claim is settled. (3-15-02)

**04. Collection Coordinated Through Court**. A claim is not delinquent if the Department is unable to determine delinquency status because collection is coordinated through the court system. (3-15-02)

**05. Claim Awaiting Hearing Decision**. A claim awaiting a hearing decision is not delinquent. If later the hearing officer affirms a claim does exist against the household, the Department notifies the household. (3-15-02)

**693. (RESERVED)**

**694. COLLECTING CLAIMS.**
The Department collects payment for claims using the methods listed in Subsections 695.01 through 695.05 of these rules. (3-30-07)

**01. Allotment Reduction**. The Department reduces the Food Stamp allotment to collect the claim. (3-15-02)

**a.** For an IPV claim, the allotment reduction limit is the greater of twenty dollars ($20) per month or twenty percent (20%) of the household's monthly allotment. (3-15-02)

**b.** For an IHE or AE claim, the allotment reduction limit is the greater of ten dollars ($10) per month or ten percent (10%) of the household's monthly allotment. The household can agree to a higher amount. (3-15-02)

**c.** The Department does not reduce the initial month's Food Stamps, unless the household agrees to this reduction. (3-15-02)

**02. Repayment from EBT Account**. The household pays the claim from its Electronic Benefit Transfer (EBT) account. (3-15-02)

**03. Cash, Check, or Money Order**. Payment by cash, check, or money order. (3-15-02)

**04. Household Performing Public Service**. Payment by public service as ordered by a court, specifically as payment of a claim. (3-15-02)

**05. Collection by Treasury Offset Program (TOP)**. The Department submits claims delinquent for one hundred and eighty (180) days, or more, for collection through TOP. (3-15-02)

**695. TOP NOTICES.**
The Department will provide the household with a notice of intent to collect via Treasury offset. The notice must inform the household of the right to request a Department review of the intended collection action. The Department must receive the request for review within sixty (60) days of the notice of intent to collect. The notice of review determination must inform the household of the right to request that FNS review the Department’s decision. The notice must include instructions for requesting a review by FNS and the address of the FNS regional office.(3-20-20)

**696. EFFECTS OF TOP ON THE FOOD STAMP HOUSEHOLD.**
When a claim is referred to TOP, any eligible Federal payment owed to the household may be intercepted, and applied to the claim to reduce the debt. The household may be required to pay collection or processing fees charged by the Federal government to intercept the payment. (3-15-02)

**697. REMOVING A CLAIM FROM TOP.**
The Department removes a claim from TOP under the conditions listed in Subsections 697.01 through 697.05 of this rule. (3-15-02)

**01. Instructed by FNS or Treasury**. FNS or Treasury instructs the Department to remove the debt from TOP. (3-15-02)

**02. Household Undergoing Allotment Reduction**. The person is a member of a Food Stamp household undergoing allotment reduction. (3-15-02)

**03.** **Claim Is Paid in Full**. The claim is paid in full. (3-15-02)

**04.** **Claim Is Satisfied**. The claim is satisfied through a hearing, termination, compromise, or other means. (3-15-02)

**05.** **Payments Resumed**. The household makes arrangements to resume payments. (3-15-02)

**698. INTENTIONAL PROGRAM VIOLATION (IPV).**
An IPV includes the actions listed in Subsections 698.01 through 698.06 of this rule. The client must intentionally, knowingly, and willfully commit a program violation. (3-30-07)

**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, Federal regulations, or State Food Stamp regulations. The violation may relate to use, presentation, transfer, acquisition, receipt, or possession of Food Stamps. (3-30-07)

**06.** **Trafficking in Food Stamps**. Trafficking in Food Stamps means any of the following: (4-11-15)

**a.** The buying, selling, stealing, or otherwise effecting an exchange of food stamp benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone; (4-11-15)

**b.** Attempting to buy, sell, steal, or otherwise affect an exchange of food stamp benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signatures, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone; (4-11-15)

**c.** The exchange of firearms, ammunition, explosives, or controlled substances, as defined in Section 802 of Title 21, U.S.C., for food stamp benefits; (4-11-15)

**d.** Purchasing a product with food stamp benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount; (4-11-15)

**e.** Purchasing a product with food stamp benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with food stamp benefits in exchange for cash or consideration other than eligible food; or (4-11-15)

**f.** Intentionally purchasing products originally purchased with food stamp benefits in exchange for cash or consideration other than eligible food. (4-11-15)

**699. ESTABLISHING AN INTENTIONAL PROGRAM VIOLATION (IPV).**
The Department establishes an IPV by the actions listed in Subsections 699.01 through 699.03 of this rule. (3-15-02)

**01.** **Waiver**. The client signs a waiver to a disqualification hearing. (6-1-94)

**02.** **Hearing**. An administrative disqualification hearing determines an IPV. (6-1-94)

**03.** **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)

**02.** **Obtain Administrative Disqualification**. The Department pursues administrative disqualification when: (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 will disqualify only the person or persons who committed the IPV. The Department will notify the person in writing of the disqualification penalty. The penalty continues without interruption until completed, regardless of the eligibility of the disqualified person. An IPV penalty can be imposed, even if no overissuance claim exists. (3-20-20)

**01.** **Administrative Disqualification Hearings**. The disqualification begins no later than the first day of the second month following the date the person gets written notice of the disqualification. (3-15-02)

**02.** **Waivers**. The disqualification begins the first day of the month, following the date the person gets the written notice of disqualification. (3-15-02)

**03.** **Court Decisions**. The disqualification begins on the date imposed by the court (to start the beginning of the following month) or, if no date is specified, within forty-five (45) days of the date the disqualification was ordered, beginning the first day of the month. (3-15-02)

**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. 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)

**704. -- 714. (RESERVED)**

**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. (3-20-20)

**716. DISQUALIFICATION AFTER WAIVED HEARING.**
Persons waiving their right to an IPV administrative disqualification hearing must have penalties imposed. (3-20-20)

**717. COURT REFERRALS.**
Procedures for court referrals are listed below: (6-1-94)

**01. Referred Cases**. The Department may refer persons suspected of getting or receiving Food Stamps by committing an IPV. The Department may refer persons suspected of committing an IPV. (3-20-20)

**02. 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)

**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. (3-20-20)

**04. 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)

**05. 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 FNS 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 FNS might have filed. (3-20-20)

**721. (RESERVED)**

**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 FNS. Food Stamp reduction, suspension, and cancellation rules are described below: (7-1-98)

**01. Reducing Food Stamps**. FNS 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 equal to eight percent (8%) of the maximum one (1) person allotment unless the reduction is ninety percent (90%) or more of total projected monthly benefits. (5-8-09)

**02. 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)

**03. Suspension or Cancellation**. If a suspension or cancellation is in effect, no Food Stamps are to be issued to the applicant. (6-1-94)

**04. Hearings**. Any household whose allotment was reduced, suspended, or cancelled under this section can request a fair hearing. (6-1-94)

**729. -- 750. (RESERVED)**

**751. BOARDERS.**
Rules for Food Stamp boarders are listed below: (3-20-20)

**01. 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)

**02. 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)

**03. 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)

**04. 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)

**05. Nonboarder Status**. A person paying less than a reasonable amount for meals is a member of the household providing board. (10-1-94)

**06. 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)

**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 I-864 affidavit of support 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. 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, or the sponsor dies. 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 noncitizen'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. (3-20-04)

**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 Department counts income and resources deemed to the legal non-citizen toward Food Stamp eligibility and issuance level of the legal non-citizen's household. (3-20-20)

**01. Battered Legal Non-Citizen Whose Sponsor Signed an Affidavit of Support**. 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. (3-20-20)

**a.** A battered legal non-citizen whose sponsor signed an affidavit of support 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. (3-20-20)

**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. (3-20-20)

**02. Indigent Legal Non-Citizen Whose Sponsor Signed an Affidavit of Support**. A non-citizen is indigent if the household income does not exceed one-hundred thirty percent (130%) of the poverty income guideline (gross income limit) for the household size. (3-20-20)

**a.** For an indigent non-citizen, the Department counts the noncitizen's own income and the cash or in-kind income and resources actually provided by the sponsor and spouse who signed an affidavit of support. (3-20-20)

**b.** A legal non-citizen that satisfies the indigent exemption criteria is exempt from deeming for twelve (12) months. The exemption can be renewed for additional twelve-month periods. (3-20-20)

**c.** If a legal non-citizen is granted an indigence exemption, the department must provide written notification to the Statistics Branch of the INS on an annual basis. Required information includes, written notice of the determination, the sponsored legal non-citizen's name, and the sponsor's name. (3-20-20)

**d.** A legal non-citizen can elect to decline the indigent exemption to avoid sponsor liability, and notification to the INS. (3-20-20)

**e.** If the legal non-citizen declines the indigent exemption, the household is subject to sponsored deeming. (3-20-20)

**755. – 756. (RESERVED)**

**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. – 760. (RESERVED)**

**761. COLLECTING CLAIMS AGAINST SPONSORS WHO SIGNED AN I-864 AFFIDAVIT OF SUPPORT ON OR AFTER DECEMBER 19, 1997.**
The Department must send 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, a lump sum cash payment may be collected if the sponsor can pay the claim at one (1) time. If the sponsor cannot pay by lump sum, a monthly repayment schedule may be negotiated. Sponsor repayments must be recorded in the case file and identified as either an IHE or IPV claim. (3-20-04)

**762. COLLECTING CLAIMS AGAINST SPONSORED LEGAL NON-CITIZENS.**
Claims may be collected against sponsored legal non-citizens with a sponsor who signed an I-864 affidavit of support on or after December 19, 1997. Action may be taken to collect by submitting an IHE or IPV. (3-20-04)

**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. -- 774. (RESERVED)**

**775. FOOD STAMPS FOR HOUSEHOLDS WITH IPV MEMBERS, INELIGIBLE FUGITIVE FELON, PROBATION/PAROLE VIOLATOR, WORK REQUIREMENT SANCTIONS, OR A MEMBER CONVICTED OF A CONTROLLED SUBSTANCE-RELATED FELONY.**
The Department calculates Food Stamp eligibility and benefit level for households containing members disqualified for an IPV, ineligible fugitive felon, probation/parole violator, members ineligible because of work requirement sanctions including JSAP, and Voluntary Quit, or a member ineligible because of a controlled substance-related felony. The household's Food Stamps must not increase because a household member is disqualified for IPV. (3-20-20)

**776. -- 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.**

**01. 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)

**02. Center Misusing Food Stamps**. The Department must promptly notify FNS if it believes a center is misusing Food Stamps. The Department must not take action before FNS takes action against the center. (3-20-20)

**794. TREATMENT CENTER RESPONSIBILITIES.**
Each treatment center must follow SNAP application standards, with the exception of: (3-20-20)

**01. 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)

**02. 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)

**03. Food Stamp Misuse**. The center must be disqualified if it is administratively or judicially found the center misappropriated or used Food Stamps for purchases not contributing to a certified client's meals. (3-30-07)

**04. FNS Disqualifies Center**. If FNS 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. FNS Authorized Retailer or Department Certified**. The center must be an FNS 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. 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)

**03. 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 intellectually 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)

**04. 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)

**05. Exempt From Work Registration**. Residents are exempt from work registration. (6-1-94)

**06. 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)

**07. 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 Food Stamps as payment for meals. If residents purchase or prepare food for home consumption, the center must insure each resident's Food Stamps are used for meals intended for that resident. (3-30-07)

**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 FNS 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. 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)

**797. -- 815. (RESERVED)**

**816. PURCHASE OF PREPARED MEALS.**
Persons listed below may purchase prepared meals with their Food Stamps at sites authorized to accept Food Stamps. (3-20-20)

**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 communal dining facilities authorized to accept Food Stamps. (3-20-20)

**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. (3-20-20)

**03. Resident Center**. A resident of 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. (3-20-20)

**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. (3-20-20)

**05. Homeless**. A homeless Food Stamp client can use Food Stamps to buy meals prepared by a homeless meal provider. (3-20-20)

**817. -- 849. (RESERVED)**

**850. FOOD STAMP HOUSEHOLD 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: (4-11-06)

**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. Thirty Day Processing**. The right to have the application processed and Food Stamps issued within thirty (30) days. (6-1-94)

**05. 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)

**06. 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. (RESERVED)**

**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. (3-29-10)

**02. 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. 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)

**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. (3-20-20)

**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 FNS, 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.**
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. The Department will 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. (3-20-20)

**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 FNS 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. 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. -- 871. (RESERVED)**

**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 Stamp cards or other issuance documents. (3-30-07)

**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, "Use and Disclosure of Department Records." (6-1-94)

**880. -- 882. (RESERVED)**

**883. QUALITY CONTROL AND FOOD STAMP ELIGIBILITY.**
State Quality Control (SQC) is the Department's case review system. SQC determines rates of correct Food Stamp

issuances and Department and recipient caused errors. Quality control reviews open Food Stamp cases, denials and closures. The quality control review period extends from October 1st to September 30th of the next year. Households selected for quality control review by State Quality Control (SQC) and Federal Quality Control (FQC) must cooperate with both reviews. (3-20-20)

**01. Refusal to Cooperate with SQC or FQC**. If a household refuses to cooperate in a SQC or FQC review, it is not eligible. (3-20-20)

**a.** The Department must send the household advance notice to end Food Stamps. The notice must list the reason for the proposed action, the right to a hearing, the right to schedule a conference or to continue the SQC or FQC review. (3-30-07)

**b.** The Department will close the Food Stamp case. (6-1-94)

**02. Food Stamp Eligibility During Quality Control Review Period, After Refusal to Cooperate**. The household is not eligible for Food Stamps during the Quality Control review period until it cooperates with the SQC or FQC review. (3-30-07)

**884. -- 999. (RESERVED)**

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