FOOD STAMP MANUAL
VOLUME I
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INTRODUCTION AND RIGHT TO APPLY

1240-1-1-.01 INTRODUCTION

(1) The Family Assistance Manual of the Tennessee Department of Human Services contains the official guidelines for staff responsible for the implementation of the policies and procedures governing the administration of the Food Stamp Program.

(2) The manual content is contained in two volumes. Volume I details the eligibility policies which govern the Food Stamp Program. These policies have been written to cover the majority of case situations which come to the attention of the agency. However, it is recognized that certain individual situations will be presented which are not covered in the present policy material. In the absence of specific policy statements, the county office should reach a decision based on the principles of eligibility as stated in the manual and with assistance, as necessary, from the regional and state supervisory staff.

(3) Volume II, Part I, contains the procedures by which the application for benefits is accepted and processed as well as the office procedures to be followed in record keeping and case management. Client rights and responsibilities are detailed in Part I of Volume II.

(4) Volume II, Part II, contains a description of special coverage groups which differ from the usual in either eligibility policy or procedure. Also, included in this section is an explanation of the functions and uses of other divisions within the Department, such as Quality Control, Fraud and Overpayment, Administrative Review, Investigative Services, and Social Services.

1240-1-1-.02 RIGHT TO APPLY

(1) Any person wishing to do so shall have the opportunity to apply for Food Stamps/Families First without delay. See Section 1240-1-5 for policies regarding Expedited Service in Food Stamps.

(2) Information about the programs of assistance administered by the Department of Human Services (DHS) (Food Stamps/Families First/Medicaid) shall be provided to any person requesting it.

(3) Applications must be filed in the DHS Office in the county of the applicant's residence and must be on a form prescribed by the agency. The application must be filed by the applicant himself, his authorized representative or designated agent, or someone acting responsibly for him.

(4) An applicant may be assisted by any individual of his choosing in the various aspects of the application/redetermination of eligibility process. However, it is unlawful for any person/agency to charge or receive any thing of value, either directly or indirectly, for providing such assistance to a person requesting aid.

(5) A person found eligible for Families First cash payments is eligible for Medicaid benefits without filing a separate application.

(6) Proof of eligibility is not required of a person prior to his filing an application.

(7) The right to file an application shall not be denied to any person even though it is apparent to the worker that eligibility for Food Stamps/Families First benefits does not exist.

1240-1-2-.01 ASSISTANCE GROUPS

Food Stamps and/or Families First benefits may be provided to an individual or to a group of people. The people applying for or receiving Food Stamps/Families First benefits are referred to as a household in the Food Stamp Program and as an aid group in Families First. This has been abbreviated as HH/AG throughout this manual.

HOUSEHOLD CONCEPT 1240-1-2-.02

(1) Definitions

(a) Household
A household is a social unit comprised of varying numbers of individuals who live together in the same dwelling. It is also the concept used to determine the food purchasing and preparation patterns of all individuals with common living quarters.

(b) Sibling

A sibling is an individual who shares a common parent with another individual. Sibling relationship may be either natural, legal, or by marriage (i.e. natural, adopted, half, or step brothers and sisters).

(c) Spouse - Spousal Relationship

A spouse is one's husband or wife.

A spousal relationship is a kinship connection between a man and woman resulting from their being married to each other.

A spousal relationship may be either of the following:

1. a relationship between a man and a woman who are defined as being married to each other under applicable state law; or

2. a relationship involving a man and a woman who are living together and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople.

(d) Head of Household

The head of household is the person whose name has been designated to appear on the food stamp application by the household or the State agency.

(e) Parent-Child Relationships

Parent child relationships are kinship connections between mothers and/or fathers and their children resulting from the child(ren's) birth or adoption or from the marriage of the child(ren's) mother or father.

(f) Parental Control

Parental control is the authority exercised by a mother or father (or any adult household member acting as a parent) to guide, manage, supervise, and provide care to a minor dependent child who lives in the same home.

(g) Absent Wage Earner

An absent wage earner is an employed individual who temporarily resides away from the home because work related travel, or distance from the employment site prevents the individual's living in the home.

(2) Household Composition Policy

Prior to establishing eligibility and the food stamp allotment amount, the living constellations of all individuals residing together must be explored to determine which of them will be considered household members.

(a) Purchasing and Preparing Meals

To determine which individuals included in the living constellation will be considered to be household members, the Caseworker must evaluate how meals are purchased and prepared.

Unless specific individuals are eligible for separate household status, all persons who purchase and prepare their meals in common are treated as one household (HH).

Note: At times, individuals change established living patterns either by choice or by force of circumstances. When an individual(s) changes a custom or pattern of living to establish a new pattern, the <u>intent</u> to establish that new pattern has greater importance than the previous pattern.

An individual(s) may intend to function as a separate household, but cannot do so unless the food stamp application is approved. Consider the individual(s) as a separate household when such intent is expressed.

Example
Mrs. Smith separated from her husband on January 10. She and her child moved into the home of her aunt, and she currently has no income. Mrs. Smith and her husband were not participating in the Food Stamp Program at the time of the separation nor is her aunt a Food Stamp participant. Mrs. Smith states that even though she is living with her aunt, she intends to buy her food separately and to eat separately from her aunt. Consider Mrs. Smith and her child as a separate household based on these circumstances.

(b) Separate Household Status

At times, individuals living together will request consideration as separate households. Individuals who live together but purchase and prepare their meals separately may be eligible for separate household status:

1. Persons <u>Not</u> Eligible for Separate Household Status

(i) A spouse of a member of the household;

(ii) Children under 22 who are living with their parents; or

(iii) Children under 18 who are living with someone acting as a parent (parental control).

2. Persons Eligible for Separate Household Status

(i) Siblings (not under parental control) who live together and who purchase and prepare separately;

(ii) Children (over 21) who live with their parents and purchase and prepare separately;

(iii) Individuals other than parents and siblings who share living quarters with a food stamp household, but who do not purchase and prepare meals with that household;

(iv) A person who is too disabled to purchase his or her own food but who has arranged to have his or her food purchased and prepared separately from those with whom he or she lives. Even if the person who shops for food or prepares meals for the disabled person lives with the disabled person, the disabled person may claim separate household status.; or

(v) An elderly and disabled individual (and spouse of that individual) living with others when:

- the elderly <u>and</u> disabled individual purchases and prepares his/her own meals with the others; and

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- the combined gross income of the others with whom the elderly and disabled individual lives (not including the individual and spouse) does not exceed 165% of the poverty level.

Note: Separate household status can be granted to either the elderly and disabled individual (and spouse) or the other individual(s) with whom the elderly and disabled individual lives, if both of the criteria are met.

(I) Procedures for Applying the 165% Gross Income Test

Apply the following income calculation procedures to test for eligibility for separate household status only. Once eligibility for separate status is determined, consider only the applying household's circumstances (income, resources, expenses) when determining the allotment amount.

- Calculate the gross income of the others as if they were applying for Food Stamps.

- Do not include the income of the elderly and disabled person and that person's spouse in this calculation.

- Use the Gross Monthly Income Eligibility Standards for determining separate HH Status for the Elderly and Disabled Table in this section to determine the 165% Poverty Level figure.

- If the others' income exceeds the 165% figure, do not grant separate household status to the elderly and disabled individual (and spouse). If the others' income does not exceed the 165% figure, grant separate household status.

Gross Monthly Income Standard Chart for 165%

Gross Monthly Income Eligibility Standards for Determining Separate Household Status for the Elderly <u>and</u> Disabled (Effective 10-1-08)

No. of Persons in Household	1	2	3	4	5	6	7	8	9	10
165% of Poverty	1430	1925	2420	2915	3410	3905	4400	4895	5390	5885

No. of Persons in Household	11	12	13	14	15	16	17	18	19	20
165% of Poverty	6380	6875	7370	7865	8360	8855	9350	9845	10,340	10,835

For each additional person +495

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(II) Verification

An individual wanting separate household status must:

- obtain the cooperation of the individual(s) with whom she/he lives in providing the necessary information; and

- provide (if requested) a physician's statement that the elderly person is disabled as defined in FAM 1240-1-8-.01 and cannot purchase and prepare his/her own food.

Example

A mother, age 58, and her 24-year-old son claim that they purchase and prepare food separately. Grant separate household status in this situation because:

- the son is 22 years of age or older and
- they purchase and prepare their food separately.

Example

A household consists of an elderly father, his wife and his three sons, ages 17, 18 and 22. The three sons are wanting to be separate households from their parents, as each claims that they purchase and prepare food separately. How would this situation be handled?

- The 22-year-old can be separate from his parents and siblings due to his age.

- The 17 and 18-year-olds cannot be separate from their parents because both are under age 22 and must be considered in the same household as the parents.

Example

Mary, age 25, and her two minor children live with her brother, Jim (age 15) and her parents, Mr. and Mrs. Jones. The parents are not elderly or disabled. Mary and her children would like (have the intent) to purchase and prepare their meals separately from her parents.

Because Mary is over 21 and has the intent to purchase and prepare food separately, she can be granted separate household status from her parents and sibling.

Example

Lauren (age 21) has small children and lives with her father. She wants to purchase and prepare food separately from her father.

As Lauren is under age 22, she would not be eligible as a separate food stamp household from her father regardless of whether or not she has minor children.

Example

John (17), Bill (19) and Mary (23) are siblings and live together. Each say they purchase and prepare food separately and no individual has parental control of the other individuals.

Each may be a separate household for Food Stamps as they purchase and prepare separately and no one in the home is acting as a parent.

Example

Mary Jones (age 17) lives with her brother (age 23). Mary and her brother state that Mary is not under his parental control and she prepares and purchases her meals separately.

Mary is eligible for separate household status because siblings living together and not under parental control of another person may be separate.

Example

An elderly and disabled woman lives with her daughter. She is permanently disabled and is unable to purchase and prepare her food on her own. The daughter buys and prepares their meals. The daughter's income is less than the 165% gross income standard for a one-person household.

Grant the mother separate household status because of her age and disability and the fact that the remaining household member's gross income is within the 165% limit.

(c) Designating Head of Household

Every household must designate an individual as the head of household for case control and issuance purposes.

Certain households must be offered the option of selecting their head of household. The department shall allow the household to select an adult parent of children in the household as its head where all adult household members making application agree to the selection. If all adult members do not agree to the selection or decline to select, the department may designate the head of household or permit the household to make another selection. For households that do not consist of adult parents and children, the department shall designate the head of household or permit the household to do so. When the household declines to designate or cannot agree who is to be the head of the household, the department will designate the head of the household.

The household may designate its head of household at application and each time certified for participation. The household may not change the head of household during a certification period unless there is a change in the composition of the household.

Do not use the head of household classification to impose special requirements, such as requiring the head of household to file the application or to appear at the certification interview.

(d) Absent Wage Earner

Absent wage earners are included as household members unless the absent wage earner and the household can establish sufficiently that the absent wage earner is, in fact, a separate household.

Evaluate each case on its own merit, using focused interviewing techniques (i.e., Does the absent wage earner have a separate address? Does he/she pay rent and/or utilities at the address? Where

does he/she receive mail? How often does he/she receive mail? How often does the absent wage earner come home?).

Do not count the absent wage earner as a household member when it is established that he/she is a separate household.

Example
A household consists of a husband, wife, and children. The husband works in another city. Consequently, he leaves for work Monday morning and returns home Friday evening. He still considers his residence to be the family home. He is a spouse and is not estranged from his wife and considers the family residence as his home. Do not grant separate household status to the husband.

(e) Individuals Receiving Foster Care Board Payments

The food stamp household has the option to include or exclude individuals and their income for whom foster care board payments are made for food stamp purposes. The foster care individuals may be included (as household members) or excluded from consideration (as boarders), but cannot participate as separate food stamp households. See Section 1240-1-4-.14 regarding treatment of foster care board payments as income.

(3) Non-Household Members

Certain individuals residing with a household are not considered household members when determining the household's eligibility and allotment amount. These non-household members, as discussed in this section, may participate as separate households, if otherwise eligible.

(a) Roomers

A roomer is an individual to whom a household furnishes lodging, but not meals, for compensation.

(b) Live-In Attendants

A live-in attendant is an individual who resides with a household to provide medical, housekeeping, child care, or other similar personal services.

Example
A live-in attendant stays with an elderly couple Monday through Friday to prepare meals. She returns to her own home on weekends but eats with the couple while in their home during the week. The live-in attendant may participate in the Food Stamp Program as a separate household, if otherwise eligible.

(c) Ineligible Students

An ineligible student is an individual who is enrolled in an institution of higher education, but is ineligible because he/she fails to meet the student eligibility criteria.

1. Definition of a Student

(i) A student is any person who meets all of the following criteria:

(I) is at least age 18, but under age 50;

(II) is physically and mentally fit; and

(III) is enrolled at least half-time in an institution of higher education.

Note: An institution of higher education is defined as any school, college, or institute which requires a high school diploma or G.E.D. for admission or enrollment in the individual's particular curriculum.

(ii) Do not consider any of the following individuals as students:

(I) individuals age 17 or under, or individuals age 50 or over;

(II) physically or mentally disabled individuals;

(III) persons attending high school;

(IV) persons participating in on-the-job training programs;

(V) persons not attending school at least half-time; or

(VI) persons enrolled full time in schools or training programs which are not institutions of higher education.

2. Student Eligibility Criteria

To be eligible to participate in the Food Stamp Program, a student must meet at least one of the following criteria:

(i) actually be working a minimum of 20 hours each week or

if self-employed, actually be working a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours;

(ii) be participating in a Federally financed work-study program funded in full or part by Title IV, Part C, of the Higher Education Act 1965 (as amended) during the school year;

(iii) be responsible for the care of a child who is a dependent household member under the age of six;

Note: The student does not have to personally care for the child all the time. The child may be in day care while the student is in class.

Note: Apply this exemption to the same individual for work registration exemption purposes.

(iv) be responsible for the care of a child who is a dependent household member over the age of five but under the age of 12, for whom adequate child care is unavailable to enable the student to attend class, satisfy the 20-hour work requirement of the Food Stamp Act or participate in a State or Federally financed work study program during regular school year. Consider adequate child care to exist only when another responsible person lives in the home who is available and able to care for the child. When the student must obtain day care outside the home, do not consider adequate child care to exist.

Example

When a student and her child are the only members of the household, adequate child care is not available.

Example

Edna Price, a student, and her 8-year old son, Max, live in the home of Edna's parents. Neither of Edna's parents is disabled.

Edna's mother takes care of Max before and after school, while Edna is in class. In this situation, adequate child care is available.

(v) be receiving Cash Assistance in his/her own behalf;

(vi) be assigned to or placed in an institution of higher education through a program under the Workforce Investment Act;

(vii) The maximum age level of students attending institutions of higher education who are prohibited from receiving food stamp assistance is 50;

(viii) Students enrolled in institutions of higher education as a result of participation in an Employment and Training Program through Cash Assistance or Food Stamps;

(ix) Full-time students who are single parents responsible for the care of children under 12 regardless of the availability of adequate child care; or

(x) A program under section 236 of the Trade Act of 1974.

3. Enrollment Status

A student's enrollment status begins on the first day of the school term. It continues through normal periods of class attendance, including vacations and recess when the student intends to return to school after such vacations and recesses.

The enrollment status ends when the student either:

(i) graduates;

(ii) is suspended;

(iii) is expelled;

(iv) drops out; or

(v) does not intend to register for the next normal school term, not counting summer school.

4. Eligibility During Non-Enrollment Periods

Students meeting the student eligibility criteria during the regular school year will remain eligible during the summer months. Students who lose their enrollment status or who do not intend to register for the next normal school session (not including summer school) will lose their student status and be treated as any person/household.

5. Work Registration

Eligible students are exempt from the work registration/job search requirements.

6. Certification Procedures for Remaining Household Members

Certify the remaining members of a household containing an ineligible student, if otherwise eligible.

(d) Others

Other individuals who live with the household but do not customarily purchase food and prepare meals with the household are considered non-household members.

Example
A three-person household applies for Food Stamps. They live with an un-related two-person household in the same house in order to save on rent. The two families do not purchase and prepare meals together. Consider the two-person household as non-household members.

(e) Individuals Who Cannot be Considered Non-Household Members

Do not grant non-household member status to any of the following individuals:

1. Children under 22 who are living with their parents;

2. Children under age 18 who are under the parental control of an adult household member;

3. A spouse of a member of the household; and

4. Siblings (natural, adopted, half or step-brothers and sisters) under 18, who are under parental control.

   Note: Any individual who is an ineligible student is considered a non-household member regardless of his/her relationship to other food stamp household members.

(f) Treatment of Income, Resources, and Deductible Expenses of Non-Household Members

1. Income

   Do not count a non-household member's income as available to the remaining household members.

   Consider cash payments made from a non-household member to the household as income, unless the non-household member is making vendor payments.

2. Resources

   Do not consider a non-household member's resources as available to the household.

3. Deductible Expenses

   Standard Utility Allowance

   When the food stamp household has responsibility (receives the bill) for paying all or a portion of the utility expenses, and it is entitled to and chooses the Standard Utility Allowance (SUA) based on the number of eligible household members. Do not include any non-household member.

Other Shelter Expenses

When the non-household member has responsibility for the shelter expenses and the eligible household members do not contribute toward the expenses, do not allow the household a shelter expense.

When the deductible expenses are shared by a non-household member and the household, count only the amount actually paid or contributed by the household as a household expense.

When the payments or contributions cannot be differentiated prorate the expenses evenly among the persons actually paying or contributing to the expense. Deduct only the household's pro rata share.

(4) Excluded Household Members

(a) Identifying Excluded Individuals

Certain individuals residing with a household are excluded from participation in the program either as members of the household or as separate households. These are:

1. ineligible aliens or individuals with questionable citizenship;

2. individuals disqualified because of failure to provide or apply for an SSN;

3. individuals disqualified for intentional program violation;

4. individuals disqualified for non-compliance with the work requirements, including voluntary quit;

5. individuals convicted of trafficking in food stamp benefits of $500 or more (eff. 11/1/96);

6. individuals who have been convicted of a second violation by a Federal, State or local court of trading coupons for a controlled substance (eff. 11/1/96);

7. individuals who have a first violation based upon a finding by a Federal, State or local court of trading firearms, ammunition, or explosives for coupons (eff. 11/1/96);

8. individuals convicted by a court, ADH hearing, ADH waiver, or a disqualification consent agreement of having made a fraudulent statement or representation with respect to identity or residence in order to receive multiple benefits simultaneously (eff. 11/1/96);

9. individual who is a fleeing felon or a probation/parole violator (eff. 11/1/96);

10. ineligible able-bodied adults without dependents

11. individuals convicted under federal or state law of a felony offense which occurred after August 22, 1996 and which involved the possession, use, or distribution of a controlled substance, **unless** the individual is complying with or has already complied with all obligations (including any substance abuse treatment requirements) imposed by the criminal court, **and**

    (i) is currently participating in a substance abuse treatment program approved by DHS; or

    (ii) if not actively participating in a substance abuse treatment program approved by DHS, is currently enrolled in such a program, but is on a waiting list for participation, and enters the treatment program at the first opportunity; or

    (iii) has satisfactorily completed a substance abuse program approved by DHS; or

    (iv) a treatment provider licensed by the Department of Health, Division of Alcohol and Drug Abuse Services, has determined that the individual does not need substance abuse treatment according to TennCare guidelines.

    Note: A substance abuse treatment program approved by DHS is defined as one licensed by the Tennessee Department of Health. A listing of such programs may be found on the Department of Health's website at www.state.tn.us/health. Click on the facilities listing under Health Care Licensure, and then select Alcohol and Drug Treatment Facilities.

    If the individual received treatment in a state other than Tennessee, this definition extends to a substance abuse treatment program licensed or approved by the appropriate state agency where the individual received treatment. **Other treatment programs not covered in this definition may be considered on a case-by-case basis by contacting the Food Stamp Policy Section in the state office.**

    Note: Exemption from disqualification from program participation does not apply to persons convicted of a Class A drug-related felony (or its equivalent if convicted in another state).

(b) Treatment of Excluded Household Members in Determining Financial Eligibility

1. Ineligible Alien, Questionable Citizenship and Enumeration Disqualification

    (i) Resources. Count the entire amount of the excluded individual's resources as available to the remaining household members.

    (ii) Income. Count a pro rata share of the excluded household member's income as available to the remaining household members.

    Use the following procedures to determine the pro rata share:

    (I) subtract the allowable exclusions from the excluded member's income;

(II) divide the remaining countable income evenly among all household members, including the excluded member; and count all but the excluded member's share as income available to the remaining household members.

(iii) Deductible Expenses

(I) When the excluded HH member has earned income, prorate the earned income among all HH members. Apply the 20% earned income deduction to the portion of the earned income to be considered available to the eligible HH member.

(II) When the excluded HH member is billed or pays all or a portion of the HH's allowable shelter and/or dependent care expenses, divide the portion paid by the excluded HH member evenly among all HH members, including the excluded HH member.

(III) If the excluded HH member is the only elderly or disabled HH member, do not allow the HH a medical deduction or an unlimited excess shelter deduction.

(iv) Reduction/Termination of Benefits Within the Certification Period

Take the following steps when an individual is excluded within a household's certification period.

(I) Using the information available in the case, determine the eligibility or ineligibility of the remaining HH members;

(II) Provide the HH with a Notice of Adverse Action informing the HH of the following:

I. the reason for the exclusion;

II. the eligibility and benefit level of the remaining HH members; and

III. the actions the HH must take to end the exclusion.

2. Intentional Program Violation (IPV) and Work Program Disqualifications

(i) Resources

Count the entire amount of the disqualified member's resources as available to the remaining HH members.

If the HH is composed of two or more persons, and the disqualified individual is the only elderly person who would have entitled HH to the $3000 resource limit, the resource limit applied to the remaining HH member will be $2000.

(ii) Income

Count the entire amount of the disqualified member's countable earned and/or unearned income as available to the remaining HH members.

(iii) Deductible Expenses

All expenses, including those of the excluded HH member, continue to apply to the remaining HH members. These include:

I. allowable earned income deduction;

II. the standard deduction;

III. medical deduction, if applicable;

IV. dependent care deduction, if applicable; and

V. excess shelter deduction.

(iv) Computation of the Food Stamp Budget

The IPV individual is kept in the budget for determining the shelter standard deduction amount. The person disqualified due to work requirements is not kept in the budget for determining the SUA.

(v) Reduction/Termination of Benefits Within the Certification Period

Take the following steps when an individual is disqualified within a HH's certification period:

(I) use the information in the case and determine the eligibility or ineligibility of the remaining HH members;

(II) notify the remaining HH members of their eligibility and benefit level at the same time the disqualified member is notified of his/her disqualification using the Disqualification Notice; and

(III) inform the HH that it may request a fair hearing to contest the reduction or termination of benefits unless it has already had a fair hearing on the claim. The HH will receive a Notice of Adverse Action from ACCENT.

3. Convicted of: trafficking in food stamps of $500 or more; second violation of a finding by a federal, state or local court of trading of benefits for a controlled substance; first violation based upon a finding by a federal, state or local court of the trading of firearms, ammunition or explosives for benefits; convicted of a felony offense which occurred after August 22, 1996 and involving the possession, use, or distribution of a controlled substance, **except** as provided at 1240-1-2-.02(a)11; or determined to be a fleeing felon or a probation/parole violator

   (i) Length of Penalty. These individuals are permanently disqualified from receiving Food Stamp benefits.

   (ii) Resources and Income. The individual's resources and income are counted in full to the remaining Food Stamp household members. No amount is prorated to the ineligible individual.

   (iii) Deductions. The individual is not counted in computing the household's utility standard amount nor in the allotment amount.

4. An individual is found to have made a fraudulent statement or representation with respect to identity or residence in order to receive multiple benefits simultaneously.

   (i) Length of Penalty. The individual is disqualified from receiving Food Stamp benefits for ten years.

   (ii) Resources and Income. The income and resources of the disqualified individual are counted in full to the remaining Food Stamp household members. No pro rata share is given to the disqualified individual.

   (iii) Deductions. The disqualified individual is not counted in the household size to determine the utility standard nor allotment amount.

5. Ineligible Able-Bodied Adults Without Dependents (11/22/96)

   (i) Length of Time. Within a thirty-six month period, the ABAWD individual is eligible for six months of eligibility. This individual may be eligible for an additional three months of continued eligibility based upon an exemption or being able to maintain eligibility. See Section 1240-1-3-.43 for more information.

   (ii) Resources and Income

   When the ABAWD individual is removed from the household, his/her resources are counted in full to the remaining Food Stamp HH members. The ABAWD individual's income is prorated and only the remaining household's portion is considered.

(iii) Deductions

Deductions paid by or billed to the ineligible ABAWD are prorated.

(5) Boarders

(a) Definition of a Boarder

1. A boarder is an individual residing with others to whom he/she is paying reasonable compensation for lodging and meals.

2. Boarder status can only be granted to the following:

(i) Parents living with natural, adopted or step-children or the reverse (children living with parents) if the children are age 22 or over. For applications, a 22-year old is eligible for boarder status as of his 22nd birthday. For recertification, a 22-year old is eligible for boarder status in the first month following his 22nd birthday.

(ii) Children under age 18 living with an adult (other than a parent) if the adult is not acting in a parental role to the child.

(iii) Individuals who pay “reasonable” compensation for room and board.

3. Determining Reasonable Compensation

Use only the amount paid for meals to determine if the individual pays reasonable compensation, provided that the amount paid for meals is distinguishable from the amount paid for lodging.

Determine reasonable monthly compensation by either one of the following:

(i) When the board arrangement is for more than two meals a day, the boarder must pay an amount equal to or exceeding the Thrifty Food Plan for the appropriate size of the boarder household.

(ii) When the board arrangement is for two meals or less per day, the boarder must pay an amount equal to or exceeding two-thirds of the Thrifty Food Plan for the appropriate size of the boarder household.

(b) Ineligible As Separate Households

Boarders are ineligible to participate in the Food Stamp Program separate and apart from the household providing the room and board.

They may participate as members of the household providing the room and board, only at the household’s request. At this point, they are household members.

(c) Eligibility of Household Providing the Room and Board

The household in which the boarder resides may participate if it meets all of the eligibility requirements.

(d) Treatment of Income and Resources

Do not count the income and resources of a boarder who is not included as a member of the household. Consider the amount of payment that the boarder gives the household as self-employment income.

When the boarder is a household member, count his/her income and resources as available in their entirety to the household.

(6) Residents of Institutions

(a) An individual is considered a resident of an institution when the institution provides the majority (over 50%) of his or her meals as a part of the institution's normal services, and the institution is not authorized to accept food coupons.

(b) Only the following residents of institutions are eligible to participate in the Food Stamp Program:

1. Narcotic addicts or alcoholics who reside at a drug or alcoholic treatment center in order to participate in a treatment program (See Vol. II, Section 1240-1-31-.01 for details.);

2. Disabled or blind individuals who are residents of a group living arrangement and who receive benefits under Title II (RSDI) or Title XVI (SSI) of the Social Security Act (See Vol. II, Section 1240-1-31-.02 for details.)

3. Residents of shelters for battered women and children (See Vol. II, Section 1240-1-31-.03 for details.); and

4. Residents of non-profit shelters that provide meals to the homeless (See Vol. II, Section 1240-1-31-.04 for details.)

(7) Authorized Representatives

(a) Definition

An authorized representative is an individual who has been designated by the household to act on behalf of the household.

The non-household member must meet the following criteria:

- be an adult;

- have been designated in writing by the head of household, the spouse, or another responsible household member; and

- be sufficiently aware of relevant household circumstances to act in the household's behalf.

An authorized representative may act on behalf of the household in any one or all of the following capacities:

1. apply for the household;

2. obtain the household's food coupons; and/or

3. use the household's food coupons to purchase food for the household.

The authorized representative information must be recorded on the Authorized Representative Screen (AEFAR) in the ACCENT System. This information will be displayed on the IQAP Screen and authorized representative (AR) will be shown on the IQCP Screen.

(b) Making Application for the Household

1. Allow a non-household member, acting as an authorized representative, to apply on behalf of the household when the head of household or spouse cannot apply.

2. Inform the household that the head of household or spouse should complete or review the application, whenever possible.

3. Allow the responsible household member or the authorized representative to complete the work registration and Employment and Training referral for those household members required to comply.

4. Inform the household it will be held liable for any overissuance resulting from incorrect information given by the authorized representative, unless the household is participating in a drug or alcoholic treatment center.

(c) Obtaining the Food Stamp Benefits

1. The household may designate an authorized representative to obtain its food stamp benefits.

   This does <u>not</u> have to be the same individual who was designated to make application for the household.

2. Advise the household that such designation must be made at the time of certification.

   Encourage the household to designate an authorized representative in case of illness, or other circumstances, which might result in an inability to obtain food stamp benefits.

3. Procedure

   To request a regular authorized representative for obtaining the household's food coupons, a responsible household must:

   (i) be present at the interview and authorize an individual as the household's authorized representative during the interview; or

   (ii) designate an authorized representative in writing.

   Permit the household to alter its designation of an authorized representative at any time. This must be requested in writing by a responsible household member.

   The Caseworker will need to complete the Authorized Representative Screen (AEFAR) in ACCENT.

(d) Using the Food Stamp Benefits

An authorized representative may purchase food items for the household, using its food stamp benefits. This does not have to be the same individual as previously designated, nor does designation of this authorized representative have to be in writing.

However, the authorized representative must have the household's EBT card and PIN with the full knowledge and consent of the household.

When the authorized representative is named on ACCENT and is authorized to use the benefits, he/she will receive his/her own EBT card and PIN.

(e) Emergency Authorized Representative

An emergency authorized representative is used when neither a responsible household member nor the household's regular authorized representative is able to obtain the food stamp benefits.

(f) Disqualification of an Authorized Representative

1. The Caseworker will disqualify an authorized representative when evidence is obtained that the authorized representative has:

   (i) knowingly misrepresented the household's circumstances and intentionally provided false information concerning the household; or

   (ii) improperly used the household's food coupons.

   Disqualify an authorized representative for any household, other than residents of a drug or alcoholic treatment center, for up to 1 year.

2. Take the following steps when disqualification occurs:

   (i) Provide the household and the authorized representative with a written notice of disqualification.

   The notice must contain the following information:

   - the proposed action;
   - the reason for the disqualification of the authorized representative;
   - the right to a fair hearing; and
   - the caseworker's telephone number.

   (ii) Allow the household to designate another individual as its authorized representative, if it so desires.

(g) Restrictions on Who May Be An Authorized Representative

Do not allow the household to designate any of the following individuals as an authorized representative:

1. county office employees involved in the certification or issuance process;
2. retailers who are authorized to accept food coupons;
3. individuals currently disqualified for an intentional program violation (IPV). (Once the disqualification period expires, such individuals may serve again as authorized representatives.); or
4. homeless meal providers, as described in Section 1240-1-31-.04.

If the authorized representative must be either 1 through 3 above, because no one else is available to assume this role, first obtain the written approval of the District Supervisor or his/her designee. (Homeless meal providers may not be authorized representatives for households under any circumstances.)

(8) Verification

Verify the composition of the household, when questionable.

Verify the household size (number of persons in the household) prior to certification and prior to any action to add or remove a household member. This is done by either a collateral contact or another source of verification that will provide accurate information regarding the number of persons in the household.

CATEGORICAL ELIGIBILITY FOR FOOD STAMPS 1240-1-14-.15

This section contains procedures for determining eligibility and processing applications for households who are categorically eligible for Food Stamps.

(1) Defining Who Is Categorically Eligible (CE)

(a) Households consisting entirely of Supplemental Security Income (SSI) and/or Families First (FF) recipients are categorically eligible for Food Stamps. Consider individuals as SSI or FF recipients when they are:

- receiving a Families First or Supplemental Security Income cash assistance; or
- eligible for FF or SSI payments, but the payments are being recouped or suspended; or
- approved for FF, but do not receive a payment because the grant amount is less than $10.

(b) Households consisting entirely of individuals eligible for or receiving Family Services Counseling or approved for a First Wheels loan. CE status on this basis applies as long as the CE individual is eligible for the Families First extended services. This extended categorical eligibility applies only when the Families First aid group is closed for cash.

- Family Services Counseling – It is not necessary for the AG to actually receive FSC services (such as post employment services). The qualifying factor is that the AG is eligible to receive FSC after the AG is closed for cash assistance.
- First Wheels – An AG member must actually be eligible for and approved for a First Wheels loan.

The Food Stamp household can qualify for CE for either reason if the household members were included in the Families First grant or were individuals from whom income was deemed and counted in the grant at the time of the closure. If there was a deeming parent of a minor parent or a deeming stepparent to a FF aid group prior to the AG's closure, that person will be treated as if he/she had been an "EA" in the FF assistance group.

(c) Households containing a combination of individuals eligible under (a) and (b) above.

(2) Exceptions To Categorical Eligibility

(a) Households

Categorical eligibility does not apply to households who:

1. have a member(s) who is disqualified for an Intentional Program Violation;

2. have an individual receiving SSI benefits for drug addiction and/or alcoholism (DAA) who is suspended for failure to attend scheduled treatments or to make progress; or

3. head of household is disqualified because of voluntary quit/work requirements.

   NOTE: If only one member is disqualified, it would not prohibit the remaining household members from being a CE household.

4. have a member or members who receive state-funded Families First benefits because they are aliens who do not meet the PRWORA requirements, but do meet the requirements previously in effect in the AFDC Program.

5. any member of the household is ineligible by virtue of a conviction for a drug-related felony.

(b) Individuals

The following individuals cannot be included in an otherwise categorically eligible household:

1. ineligible aliens;

2. ineligible students; and

3. institutionalized individuals (except those listed in FAM Section 1240-1-2-.02-(6).

(3) Determining Eligibility For CE Households

CE households are not subject to the Food Stamp resource limit or the net and gross income limits. However, all other Food Stamp policies and procedures apply to these households. Certify CE households according to the notice and timeliness standards that apply to all other Food Stamp households.

(4) Verification Procedures For CE Households

(a) Once a household is determined categorically eligible, it is not necessary to verify:

1. resources;

2. social security number verification;

3. sponsored alien information; and

4. residency.

(b) All other Food Stamp verification requirements must be met.

(5) Determining Benefit Levels for CE Households

Because the CE households are exempt from the net income limits, the Basis of Issuance (BOI) chart cannot be used for CE households whose net income exceeds the net income limit for the corresponding household size. Use the following procedures to determine the allotment.

(a) Determine the household's net income based on normal Food Stamp policy.

(b) Use the BOI chart to determine the allotment for households whose net income is at or below the net income limit for other Food Stamp households of the same size.

(c) When the household's net income is over the net income limit for other Food Stamp households of the same size, no allotment will appear in the BOI. Determine the allotment for such households as follows:

1. Provide a $14 allotment for all such one-and two-person CE households.

2. Use the following formula to determine the allotment for such CE households with more than two members:

   - multiply the household's net income by .30 (30%), and round this amount up to the nearest dollar;

   - subtract the rounded 30% figure from the Thrifty Food Plan amount for the appropriate household size. The result is the household's allotment.

   If the formula results in a zero allotment, the household is not eligible for benefits. Deny the household's application (or terminate benefits for active households).

EXAMPLE 1
A household consisting of two SSI recipients applies for Food Stamps. The household's net income, after all deductions, is $1000. Normally, the maximum net income limit for two people is $938. Thus no allotment is shown in the BOI chart for $1000 net income. Because this is a two-person categorically eligible household, the allotment will be $10, the minimum allotment for an eligible one or two-person household.

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EXAMPLE 2

A categorically eligible seven-person household consists of two FF assistance units and three SSI recipients. The household's net income, after all deductions, is $2200. Normally, the net income limit for a household of this size is $2146. Thus, no allotment is shown in the BOI chart for a $2200 net income.

Determine the allotment as follows:

$2200 X .30 (30%) = $660.00

	$683	Thrifty Food Plan for seven (10/00)
-	$660	30% of net income
	$ 23	Household's Allotment

EXAMPLE 3

A household consisting of one SSI recipient and two individuals receiving FF applies for Food Stamps. The household's net income is $1315, after all deductions. Normally, the maximum net income limit for three people is $1180. Thus, no allotment is shown in the BOI chart for a $1315 net income.

Determine the allotment as follows:

$1315 X .30 (30%) = $394.50 rounded up to $395

	$341	Thrifty Food Plan for three (10/00)
-	$395	30% of net income
	$ 0	Household's Allotment

This is a categorically eligible household but after the special budget calculations for this type of household, they are ineligible to receive benefits.

(6) Processing Applications For Potential CE Households

Households may apply for Food Stamps and Families First at the same time, or they may have FF or SSI applications pending when they apply for Food Stamps. Thus, they are not CE households on the day they file their Food Stamp applications, but may become CE when the SSI or FF applications are approved.

When this happens, it is not necessary to wait for the FF or SSI approvals before certifying the household. If the household is eligible under normal Food Stamp policy and procedures, certify it as a non-CE household according to normal procedures.

When the potential CE household is not eligible for benefits under normal policies and procedures, but could be eligible as a CE household (once the FF and/or SSI benefits are approved), follow these steps.

(a) Delay the Food Stamp determination until the 30th day following application to allow time for the FF or SSI applications to be approved. At the point the household becomes CE, certify it according to the policies and procedures for CE households. Prorate benefits from the date of the Food Stamp application.

(b) If the household still is not CE on the 30th day after the Food Stamp application was filed, deny the application. Notify the household to report when the SSI is approved (we will know when the FF is approved).

(c) When you become aware that the pending FF or SSI applications were approved after the Food Stamp application was denied, update the Food Stamp application with any changes that have occurred since the last interview. Do not require the household to be re-interviewed.

When changes have occurred, ask the household to initial, re-sign, and date the original application form. Prorate the household's benefits from the first day FF or SSI benefits are payable (usually the application date), or the date of the original Food Stamp application, whichever is later.

(7) Termination Of Families First or SSI Benefits

If the CE household's FF or SSI benefits are terminated:

(a) determine the household's continuing eligibility based on the Food Stamp provisions for non-CE households; and

(b) follow the procedures in Family Assistance Manual Vol. II, Section 1240-1-19-.06 to adjust the Food Stamp case.

STUDENT STATUS AND EDUCATIONAL INCOME

A. DEFINITIONS

(1) Adequate Child Care

Adequate child care exists only when another responsible person lives in the home with the student and is able, and available, to care for the child. For this purpose, a responsible person is someone who is mentally and physically capable of providing child care for the household.

If the student must obtain child care outside the home, adequate child care does not exist.

(2) Deferred Student Loan

A loan for educational expenses for which repayment is deferred until education is completed.

(3) English as a Second Language (ESL)

A course normally offered to refugees, and designed to train them in the use of the English Language. Although these courses usually are held at institutions of higher education, high school diplomas or GED certificates are not prerequisites for participation.

(4) Enrollment

A student is deemed to be enrolled in an institution of learning when he/she has been admitted as a student and is listed as such by the school registrar.

(5) Institution of Higher Education

Any school, college, or institution which normally requires a high school diploma or general equivalency certificate (G.E.D.) for enrollment in the individual's particular curriculum. This includes, but is not limited to colleges, universities, and vocational and technical schools at the post high school level.

Junior and community colleges which offer degrees, but no longer require a high school diploma or G.E.D. due to declining enrollments, also are considered institutions of higher education.

(6) Institution of Post-Secondary Education

Any public or private educational institution which normally meets at least one of the following criteria:

(a) requires a high school diploma or G.E.D. for enrollment; or

(b) admits persons who are over the age of compulsory school attendance (over age 17 in Tennessee), provided that the institution is legally authorized or recognized by the State to provide educational programs beyond secondary education; or

(c) provides training programs to prepare students for gainful employment.

(7) Mandatory Fees

Those fees may include the rental or purchase of any equipment, materials and supplies related to the pursuit of the course of study involved. The exclusion of mandatory fees is no longer restricted to fees charged to all students or charged to all students within a certain curriculum.

(8) Physical or Mental Fitness

Physical or mental fitness means that an individual is fit for employment and does not suffer from any disability which would prevent his/her being gainfully employed.

(9) Student

A student is a person who meets all of the following criteria:

(a) is at least age 18, but under age 50;

(b) is physically and mentally fit; and

(c) is enrolled at least half-time in an institution of higher education.

Although other individuals may be enrolled in school, they are not considered students if they do not meet all of the above criteria.

(10) Trade or Vocational Technical Schools

Schools that offer courses which teach practical skills that enable a person to obtain a better job. Examples of courses are typing, stenography, beauty techniques, auto mechanics, etc. Most of these courses do not require a high school diploma or the equivalent.

If individuals are enrolled in courses at trade or vocational schools that do not require a diploma or the equivalent, they are not considered as enrolled in an institution of higher education.

B. STUDENT STATUS

To be eligible for food stamps, persons who are enrolled in school must meet certain criteria. This section contains the policies and procedures used to determine an individual's student status and how it affects eligibility to be included as a member of a food stamp household.

(1) Student Eligibility Criteria

Individuals enrolled in school are considered "students" only if they meet the student definition in Section (A)9. To be eligible to participate in the Food Stamp Program, a student also must meet at least one of the following criteria.

(a) Employment - 20 Hours Per Week

The student must actually work a minimum of 20 hours each week and be paid for such employment. (This cannot be an average of 20 hours.) If self-employed, he/she must work a minimum of 20 hours each week and have weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.

Students paid or subsidized by WIA for class hours are not considered employed during that time. Such class attendance does not meet the minimum 20 hours a week work requirement.

(b) Work-Study

Participation, during the school year, in a federally financed work-study program funded in full or in part by Title IV, Part C, of the Higher Education Act of 1965 (as amended). The student must actually be working at a job for which he/she receives earnings or tuition credit.

(c) Dependent Child Under Age 6

The student is responsible for the care of a child who is a dependent household member under age six. If more than one adult is in the home, only one adult may claim responsibility for a child. The household must determine who has this responsibility.

Note: The student does not have to provide care for the child personally at all times. The child may be in day care while the student is in class.

(d) Child Age 6 or Over, But Under Age 12 and Child Care is Unavailable

The student is responsible for the care of a child who is a dependent household member age 6 or over, but under age 12, for whom adequate child care is unavailable to enable the student to attend class or satisfy the 20-hour work requirement of the Food Stamp Act or participate in a State or Federally financed work study program during the regular school year. (Refer to the definition of "adequate child care" in Section A.)

EXAMPLE

When a student and his/her child are the only members of the household, adequate child care is not available.

Dora Copperfield is a student. She and her son David, age 7, live alone. Adequate child care is not available for David.

EXAMPLE
Hester Prynne, a student, and her 8-year-old son, Max, live in the home of Hester's parents. Hester's mother takes care of Max before and after school, while Hester is in classes. In this situation, adequate child care is available.

(e) Receipt of TANF Payments

The student is included in an TANF assistance unit and is receiving a money payment.

(f) WORKFORCE INVESTMENT ACT

The student is assigned to or placed in an institution of higher education through a program under WIA.

(g) Age 50

The maximum age level of students attending institutions of higher education who are prohibited from receiving food stamp assistance.

(h) Employment Career Services

Students enrolled in institutions of higher education as a result of participation in Employment Career Services Programs.

(i) Single Parents -- Child Under 12

Full-time students who are single parents responsible for the care of children under 12 regardless of the availability of adequate child care.

(j) Employment and Training Program

Students assigned to institutions of higher education by E & T.

(k) Trade Act of 1974

A program under section 236 of the Trade Act of 1974.

Legal Reference: 1240-1-2-.02-(6)-(a)-2

(2) Ineligible Students

A student who does not meet any of the student eligibility criteria is ineligible to participate in the Food Stamp Program. Consider ineligible students as non-household members, regardless of their relationship to other household members.

Legal Reference: 1240-1-2-.02-(6)-(a)-2

(3) Changes in Student Status

(a) Students who meet the student eligibility criteria during the regular school year remain eligible during the summer months.

(b) Ineligible students may become eligible at any time, including during school vacations, if they meet one of the eligibility criteria.

(c) Students who lose their enrollment status, or who do not intend to register for the next normal school session (excluding summer school), lose their student status and are treated as any other person/household.

EXAMPLE

Timothy Cratchitt, a freshman at Carlyle University, was awarded college work study for the school year September, 1986 – May, 1987. He received food stamps during this time because he met one of the student eligibility criteria. Tim will not attend summer school in June, 1987. However, Tim will retain his eligible student status because he was an eligible student for the academic year 1986 – 1987 and is planning to return to school in the fall.

EXAMPLE

Tim Cratchitt returned to Carlyle University in September, 1987, but because of budget cuts, did not receive college work study. He found a job, but could only work 10 hours per week. He has no dependents. Tim's application for food stamps was denied because he no longer met any of the student eligibility criteria.

EXAMPLE

In December, 1987, Tim Cratchitt reapplied for food stamps after Carlyle University closed for the holidays. He was still working only 10 hours per week. However, Tim verified that he had withdrawn from school due to financial problems and would not return to Carlyle University. Because he was otherwise eligible and was no longer a student, Tim was approved for food stamps.

Legal Reference: 1240-1-2-.02-(6)-(a)-4

(4) Procedures for Establishing Student Status

(a) Determine if the individual meets the student definition.

- Is he/she at least age 18 but under age 50?

- Is he/she physically and mentally fit?

- Is he/she enrolled at least half-time in an institution of higher education?

If the person does not meet all of these criteria, do not consider him/her to be a student and treat the individual like any other household member when determining his/her eligibility.

(b) Verify school enrollment.

This must be done through the appropriate school office. Be sure to verify full time or part time status. (Refer to Section E for acceptable sources of verification.)

(c) Verify a claim of mental or physical disability if the disability is not obvious. If the person is not mentally or physically fit, he/she does meet the student definition and is treated like any other household member when determining his/her food stamp eligibility. (Refer to Section E for acceptable sources to verify disability.)

(d) Determine if the student meets any one of the student eligibility criteria defined in Section B(1). If the student meets at least one of the eligibility criteria, include the person as a household member.

(e) Exempt an eligible student from work registration requirements.

(f) If the individual meets the student definition, but does not meet at least one of the eligibility criteria in Section B(1), he/she is an ineligible student. Treat the student as a non-household member.

1. Income and Resources

   Do not count either income or resources of an ineligible student when computing household income or resources. Consider only cash payments, given to the household by the student, as income available to the household.

2. Standard Utility Allowance

   When a food stamp household has responsibility for paying all or a portion of the utility expenses, and it is entitled to and chooses the Standard Utility Allowance (SUA), allow the HH the SUA based on the number of eligible household members. Do not include an ineligible student in the SUA.

3. Other Shelter Expenses

   When the ineligible student has responsibility for the shelter expenses and the eligible household members do not contribute toward the expenses, do not allow the household a shelter expense.

When the deductible expenses are shared by the ineligible student and the eligible household members, count only the amount actually paid or contributed by the eligible member as a household expense.

Prorate the expenses evenly among the persons actually paying or contributing to the expense when the payments or contributions cannot be differentiated. Deduct only the eligible household members' pro rata share.

Legal Reference: 1240-1-2-.02-(6)-(a)

C. TREATMENT OF EDUCATIONAL INCOME

All educational income is excluded. The excluded educational income may be from Title IV, BIA, non-Title IV, and Federal grants as well as from private sources. It will also include all college work-study.

Legal Reference: 1240-1-4-.15

D. TREATMENT OF RESOURCES

(1) Consider an eligible student's resources in the same manner as for any other eligible household member.

(2) Do not deduct educational expenses from resources.

EXAMPLE

Hester Prynne is a student at Mossy Tech. She has $1000 in a savings account from her earnings at a summer job. She uses this money to pay tuition and fees for her first semester, before she is approved for any student aid. Tuition and fees cannot be deducted from this resource.

Legal Reference: 1240-1-4-.15-(1)-(k)-(iv)

Cross Reference: Commingled Funds – Resources Section
1240-1-4-.05-(15)

(3) Exclude as resources those educational funds unless they are retained after the period of intended use.

EXAMPLE

Hester now receives non-federal educational grants. Although $1500 is deposited in Hester's savings account, do not count it as a resource during the school year. However, if she retains the money after the last of the school year, it must be counted as a resource at that time.

E. ACCEPTABLE FORMS OF VERIFICATION

(1) School Enrollment

The following are examples of acceptable sources to verify school enrollment:

(a) school records;

(b) statement from Financial Aid Office;

(c) class schedules; or

(d) receipt for tuition and fees.

(2) Disability

The following are examples of acceptable sources to verify disability:

(a) Bendex, SDX, or award letter to prove receipt of temporary or permanent disability benefits from either a governmental or private source;

(b) a statement from a physician or licensed/certified psychologist; or

(c) statement of approval for services through Vocational Rehabilitation.

(3) Educational Income and Financial Aid

The applicant's/recipient's statement may be accepted as verification of the amount of unearned educational income including work-study income.

RESIDENCE 1240-1-3-.02

(1) As a condition of eligibility to receive benefits in the Food Stamp Program, the household must reside in Tennessee.

(2) No individual may receive benefits as a member of more than one household or in more than one county or state within the same month.

Exception: Individuals may participate as members of more than one household if such person are residents of a shelter for battered women and children as defined in Section 1240-1-8-.01 and were members of a household containing the person who had subjected them to abuse. See also Section 1240-1-31-.03 for procedures for handling residents in facilities for battered women and children.

There is no durational residency requirement in the Food Stamp Program.

(3) Definition of Resident

A resident is an individual who lives in the state of Tennessee and in the county where they receive benefits. A permanent dwelling or fixed mailing address is not required. In addition, residence does not mean an intent to reside permanently in the county and a durational requirement cannot be imposed on the household. However, persons in the county solely for vacations are not considered residents of that county.

1240-1-3-.03

Reserved

1240-1-3-.04 Termination of Residence

When a Food Stamp recipient leaves a county for any place in the United States other than Tennessee and requests a case transfer, the case must be closed.

Food Stamp recipients may transfer from county to county within the state and remain eligible for benefits without interruption. See Section 1240-1-19-.10 in Volume II of the Food Stamp Manual, for instructions on transferring a case from county to county.

1240-1-3-.05 Reporting Addresses

The ACCENT screen (AEICI) shows spaces for both a physical address and a mailing address. If the two are different, the representative of the county should request that both addresses be given and be recorded on the AEICI screen. A mailing address only, such as post office box, general delivery, or a rural route, is not sufficient as it does not indicate that the household resides in the county. If the household is homeless or residing in a migrant camp, document on the running record (CLRC) about these circumstances. If the address is a rural route, obtain information to identify the exact location of the home on CLRC screen.

1240-1-3-.06 Verification

The county representative will verify residence prior to certification, except in unusual cases where verification of residency cannot reasonably be accomplished. For example, migrant farmworker households, homeless households or households newly arrived in a county may not be able to verify their residency prior to certification. In these cases, the household's statement that it resides in the county may be the only verification available. Do not deny benefits to these individuals if they are unable to provide verification of residence.

Verification of residency should be accomplished, to the extent possible, in conjunction with the verification of other information (such as, but not limited to, rent and mortgage payments, utility expenses, and identity). If verification cannot be accomplished in conjunction with the verification of other information, the county representative will use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility normally should suffice to verify residency as well. Any documents or collateral contacts which reasonably establish the applicant's residency must be accepted, and no requirement for a specific type of verification may be imposed. No durational residency requirement will be established.

When evidence is necessary to establish residence, documents with the household's address are the primary source of verification, although collateral contacts and/or home visits may be used if documentary evidence cannot be obtained. The individual may supply the verification in the form of documentation, such as a driver's license, rent receipt, utility or other recently received bill, voter registration card, or similar means. Do not limit verification to a single document and assist the household in obtaining verification if assistance is needed.

(1) Duplicate Addresses

In addition to valid addresses, the county should be alert to duplicate addresses. While it is possible for more than one household to occupy a given residence, duplicate addresses may constitute a questionable circumstance and may require verification.

(2) Home Visits

Home visits may be used as verification of residency only if documentary evidence cannot be obtained and the visit is scheduled in advance with the Food Stamp household.

(3) Collateral Contacts

A collateral contact is a verbal and/or written confirmation of a household's circumstances by a person outside of the household who is in a position to know the facts. The collateral contact may be made either in person, over the telephone, or by correspondence. The acceptability of a collateral contact will not be restricted to a particular individual, but may be anyone who can be expected to provide an accurate third party verification of the household's statement.

(4) Discrepancies

When information from another source contradicts statements made by the household, the household will be afforded a reasonable opportunity to resolve the discrepancy prior to an eligibility determination. If discrepancies cannot be resolved in a reasonable period of time, benefits will be denied/terminated.

CITIZENSHIP AND ALIEN STATUS REQUIREMENT 1240-1-3-.08

This section speaks to Department of Human Services requirements in the Food Stamp Program regarding an individual's status as a U.S. citizen or an alien lawfully admitted to the United States.

1240-1-3-.08 ELIGIBILITY REQUIREMENTS

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) made significant changes in eligibility requirements for legally admitted aliens in the Food Stamp Program. The eligibility requirements for Food Stamps for aliens are located in Section 1240-1-3-.12-(1).

Each household member's U.S. citizenship or alien status must be acknowledged at the time of application and at each recertification. This is done by signing the application form, HS-0169. The application form has a line for each individual's status to be marked. The individual who completes the application form affirms that all persons applying for or receiving assistance are United States citizens or aliens in satisfactory immigration status.

1240-1-3-.09 VERIFICATION OF UNITED STATES CITIZENSHIP

An applicant's statement that he and members of the household are U.S. citizens will be verified only when the statement is inconsistent with other information on the application, on previous applications, or on other documented information known to the county representative.

Example: Verification will be required when a household member presents an apparently counterfeit Social Security card, or an employment office report stated that an individual was denied a job due to lack of U.S. citizenship, or an individual claimed citizenship but was born abroad.

1240-1-3-.10 METHOD OF VERIFICATION OF UNITED STATES CITIZENSHIP

When an applicant's statement that one or more of the household members are U.S. citizens is questionable, the county representative will ask the person to provide acceptable verification of citizenship. Acceptable forms of verification include birth certificates, religious records, voter registration cards, certificates of citizenship or naturalization provided by BCIS, such as Identification Cards for use of Resident Citizens in the United States, or United States passports.

1240-1-3-.11 PROMPTNESS OF CASE ACTION -- QUESTIONABLE CITIZENSHIP

When there is a question as to whether a member of a household is a United States citizen, take prompt action on the Food Stamp application as follows:

(1) Treat the member whose citizenship is questionable as an ineligible household member until citizenship is verified;

(2) While awaiting citizenship verification, treat the ineligible member's income (minus his or her prorated share) as being available to the remaining household members;

(3) Treat all of the ineligible member's resources as being available to the remaining household members; and

(4) Treat the ineligible member as an excluded household member (as defined in 1240-1-2-.02(4)-(b)) until citizenship is verified.

1240-1-3-.12 ELIGIBLE ALIENS

General Requirements

In addition to United States citizens, aliens who meet certain criteria are eligible to receive Food Stamp benefits.

Prior to approval/certification, determine the alien status of each individual in the household listed on the application as an alien. BCIS documents presented or secured by the applicant/recipient are the primary source for verifying alien status. The Systematic Alien Verification for Entitlements (SAVE) system will be used whenever possible to validate the alien's documents and status.

(1) Description of Eligible Aliens

(a) Citizens and eligible aliens – The Department shall allow participation in the program by any person who is a resident of the United States and one of the following:

1. A United States citizen

2. a naturalized citizen;

3. a United States non-citizen national;

4. an otherwise eligible Indian who:

(i) is an American Indian born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act (8 U.S.C. 1359) apply [This section gives certain Indians the right to move freely across the U.S. and Canadian borders, and exempts them from any immigration restrictions.]; or

(ii) is a member of an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)). [This section applies to any Indian tribe, band, nation, or other recognized group or community which is recognized by the Bureau of Indian Affairs (BIA). This includes Indians who move freely across the borders between the U.S. and Canada and the U.S. and Mexico.]

NOTE: If any Indians claim eligibility for food stamps, determine if the tribe, band, etc., is one recognized by the BIA.

5. certain otherwise eligible Hmong or Highland Laotians as described below:

(i) an individual who is lawfully residing in the United States; and was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to the United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in section 101 of the title 38, United States Code);

(ii) the spouse, or an unmarried dependent child, of such an individual; or

(iii) the unremarried surviving spouse of such an individual who is deceased.

(b) Determination of Qualified Alien Status – A determination that an applicant is a qualified alien is the first step in determining if the individual is food stamp eligible. A qualified alien meets one of the following criteria as determined by BCIS:

1. Lawfully admitted for permanent residence (LPR) in the United States. This category also includes "Amerasian immigrants" as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988.

2. A refugee admitted to the United States under section 207 of the Immigration and Nationality Act (an alien who meets this condition, who is otherwise eligible, may receive benefits from the date of entry);

3. An alien granted asylum under section 208 of the Immigration and Nationality Act (an alien who meets this condition, who is otherwise eligible, may receive benefits from the date of entry);

4. An alien whose deportation is being withheld under section 243(h) or section 241(b)(3) of the Immigration and Nationality Act (an alien who meets this condition, who is otherwise eligible, may receive benefits from the date of entry);

5. An alien granted status as a Cuban or Haitian entrant [as defined in section 501(e) of the Refugee Education Assistance Act of 1980] (an alien who meets this condition, who is otherwise eligible, may receive benefits from the date of entry); or

6. An alien admitted as an Amerasian immigrant under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (an alien who meets this condition, who is otherwise eligible, may receive benefits from the date of entry).

NOTE: Individuals initially admitted on the basis of items 2 – 6 above continue to be eligible for food stamp benefits during the first seven years they are admitted or granted the applicable status, if otherwise eligible. This is true regardless of any later adjustment to another status which leaves the alien without a qualifying condition under which to be eligible for food stamps. An example of this is an immigrant initially granted asylum in January 2002 whose status is adjusted by the BCIS to lawfully admitted for permanent residency (LPR) in January 2003. As an LPR, this immigrant does not meet a criteria to qualify for food stamps; however, he still remains food stamp eligible as an asylee for seven years or until he meets a qualifying condition which

makes him eligible for an unlimited period. Any time the qualified alien meets a condition specified under Qualified Aliens – Unlimited Eligibility Period, the seven-year limit is no longer applicable.

7. Iraqis and family members granted special immigrant status through the Consolidated Appropriations Act of 2008 that was signed into law on December 26, 2007 are eligible like other refugees. The effective date of eligibility is based on the date the special immigrant status is granted not when the household applied. Iraqi eligibility is time limited to eight months. Benefits can not be granted prior to December 26, 2007. (Iraqi granted special immigrant status on September 10, 2007. The eight months of eligibility ends April 30, 2008. The household applied for Food Stamps on December 17, 2007. The certification period would be December 26, 2007 through April 30, 2008.) This provision is good through September 30, 2012.

8. Afghanis and family members granted special immigrant status through the Consolidated Appropriations Act of 2008 that was signed into law on December 26, 2007 are eligible like other refugees. The effective date of eligibility is based on the date the special immigrant status is granted not when the household applied. Afghani eligibility is time limited to six months. Benefits can not be granted prior to December 26, 2007. (Afghani granted special immigrant status on February 26, 2008. The six months of eligibility ends July 31, 2008. The household applied for Food Stamps on March 31, 2007. The certification period would be March 31, 2008 through July 31, 2008.) This provision is only good through September 30, 2008.

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(c) Qualified Aliens – Unlimited Eligibility Period

Qualified aliens are eligible to receive benefits for an unlimited period of time provided they meet one of the following conditions:

1. an individual who has lived in the United States as a qualified alien for five years from the date of entry (effective April 1, 2003);

2. a blind or disabled (as defined by the Food Stamp Act) individual who is receiving benefits or assistance for their condition regardless of when the individual entered the United States;

3. children under 18 years of age regardless of when the child entered the United States (effective October 1, 2003);

4. an otherwise elderly individual (born no later than August 22, 1931) who was lawfully residing in the United States on August 22, 1996;

5. an alien who has worked 40 quarters of covered employment under Title II of the Social Security Act, or can be credited with such qualifying quarters. The alien may use the quarters of a spouse. A child may use the parents' quarters before the date the child turns age 18. This means the parents' quarters could be worked prior to the child's birth. If the spouse is divorced, these quarters cannot count to the other spouse. The quarters that a spouse has prior to the actual marriage do not count toward the other spouse. A child's quarters may not count toward a parent.

   Note: Beginning January 1, 1997, any quarter in which an alien received any Federal means-tested public benefit such as SSI, cash assistance under Title IV-A of the Social Security Act (AFDC, Families First), Food Stamps, and Medicaid, is not counted as a qualifying quarter.

6. is a veteran of the United States Armed Forces, who has been honorably discharged for reasons other than alienage:

   (i) The veteran must have met the minimum active-duty service requirements of section 5303A(d) of title 38, United States Code which is 24 months or the period for which the person was called to active duty.

   (ii) Military personnel who die during active duty service are veterans.

   (iii) Filipinos described in title 107, 38 U.S.C. who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts following the war.

7. is an active duty member of the United States Armed Forces (other than active duty for training);

8. is the spouse or unmarried dependent of an individual described in items 6. and 7. above. (The spouse is eligible if he/she fulfills the requirements of section 1304 of title 38, U.S.C., unless the spouse gets remarried.)

   (i) The marriage lasted for at least one year.

   (ii) Was married before the end of a 15-year time span following the end of the period of military service during which an injury or disease was incurred or aggravated.

   (iii) Was married for any period if a child was born of the marriage or was born before the marriage.

(d) Victims of a Severe Form of Trafficking

Victims of trafficking who are certified by the U.S. Department of Health and Human Services are eligible for food stamps to the same extent as refugees. Trafficking Victims Protection Act defines the severe forms of trafficking in persons as:

- sex trafficking which is induced by force, fraud or coercion or the person has not reached 18; or
- recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

The Office of Refugee Resettlement (ORR) in the U.S. Department of Health and Human Services has sole responsibility for determining whether an individual is a trafficking victim. The ORR will issue adult victims a certified letter. Children under 18 do not have to have a certified letter but will be issued a letter by ORR. The letters have an expiration date and eligibility should be reviewed at that time. Letters can be re-authorized for victims.

Victims of trafficking do not need to hold a certain immigration status to receive food stamps but must have certified letters or letters for minors by the ORR. Before victims can receive benefits, the caseworker must call the toll-free trafficking victim verification line to verify the validity of ORR-issued letters and also to inform ORR of the benefits for which a victim has applied. The trafficking victims' verification toll-free number is 1-866-401-5510.

Bulletin No. 35 (FA-07-16)

(e) Battered Immigrants - Qualified alien status can be granted to immigrants who have been subjected to battery or extreme cruelty in the United States by a family member with whom they reside. The status also extends to an immigrant whose child has been abused or to an immigrant child whose parent has been abused. This group is also exempt from deeming requirements for a 12-month period (See the Sponsor Section.).

In general, these are abused immigrants who are (or were) married to LPRs or U.S. citizens, or whose parents are LPRs or citizens. The following 4 conditions must exist:

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

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

   - The immigrant has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the immigrant, or by a member of the spouse's or parent's family residing in the same household.

- The immigrant's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the alien or by a member of the spouse's or parent's family residing in the same household.
- The parent of an immigrant child has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse or by a member of the spouse's or parent's family residing in the same household.

3. There is a substantial connection between the battery or extreme cruelty and the need for food stamps. (Includes, but is not limited to, situations where benefits will help the immigrant become self-sufficient, enable escape from the abuser, or ensure safety.)

4. The battered immigrant child or parent no longer resides in the same household as the abuser.

These conditions only establish that the battered immigrant is a qualified alien. A qualified alien must meet the other conditions [see 1240-1-3-.12(1)(c) above] for eligibility such as five-year residency or be an LPR with 40 quarters.

(2) Eligibility of Sponsored Aliens are treated as follows:

(a) New Affidavit Signed by Sponsor

Applications for immigrant visas or for an adjustment of status filed on or after December 19, 1997 will be required to have a new affidavit of support (Form I-864) signed by the sponsor. The only exception is for those that enter under the classification for battered spouses and their children, and widows/widowers. If the applicant had the official interview before this date, the immigrant is not required to have the new affidavit.

In determining eligibility and amount of benefits of an alien for any Federal means-tested public benefits program, the income and resources of the sponsor and the sponsor's spouse must now be considered if the sponsor has signed a new affidavit of support. This includes:

1. All income and resources of any person who completed a new affidavit of support on behalf of the alien.

2. The income and resources of the sponsor shall be considered at application or recertification until the alien becomes a naturalized citizen or has worked 40 qualifying quarters of coverage.

(b) Old Affidavit Signed by Sponsor

If the old affidavit is being used and signed by a sponsor, the treatment of the sponsor's income and resources would be handled as outlined below. The income and resources of the sponsor and his/her spouse will be considered for a period of three years after the alien's entry into the United States, unless the sponsor dies or the household changes sponsors.

1. Income Determination

   Determine the gross earned and unearned income of the sponsor and the sponsor's spouse; apply the earned income deduction to any portion that is earned. Deduct the Food Stamp monthly gross income eligibility limit for household size which would include anyone that the sponsor could claim as a dependent for federal income tax purposes. The remaining amount is considered as unearned income to the alien.

   Do not count money paid to the sponsored alien, unless it exceeds the amount of deemed income. In that case, count the amount that exceeds the deemed income in addition to the deemed amount.

2. Resource Determination

   Determine the resource amounts of the sponsor and the sponsor's spouse; subtract $1500 from the countable amount. Add the remaining resource to the alien's countable resources.

(c) Exceptions to Counting Sponsor's Income and Resources - The sponsor's income and resources are not considered when:

1. An alien is sponsored by an organization or group;

2. An alien demonstrates that during a 12 month period in the United States, he/she has been battered or subjected to extreme cruelty by a spouse, parent or other household member. This also applies if the spouse, parent or child has been battered or subjected to extreme cruelty. The battering/cruelty must be recognized in an order of a judge or a prior determination by BCIS, and the person responsible for such battery or cruelty shall no longer reside in the same household; or

3. A sponsored alien has been determined indigent. This is defined as unable to obtain food and shelter, taking into account the alien's own income plus cash contributions from the sponsor and others, plus the value of in-kind contributions, the total of which does not exceed 130 percent of the poverty income level for the household size. If the alien is determined indigent, the only amount that must be deemed to the alien's household will be the amount actually provided for a period beginning on the date of such determination and ending 12 months after. This can be renewable for additional 12 month periods. If the county encounters this situation, notify the state office and include the names of the sponsor and the sponsored alien involved.

4. The sponsor lives in the same food stamp household as the alien. Deeming does not apply because the sponsor's income and resources are already counted. There is no exemption if the sponsor receives food stamps in another household.

5. The sponsored alien is ineligible for food stamps because of immigration status. The sponsor's income is not deemed to other eligible members of the immigrant's household.

6. Sponsor to immigrant deeming is eliminated for children who are under 18 years of age, regardless of when they entered the United States. (Beginning October 1, 2003.)

1240-1-3-.13 INELIGIBLE ALIENS

All aliens other than those listed in 1240-1-3-.12 are ineligible for Food Stamps. They shall not be included in an assistance group.

The ineligible alien's income will be prorated evenly among the household and the ineligible alien's share would not be counted to the remaining household. The ineligible alien's resources shall be counted in full to the remaining household as shown in Section 1240-1-2-.02-(4)-(b) for Food Stamps.

If the caseworker is unable to verify immigration status, the alien is ineligible to receive benefits. If the alien declines or fails to present documentation of immigration status or the caseworker is unable to obtain verification of the alien's status, the alien should not be assumed to be an illegal alien. However, without appropriate documentation, we cannot determine eligibility for benefits.

Simply declining to provide documentation of immigration status is not a valid reason for referral to BCIS. An illegal alien would only be referred to BCIS when the alien presents documentation that he/she is an illegal alien (such as a formal order of deportation).

When the caseworker refers an illegal alien to BCIS, the referral must be in writing with a copy sent to State Office, Food Stamp Policy Section. In the referral, the caseworker must document the reason for the referral, along with the alien's name and address.

1240-1-3-.14 VERIFICATION OF ALIEN STATUS

Verification of alien status must be presented by the applicant prior to approval or recertification.
When the county office determines that a member of a household requesting Food Stamp benefits is in this country illegally, the Department will report that information to the Immigration and Naturalization Service. (See Section 1240-1-3-.13 for information on referral of illegal aliens to BCIS.)

If an alien is unable to provide a BCIS document that will verify alien status, the caseworker has no responsibility to contact BCIS on the alien's behalf. When a person indicates inability or unwillingness to provide documentation of alien status, that person should be classified as an ineligible alien. The caseworker's responsibility exists only when the alien has a BCIS document that does not clearly indicate eligible or ineligible status.

(1) Systematic Alien Verification For Entitlement (SAVE) System Procedures

Verify immigration status via the web-based SAVE System. The SAVE System is the process of verifying an alien's immigration status by validating the alien's USCIS documents through the United States Citizenship and Immigration Services.

(2) Documentary Evidence

Documentary evidence should be used whenever possible. The USCIS has several types of documents that an alien might have to verify his/her status. Some of these documents are:

(a) Form I-151 or I-551 -- Alien Registration or a Re-entry Permit;

(b) Form I-94 -- Arrival/Departure Record. This record should be annotated with the specific term such as refugee, asylum or paroled;

(c) Passport booklets sometimes are stamped with the annotation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence";

(d) Form I-688 -- Temporary Resident Card means that amnesty has been approved for temporary residence. This would probably show section 210;

Forms I-688A (Employment Authorization Card) and I-689 show that an alien has applied for admission. They are not acceptable documents. Also I-181B is not acceptable.

(e) Form G-641 -- Application for Verification of Information from United States Citizenship and Immigration Services. This form may be used when properly annotated at the bottom by a USCIS representative that the alien was admitted lawfully for permanent residence or paroled for humanitarian reasons.

(f) A court order stating that documentation has been withheld pursuant to Section 243(h) of the Immigration and Nationality Act.

(g) A U.S. Passport Card issued by the Department of Homeland Security, which is an alternative to a traditional passport book. The Passport Card is acceptable documentation for citizenship and identity of the bearer.

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The alien may contact USCIS or otherwise obtain the necessary verification. If the household does not wish to contact USCIS, give the household the option of withdrawing the application or participating without the ineligible alien(s).

(3) Written Correspondence to United States Citizenship and Immigration Services (USCIS)

Form G-845S is used to contact the BICS office when doing so in writing. This should be done when the county is unable to contact them through SAVE, the alien is in a category that is not recorded in the SAVE file, documentation is questionable, a discrepancy exists, or the alien's documented status cannot be validated any other way.

(a) Complete Form G-845S for each applicant who is not a U.S. citizen.

(b) Copy the verification used to establish satisfactory immigration status.

(c) Attach a copy of the verification to the form by stapling in the upper left-hand corner using only one staple.

(d) Submit the verification and form to USCIS at the address below:

U.S. Citizenship and Immigration Services (USCIS)
470-490 L`Enfant Plaza East, SW
Suite 8001
Washington, D.C. 20024
Attn: Immigration Status Verification Unit

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(e) Review returned form and information to ensure that the correct status exists for eligibility and take the appropriate action.

(4) Information on Homeland Security

The United States Citizenship and Immigration Services has a website at www.uscis.gov and their national toll free number is 1-800-375-5283.

Forms such as the SAVE form and instructions may be found on the website at www.uscis.gov/portal/site/uscis. Click on the Immigration Forms subtitle which will give you a list of all INS forms.

The office in Memphis should be contacted for all other matters.

Department of Homeland Security
USCIS
Attention: Immigration Status Verifier
842 Virginia Run Cove
Memphis, TN 38122

Phone: (901) 333-1502 (not a public number)

ENUMERATION

1240-1-3-.15 SOCIAL SECURITY ENUMERATION REQUIREMENTS

The purpose of this chapter is to set forth the policies and procedures relating to the eligibility requirements of furnishing to the Department a Social Security account number. This requirement is mandatory for the Food Stamp Program.

Enumeration is the procedure by which the Social Security Administration (SSA), in cooperation with the Department, assigns and/or verifies Social Security numbers (SSN) for Food Stamp applicants/recipients. The SSN will be used by this Department only in administration of the Cash Assistance/Food Stamp Program.

(1) Enumeration is looked at:

(a) As a condition of eligibility to receive Food Stamps, each applicant/recipient included in the household must:

1. furnish to the Department a Social Security account number (SSN) or numbers if more than one has been issued, or

2. if an individual's account number is unknown or one has not been issued to him/her, apply for an SSN prior to approval/certification.

This eligibility requirement applies to each Food Stamp household member. A person who does not furnish or apply for a Social Security number is not eligible to receive Food Stamps. However, if an individual does furnish or apply for an SSN, (s)he shall be eligible for Food Stamps.

(b) Informing Requirement

1. Federal law and regulations require that each applicant and/or recipient be advised of the regulation requiring that (s)he furnish a Social Security number to this Department and how the number is to be used. In addition to the verbal explanation by a representative of the county office at the time of application or review of circumstances, each individual will be given the pamphlet regarding the Privacy Act. One pamphlet is to be provided per household.

The verbal explanation to be given the household member is to include the following information:

(i) This is a Federal law and regulation.

(ii) The furnishing of Social Security numbers is a condition of eligibility. Failure to furnish or apply for a Social Security number within the prescribed time limits will cause the individual to be ineligible for assistance.

(iii) The Social Security number will be used in the administration of the Food Stamp Program. At this time, the Social Security number will be used as a means of identification in securing information essential to the determination of eligibility.

2. If, after the explanation is given, individual(s) who are required to furnish or apply for a Social Security number and refuse to do so, shall be ineligible to participate in the Food Stamp Program.

(2) Mandatory Verification - Social Security numbers shall be verified. Matching a reported Social Security number with information supplied by the Social Security Administration (SSA) such as BENDEX or SDX computer tapes or printouts is an acceptable method of verifying a SSN.

(3) Enumeration Procedures are listed below.

(a) Complete an Application for Social Security Number (SS-5) and carbon copy through Section 14.

Note: Under this procedure, the SSA will complete the section reserved for their use except for the NPN section. The DHS representative is responsible for annotating the individual's identification number in the NPN section. All SS-5's transmitted to the SSA must contain the individual's identification number.

(b) Review the SS-5 with the individual for correctness.

(c) Place the individual's SS-5 and evidence of identity, age, and citizenship or alien status in a secure envelope with the person's name and address written on it. A separate envelope is required for each SS-5 and evidence.

Note: Only the original documents, not photocopies, are acceptable. Refer to the Enumeration Manual for types of acceptable evidence.

(d) Complete an Enumeration Transmittal Sheet and copy for each SS-5.

(e) File the carbon copy of the SS-5, copies of evidence, and the Enumeration Transmittal Sheet and document on AEIIA.

(f) Staple the envelope containing the SS-5 and the original documents to the Enumeration Transmittal Sheet and route them through the county's designated central control point.

(g) Record each Enumeration Transmittal Sheet with identifying information on a central control log. The log will serve as the county's record of SS-5's submitted and certified by the SSA. Each county is responsible for developing its own log.

(h) Transmit all SS-5's and evidence daily via the Enumeration Transmittal Sheet to the SSA District Office which serves the county.

(4) Enumeration Requirements are below.

(a) Individual with a Social Security Card

When the individual's Social Security card is viewed by the representative and there is evidence of the individual's identity, the Social Security number on the individual's card will be considered a verified Social Security number and will be entered on the AEIID screen along with the type of verification. Observing the Food Stamp household's Social Security card or any official document from the Social Security Administration containing the SSN shall be sufficient for Food Stamp purposes.

Once a Social Security number has been verified, it shall be reverified if the identity of the individual or the SSN becomes questionable. No further action is required.

(b) Individuals with Unverified Social Security Numbers

Every effort should be made to verify all Social Security numbers. If the individual's Social Security number is unverified, the caseworker should use the State On-line Query System (SOLQ). The system gives the caseworker access to Social Security numbers and possible verification of the individual's number. If SOLQ is unable to verify, additional contact with Social Security would be needed. The individual would continue eligible for benefits until Social Security completes a review to verify the number.

(c) Individuals Without Social Security Numbers

The enumeration requirement for Food Stamps is met when the SS-5 is signed and the verifying documents have been provided. Households who have met this requirement may be certified before the Enumeration Transmittal Sheet is received from the SSA.

(d) Individual's Who Request To Apply at the Social Security Office

The representative should encourage the individual to complete the enumeration process at the county office. For those unwilling to complete the enumeration process at the county office (i.e., will not or cannot leave original documents), application for a Social Security number may be made at the Social Security office with DHS assisting the individual using the following procedure.

1. Complete an SS-5 through section 14.

   Note: The individual's identification number must be annotated in the NPN section.

2. Complete an Enumeration Transmittal Sheet and copy for each SS-5 and staple the original Transmittal Sheet to the back of the SS-5.

3. Inform the individual of what evidence is required to complete the enumeration process.

4. File the copy of the Transmittal Sheet in a central file and document in running record (CLRC).

5. Instruct the individual to carry or mail the SS-5, Transmittal Sheet, and the original evidence to the SSA office for certification.

If the enumeration documents are acceptable to the SSA, they will complete Part III of the Transmittal Sheet and return it to the appropriate county office. The completed Transmittal Sheet will be accepted as proof that the individual applied for a Social Security number at the Social Security Office and that the enumeration requirement has been met. It also eliminates the need to use Form SSA-5028, Receipt for Application for a Social Security Number.

Note: In the event that the individual applies for a Social Security number prior to applying for Food Stamps and provides the SSA-5028, this receipt may be accepted as proof that the enumeration requirement has been met.

Social Security will not complete Part III of the Transmittal Sheet and return it to DHS until they have certified the individual's enumeration documents. If Social Security determines the SS-5 or the evidence is unacceptable, they will return all enumeration documents and the Transmittal Sheet to the individual with an explanation regarding what additional information is required for certification.

The enumeration process cannot be completed until the individual obtains the necessary information and returns the SS-5, evidence and Transmittal Sheet to the Social Security for certification. The enumeration requirement is not met until DHS receives the completed Transmittal Sheet when the individual chooses to apply at the Social Security Office.

(5) Good Cause For Failure to Comply - The Food Stamp regulations state that a household member who cannot comply with the enumeration requirement within the application processing timeframe may participate in the Food Stamp Program as long as he/she can show good cause for the non-compliance. Good cause must be shown monthly for a household member to continue to participate.

Good cause exists when a household member provides proof (either documentary or collateral) that he/she has made every effort to supply SSA or DHS with the information necessary to complete an application for a Social Security number. Good cause does not include delays due to illness, lack of transportation or temporary absences.

(6) Failure to Obtain a Social Security Number - If a household member who has applied for an SSN has not received it by the end of the certification period, the worker shall complete another Form SS-5 at recertification. The household member without the SSN will be recertified, and may continue to participate in the Program as long as all other eligibility requirements are satisfied.

(7) Refusal to Provide or Apply for a Social Security Number - If the household member(s) refuses to apply for the SSN at the county office, the individual(s) shall be disqualified until the SSN is provided, or until he or she applies for one at the county office. During the disqualification period, the affected member(s) shall be excluded from the household and his/her income and resources, shall be treated in accordance with Section 1240-1-2-.02(4)(b)1. Exclusion applies only to the individual who is disqualified because he or she refuses to provide/apply for the SSN at the county office, and not to the entire household.

(8) Social Security Number Cannot be Verified by Social Security - When the caseworker is unable to verify the individual's SSN through State On-line Query (SOLQ) or contacting the Social Security office, the household must be contacted within 10 days by the DHS caseworker. The individual must be notified in writing of the information received from Social Security and asked to report within 10 days. If the household fails to respond within 10 days by providing information that resolves the discrepancy or provides verification that the household has contacted SSA to resolve the problem, the caseworker will send a notice of adverse action to disqualify the individual whose SSN could not be verified.

If the household received an overissuance due to an incorrect SSN for a household member, a claim would need to be established and would go back to the date this person started receiving benefits. If the household intentionally gave incorrect information, the case would be referred for an administrative disqualification hearing.

(9) Recording and Documentation - The ACCENT case should reflect in the running record that the enumeration requirement was discussed. The running record (CLRC) should also indicate the method of verification such as SOLQ or contact with the Social Security. The appropriate screen would need to reflect that each individual has either furnished or applied for a SSN and the date on which that occurred.

AGE AND SCHOOL ATTENDANCE

1240-1-3-.16 AGE REQUIREMENTS

(1) There is no requirement regarding age for Food Stamp eligibility purposes.

(2) There are other eligibility requirements in which age is a related factor. See Manual sections on Resources, Work Registration, Household Concept and Income.

(3) At any time that a factor of eligibility is questionable, verification of the applicant's/recipient's statement is to be requested. Guides for acceptable age verification for Food Stamp purposes are:

(a) Birth certificates or birth certificate information (This should be available on every child born in Tennessee after 1914.);

(b) Delayed birth certificate;

(c) Hospital birth records or records of the physician or mid-wife in attendance at the person's birth;

(d) Baptismal certificate;

(e) School records which show the person's age or date of birth;

(f) Insurance policies which show the person's age or date of birth;

(g) Census Bureau Records; or

(h) Unaltered family Bible records.

1240-1-3-.17

Reserved

1240-1-3-.18 SCHOOL ATTENDANCE

(1) There is no eligibility requirement regarding school attendance for Food Stamp purposes.

(2) There is a requirement that in order to be considered a student a person must attend school at least half-time and that such students between the ages of 18 and 50 must meet the criteria in Section 1240-1-2-.02 and the Student Supplemental Section of the Manual.

(3) A child's earnings may be disregarded if the child is under age 18, is at least a half-time student, and meets the other criteria as outlined in Section 1240-1-4-.15.

1240-1-3-.19

Reserved

WORK REQUIREMENTS

1240-1-3-.43 WORK REGISTRATION

Each household member who is not otherwise exempt as described in Section 1240-1-3-.43-(2)(a) must register for employment prior to certification and once a year thereafter. Persons losing their exemption due to a change that is required to be reported by the household (i.e., loss of income, parent's dependent child leaves home, loss of unemployment compensation) must register for work as a condition of continued eligibility.

(1) Work Registration Requirement

The caseworker must take the following steps to complete the work registration process for mandatory registrants.

(a) Explain to the household:

- the statement on application concerning Employment & Training;
- the work requirements;
- the rights and responsibilities of the registrants; and
- the consequences of failure to comply.

(b) The work program (AEIWP) screen in ACCENT must be documented to reflect:

- review date for Food Stamp E&T Program;
- work registration date for the individual along with the type of verification; and
- deregistration information when the individual who is no longer in the case became employed, sanctioned, ineligible, or exempt.

(2) Exemptions From Work Registration

Exempt individuals from work registration as follows:

(a) Federal Exemptions

1. Exempt person younger than age 16 or age 60 or older.

   NOTE: If a child becomes age 16 within the certification period, he/she will fulfill the work registration requirements at recertification, unless the child qualifies for another exemption.

2. Age 16 or 17

   Exempt a person age 16 or 17 from work registration when the individual:

   - is not the head of the household; or
   - is attending school; or

- is enrolled in an employment training program on at least a half-time basis.

3. Physically or Mentally Unfit for Employment

   Exempt individuals who are either physically or mentally unfit for employment.

   Verification of Unfitness

   Verify the unfitness if it is not obvious or observable.

   Acceptable verification includes, but is not limited to:

   - receipt of temporary or permanent disability benefits issued by governmental or private sources (i.e., SSI, SSA disability payments, workmen's compensation, etc.);
   - a statement from a physician or a licensed or certified psychologist which indicates the length of disability; or
   - approval for vocational rehabilitation services.

4. Families First Work Registrant

   If the recipient is mandatory for Families First E&T participation and is compliant, he/she will be exempt from work registration.

5. Caretaker

   Exempt a parent or other household member who is responsible for the care of a dependent child under age 6 or for the care of an incapacitated person.

   If the child becomes age 6 during the certification period, the household member must register at recertification, unless the individual qualifies for another exemption.

   NOTE: If a parent and another household member claim to be responsible for the care of the same dependent child or incapacitated person, discuss the responsibility with the applicant to determine who is actually responsible for providing the care. Only one person may claim the caretaker exemption for a dependent. If more than one dependent person is cared for, then more than one person may be responsible.

6. Applicants For Or Recipients Of Unemployment Compensation

   Exempt a person who receives unemployment compensation. Also exempt persons who have applied for unemployment compensation if they were required to register for work with the local ES office as part of the unemployment compensation application process. Verify the exemption with the appropriate ES office, if questionable.

   Verification - The individual's notice of approval for unemployment compensation benefits or the Tennessee Clearinghouse System or DEUC screen on ACCENT may be used to verify the receipt of benefits.

7. Addicts and Alcoholics

   Exempt regular participants in drug addiction or alcoholic treatment and rehabilitation programs either on a resident or non-resident basis.

   Verification - The regular participation of an addict or alcoholic in a treatment and rehabilitation program may be verified through the organization or institution operating the program.

8. Employed and Self-Employed

   Exempt the following employed/self-employed individuals:

   (i) persons who are employed or self-employed and work a minimum of thirty (30) hours weekly;

   (ii) persons who are employed/self-employed and receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours;

   NOTE: The training wage shall be substituted for the minimum wage for persons receiving the training wage mandated by the Fair Labor Standards Act of 1989. (Limited to 90 day period and under age 20.)

   (iii) persons who have fluctuating work hours but work an average of thirty (30) hours per week or receive average weekly earnings at least equal to the federal minimum wage multiplied by 30 hours;

   NOTE: The average should be based on the information used to compute the budget income.

   (iv) migrant and seasonal farm workers, if they are under contract or similar agreement with an employer or crew chief to begin employment within 30 days.

   NOTE: There are some conditions that could prevent migrants with secured employment from starting work. Examples of these are inclement weather, delays in crops, etc. Such conditions do not affect the person's exemption from work registration.

   Verification Of Employment - When the employment status is questionable, the amount of income received from employment may be used to establish the work registration exemption. The amount must be consistent with wages paid for a 30-hour workweek, based on the general conditions prevailing in the community.

   Verification Of Self-Employment - When income does not conclusively reflect full-time (30 hours a week) employment, and the applicant still claims to be self-employed, establish the following:

- that the income received from the self-employment enterprise is at least sufficient to be consistent with wages for a 30-hour work week, based on the general conditions prevailing in the community; and
- that the volume of work claimed justifies a determination that the self-employment enterprise is a full-time job for the purposes of this exemption.

The household must cooperate in providing adequate documentation to substantiate the claim that someone is self-employed.

9. Students

Eligible students enrolled at least half-time in any recognized school (including high school), training program, or institution or higher education are exempt from work registration.

These students will remain exempt during normal periods of class attendance, recesses and vacations, provided that they intend to return to school when the recess or vacation is over.

If the student graduates, is suspended, expelled, drops out, or does not intend to register for the next normal school term (excluding summer), he/she no longer qualifies for this exemption.

(b) State Exemptions or Barriers to Work Requirements

When a state exemption is used, the caseworker must document in the running record why this particular exemption was used and, if necessary, how verified. These exemptions do not apply to work registration, ABAWDs, or voluntary quit.

1. Temporary illness or injury – an illness or injury of the individual that is temporary in nature and is obvious or verified;

2. Temporary disabled – disability is temporary in nature and is obvious or verified;

3. Temporary emergency – may be a family emergency, such as illness or disaster, or an emergency related to the job;

4. On call-back to job – such as a temporary layoff or plant shutdown for vacation;

5. No access to transportation – the individual does not have a reliable vehicle and there is no public transportation available; or

6. Non-funded E&T county or has other approved exemption by DHS

(3) Caseworker's Responsibilities

(a) At application, recertification, and when an individual is registered for work during the certification period, the caseworker will explain the work requirements, including the household's rights and responsibilities and the consequences of failure to comply.

(b) The individual will be appropriately coded on the work program screen (AEIWP).

(c) The caseworker will complete a referral to the Department of Labor and Workforce Development (DOLWD) for the voluntary and mandatory participant once every twelve months.

(d) Appropriate action and documentation will be completed upon receipt of information from DOLWD regarding the participant.

(e) The caseworker must deregister an individual from work registration when:
- was registered but later the application was actually denied;
- has a work program sanction or fails to comply with a work program requirement;
- obtains a job;
- leaves assistance; or
- becomes exempt.

(4) Work Registrant's Responsibilities

Mandatory work registrants must:

(a) participate in an employment and training program if assigned by the department;

(b) respond to a request for supplemental information regarding employment status or availability for work;

(c) report to an employer to whom referred by the Department of Employment Security as long as the potential employment meets the suitability requirements described in 1240-1-3-.43-(5) below; and

(d) accept a bona fide offer of employment unless the employment is unsuitable as described in 1240-1-3-.43-(5) below.

(5) Unsuitable Employment

Any employment will be considered unsuitable if:

(a) the wage offered is less than the applicable federal minimum wage (or 80% of the federal minimum wage, if the federal minimum wage is not applicable);

NOTE: The training wage shall be substituted for the minimum wage for persons under age 20 receiving the training wage mandated by the Fair Labor Standards Act of 1989. (Limited to 90-day period.)

(b) the employment offered is on a piece-rate basis, and the average hourly yield the employee reasonably can expect to earn is less than the applicable hourly wages specified under (a) above;

(c) the household member is required to join, resign from, or refrain from joining any legitimate labor organization;

(d) the work offered is at a site subject to a strike or lockout at the time of the offer, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under Section 10 of the Railway Labor Act;

(e) the risk to health and safety is unreasonable;

(f) the household member is physically or mentally unfit to perform the employment. Document the medical evidence or reliable information from other sources;

(g) the employment offered within the first 30 days of registration is not in the registrant's major field of experience. Offers after 30 days must be accepted;

(h) the distance from the registrant's home to the place of employment is unreasonable, such as:

1. daily commuting exceeds two hours per day, not including the transportation of a child to and from a child care facility;
2. public and private transportation is unavailable and the distance to the place of employment is too far to walk; or
3. the cost of transportation to the job site is excessive based on the expected wage.

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

(j)other good reasons that justify a conclusion that employment is unsuitable.

The determination of unsuitable employment will be based on the above listed criteria and any additional criteria established in the Food Stamp Employment & Training Program.

(6) Deregistration

The caseworker must be sure to deregister an individual from being a work registrant when appropriate. This will ensure that the correct number of active work registrants are counted. The individual would need to be deregistered when the person:

(a) was registered but later the application was actually denied;

(b) has a work program sanction or fails to comply with a work program requirement:

(c) obtains a job;

(d) leaves assistance; or

(e) becomes exempt.

(7) Employment and Training Components (E&T)

Each work registrant will be reviewed according to the criteria in the Food Stamp Manual. Mandatory work registrants and volunteers may be assigned or exempted from work components based on these criteria.

Voluntary participants are no longer subject to the 120 hours a month participation limit or the requirement that the number of hours not exceed the household's food stamp benefit divided by minimum wage. This limit has primarily affected households working 30 or more hours per week and households with very small benefit amounts.

Bulletin 39 (FA-08-29) (10/1/08)

Sanctions for non-compliance with the Food Stamp E&T components apply only to mandatory participants, as described in 1240-1-3-.45. Persons who volunteer for these components will not be disqualified for non-compliance.

The E&T Program has seven components that will be offered to participants in the funded counties. All counties will not have the same components because the number of participants will vary due to county size.

Each work registrant will be reviewed according to the criteria outlined in this chapter. Mandatory work registrants and volunteers may be assigned or exempted from work components based on these criteria.

1240-1-3-.44 ABLE-BODIED ADULTS WITHOUT DEPENDENT CHILDREN

Adult Food Stamp household members without a dependent child must meet special eligibility requirements. ABAWD applicants and recipients will be given a thorough explanation of this requirement and the rules for eligibility associated with this requirement at each eligibility determination.

(1) Exemptions

In some instances the able-bodied adult will be exempt from the ABAWD work requirement. The exemptions for this group of individuals are:

(a) under age 18 or age 50 or above;
- under age 18 (The child does not have to be in school. The month the person turns 18 is not a countable month.); or
- age 50 or above (The month the person turns 50 is not a countable month.).

(b) unfit for employment or work programs;

- medically certified as physically or mentally unfit for employment or
- unfit based upon the eligibility worker's observations (can be physically or mentally unfit), a doctor's statement is not required and it does not have to be for a specific length of time. This should be documented in the running record.

(c) dependent child under 18 in the Food Stamp household;

All adults in the Food Stamp household are exempt from the ABAWD requirement if there is a child under 18 in household. The child does not have to be related to the adult being exempted.

(d) pregnancy; or

NOTE: Pregnancy in any month temporarily exempts the person from this work requirement.

(e) individual employed 80 hours per month,

(f) individual participating in a component through Labor for 80 hours per month or Workfare (hours based on allotment amount), or

(g) otherwise exempt from the Food Stamp work registration requirement (Federal Exemptions):

- person under 16 or over 59
- person physically or mentally unfit for employment
- member subject to & complying with a Families First work requirement
- responsible for care of a dependent child under 6 or an incapacitated person
- applied for or receiving unemployment compensation
- regular participant in a drug addiction or alcoholic treatment program
- employed (30 hours per week)

- student enrolled at least half-time in any recognized school, training program, or institution of higher education

(2) Who is an ABAWD

The work requirements apply to able-bodied adults who:

(a) are at least age 18 but not yet 50 years of age (once age 50, a person becomes exempt from ABAWD), and

(b) do not have dependent children, and

(c) are not otherwise exempt from work.

Note: ABAWDs residing in a Labor Surplus area (LSA) or a county with 10% unemployment rate are not subject to the time limits as the county is exempt from this requirement.

(3) Eligibility

An able-bodied adult with no dependents, who does not meet an ABAWD exemption, may be eligible to receive six months of Food Stamp benefits in a 36-month period. The thirty-six month period is a fixed period. Do not count a partial month of benefits received by the ABAWD as a countable month of eligibility. If the recipient is exempt for the month, the month is not considered as countable. It makes no difference when, within this timeframe, the six months of participation are used. The original six months of participation do not have to be consecutive.

If the caseworker is aware that the applicant/recipient received countable ABAWD months within the current thirty-six month period in another state, the months must be considered in the six-month count. Ensure that all exemptions [1240-1-3-.44-(1)] are considered and documented appropriately and that only months that do not meet an exemption criterion are shown as countable.

While these individuals are receiving benefits, the caseworker should provide any assistance that is reasonable to help the individual obtain at least a 20-hour per week job or an acceptable training activity before the end of the six months.

In order for the individual to continue eligible after receiving their first six months of eligibility, the recipient must participate in either:

(a) paid work at least 20 hours per week;

Note: If an individual would have worked an average of 20 hours per week but missed some work for good cause, the individual shall be considered to have met the work requirement if the absence from work is temporary and the individual retains his or her job.

(b) volunteer work or work for benefits in lieu of wages or a combination of the types of work for at least 20 hours per week;

(c) attend and comply with an employment and training program for 20 hours per week. This includes the Food Stamp E&T Program and other local or state programs such as training at a state Board of Regents Institution or college, Unemployment Benefit Program, or an Adult Basic Education class. This may also include:

- 20 hours per week in a WIA Program, or
- 20 hours per week in a Trade Adjustment Assistance Act Program.

(d) participate in a Workfare or unpaid work experience program through DOLWD (The number of hours is determined by dividing the household's monthly allotment by the Federal minimum wage to determine the number of hours for the household. The number of hours is divided between household members as the household sees fit, if there is more than one workfare participant.)

During the time that the individual is exempt from these work requirements, any period of participation in the Food Stamp Program does not count toward the individual's six-month participation limit. If the ABAWD county (non-exempt/exempt) is a funded E&T county, the mandatory work registrant ABAWD individual is still required to cooperate. If the individual fails to cooperate then the ABAWD individual is subject to being sanctioned in E&T.

(4) Maintaining Eligibility

An individual who has received his/her initial six-month period of participation within the current thirty-six month fixed period, can become exempt from the able-bodied requirement, or he/she can maintain eligibility by:

- working 80 hours per month or more;
  Note: If an individual would have worked an average of 20 hours per week but missed some work for good cause, the individual shall be considered to have met the work requirement if the absence from work is temporary and the individual retains his or her job.

- volunteer work or work for benefits in lieu of wages or a combination of the types of work for at least 20 hours per week;

- participating in and complying with a Job Training and Partnership Act Program, Trade Adjustment Act Program, or Employment and Training Program (other than Job Search or Job Search training program) for 80 hours per month or more;

- participating in and complying with a state-approved work experience program for 80 hours per month or more; or

- participating in a Workfare Program through DES. (Hours are based on allotment.)

(5) Regaining Eligibility

When an individual becomes exempt from the ABAWD requirement (either by a county exemption or personal exemption) or complies with a requirement an individual can regain eligibility. The person will

remain eligible as long as an exemption is or requirement is met. If the individual has been receiving assistance and has used the original six months in the 36 month period, and subsequently loses employment or stops working or participating in training or a work experience program, participation in the Food Stamp Program can continue for up to three consecutive months (beginning the date the county is notified that work activity has ended). Once initiated, this three-month period must be consecutive. The individual is only eligible for one consecutive three-month period during the 36 months. Eligibility under this requirement can be regained if during the 30-day period prior to application the individual:

- works 80 hours or more;
  Note: If an individual would have worked an average of 20 hours per week but missed some work for good cause, the individual shall be considered to have met the work requirement if the absence from work is temporary and the individual retains his or her job.

- volunteer work or work for benefits in lieu of wages or a combination of the types of work for at least 20 hours per week;

- participates in and complies with a WIA Program, Trade Adjustment Act Program, or Employment and Training Program (other than Job Search or Job Search training program) for 80 hours or more;

- participates in and complies with a state-approved work experience program for 80 hours or more; or

- participating in a Workfare Program through DOLWD (hours based on allotment).

After the individual has received the months of entitled eligibility and is not exempt or meeting the work requirements, he/she is ineligible for Food Stamp benefits. The able-bodied individual's resources are counted in their entirety to the remaining Food Stamp household. The ABAWD's income is prorated among all food stamp household members and the ineligible member's portion is not counted. The ABAWD individual is not counted in computing the utility standard.

(6) Caseworker's Responsibilities

- The caseworker will explain to the applicants and recipients the requirements and rules of eligibility associated with ABAWDs.
- On the AEIIT screen, an individual exemption code (if appropriate) is to be used even of the individual resides in an exempt county. If there is no individual exemption, then the county exemption code would be used (when appropriate). If the county lost its county exemption, the individual's code would remain the same but the individuals with the county code would have to be reviewed to determine ongoing eligibility.
- The ABAWD individual will be shown on INFOPAC Report 578RA. The Department of Labor and Workforce Development uses this listing to contact the ABAWD participant to offer an interview and possible services. When information is received by DOLWD, the caseworker will take appropriate action and complete the documentation regarding the participant.
- The caseworker will notify the household of a possible adverse action due to non-compliance and ask if there is a good cause for not participating.
- Disqualification will be completed when necessary.

(7) Good Cause Determination

Households adversely affected because of this work requirement shall be notified by the caseworker that if good cause exists for not participating he/she should contact the caseworker and a good cause determination will be made. This determination may be by phone or office interview. If no good cause exists for non-participation in an ABAWD activity, the person will be disqualified for failure to cooperate.

Good cause shall include circumstances beyond the individual's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, or the unavailability of transportation.

(8) Non-Compliant ABAWD

When a mandatory ABAWD does not follow through with an appointment or component, check to see if he/she is also a mandatory E&T participant.

(a) When a mandatory ABAWD is also a mandatory E&T participant:

If the person is a mandatory ABAWD and E&T participant, follow the E&T procedures for non-compliance with a work requirement.

- Good cause will be determined.
- If good cause does not exist, the appropriate penalty will be applied.

(b) When a mandatory ABAWD is not a mandatory E&T participant:

- If the ABAWD misses an appointment with Labor, reschedule with Labor if possible and document the information and outcome.
- If the individual is not cooperating, the month will be considered countable unless otherwise exempt.
- If the individual has no countable months left, he/she is ineligible and must be removed.
- If an individual is ABAWD only, there is no penalty for failing to follow through with an appointment or component.

(9) ABAWD's Work Hours Decrease

When an individual is exempt from the ABAWD work requirement due to being employed 20 hours per week and the hours decrease, the caseworker will look at the circumstances. Good cause will be determined. The ABAWD shall be considered to have met the work requirement, if the absence is temporary and the job is retained.

(10)Closure

The ACCENT reason code "654" must be used to authorize the adverse action so that the household will receive the appropriate notice.

1240-1-3-.45 FAILURE TO COMPLY WITH WORK COMPONENTS

Use the following procedures to identify who has failed to comply with the work requirements and the appropriate sanction. The non-compliance must have occurred during the time the household was certified.

(1) Non-Compliance by a Household Member

Disqualify the individual for the appropriate period when the individual refuses or fails to comply, without good cause, with the work requirements (work registration or E&T components). Treat the individual as an excluded household member as described in Section 1240-1-2-.02 and 1240-1-4-.17-(7). The person could refuse any of the listed work component:

- to register for employment at application and every 12 months thereafter;
- to participate in an employment and/or training program;
- to accept an offer of employment;
- to provide one department with sufficient information to allow us to determine the employment status or the job availability of the individual; or
- voluntarily quits a job or reduces work effort to less than 30 hours per week.

(2) Non-Compliance With Work Requirements In Cash Assistance

When a person in a Food Stamp E&T county who is exempt from the Food Stamp work requirement because of participation in a Cash Assistance work component or unemployment compensation work requirement fails to comply with the Cash Assistance work requirements, the caseworker must evaluate the individual for Food Stamp E&T. If the person is not otherwise exempt from the Food Stamp E&T requirement, then he/she is non-compliant and must be sanctioned.

If the participant fails to comply with the Cash Assistance requirement and does not meet an exemption in the Food Stamp E&T Program, the participant will be sanctioned and removed from the budget in the Food Stamp Program. A 10% penalty would not be applied when the sanction applies.

If the individual fails to comply with a Cash Assistance work requirement but the individual does not have a Food Stamp work requirement, he/she is not subject to a Food Stamp sanction. However, since the individual did fail to comply with the Cash Assistance requirement, the Food Stamp allotment will be reduced by 10% as a penalty.

The Cash Assistance household who does not comply with work will never have both a Food Stamp sanction and a Food Stamp 10% penalty. If the individual is exempt from work requirements or residing in a non-E&T county for Food Stamps, apply the 10% penalty to the Food Stamp allotment. If the individual is not exempt from work in the Food Stamp program and lives in an E&T county, apply the Food Stamp work requirement penalty, disqualifying the individual.

(3) Determining Good Cause

When a mandatory Food Stamp E&T registrant fails to comply with his/her work requirement, the caseworker must contact the household and determine whether good cause exists. Good cause for failure to comply includes circumstances beyond the household member's control, such as, but not limited to:

(a) the individual's illness, or illness of another household member which requires the individual's presence;
(b) household emergencies;
(c) lack of transportation;
(d) the household did not receive notification to appear for an interview, provide employment information, etc.; or
(e) an individual cannot make satisfactory progress in an education program according to the ABE teacher and does not appear capable of earning an acceptable wage.

(4) Disqualification

This should be handled as follows:

(a) When an individual who does not have good cause fails to cooperate with the Food Stamp work requirements, he/she should be disqualified. The caseworker will disqualify the individual by using the AEOIE screen in ACCENT. The appropriate dates and reason codes should be used. ACCENT provides a notice of disqualification to the household based upon the reason code given. ACCENT will also send a notice to the household when the disqualification has been completed.

(b) The disqualification period shall begin with the first month following the expiration of the notice period, unless a fair hearing is requested. The sanctions for the disqualification are as follows:

1. First Violation - one month or until compliance, whichever is later;

2. Second Violation - three months or until compliance whichever is later;

3. Third and Subsequent Violations – six months or until compliance whichever is later.

(c) Before applying the appropriate penalty, review the circumstances to determine if good cause exists, using the criteria in 1240-1-3-.45-(3) above. If good cause exists the individual continues eligible. If the individual does not have good cause, the penalty should be authorized. The ACCENT system will issue a Notice of Adverse Action to the household notifying them of the penalty.

(5) Ending the Disqualification

An individual shall be disqualified for the appropriate time period. If an individual has failed to comply at the end of the minimum disqualification period, the disqualification shall continue until the individual cures the disqualification or becomes exempt from work registration requirements.

(a) To cure the disqualification, the member must comply with a work requirement. The minimum period of the disqualification must be served, even if the individual complies before the time period expires.

(b) The disqualification will end, regardless of whether the minimum disqualification period has been served, when the individual meets one of the following exemptions:

1. becomes subject to and complies with a work registration requirement under Cash Assistance or Unemployment Compensation;

2. becomes a parent or other member of a household with responsibility for a dependent child under six or for an incapacitated person;

3. becomes a student enrolled at least half time in any recognized school, training program or institution of higher education;

4. becomes a regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

5. becomes employed a minimum of 30 hours per week or receiving weekly earnings which equal the minimum hourly wage rate multiplied by 30 hours; or

6. is between the ages of sixteen and eighteen and is not a head of a household, or is attending school or enrolled in an employment training program, at least half-time.

1240-1-3-.46 VOLUNTARY QUIT

(1) Determination

No individual who voluntarily quits his/her most recent job of at least 30 hours per week or voluntarily reduces his/her work hours to less than 30 hours per week will be eligible to participate in the Food Stamp Program, unless there is a good cause reason. When the household files an application, or when a participating household reports a job loss or reduction in the number of hours, the caseworker must determine whether this is a voluntary quit or voluntary reduction in hours.

(2) The voluntary quit provision <u>does not apply</u> to an individual when**:**

(a) a voluntary quit or voluntary reduction for an applicant household occurred more than sixty days prior to the date of application, unless the household was receiving benefits at the time of the quit or reduction, and the Department did not learn about it until reapplication;

(b) the individual was on leave from a paid position of employment pursuant to the provisions of the Family Medical Leave Act of 1993, unless the individual does not return to work at the end of the period of leave;

(c) an involuntary reduction of work hours is imposed;

(d) the individual terminates a self-employment enterprise;

(e) the individual resigns from a job at the demand of the employer;

(f) the household member who quit his/her job secures new employment at comparable wages or hours and is then laid off, or through no fault of his own loses the new job. In this instance the earlier quit will not require his/her disqualification.;

NOTE: Consideration must be given to new employment which might entail fewer hours or a lower salary, but which offers greater opportunities to improve job skills or for future advancement.

(g) it is determined that the individual quit or reduced his/her hours with good cause; or

(h) the individual is exempt from the work registration provisions at the time of the quit, which are listed at 1240-1-3-.43-(2).

(3) The voluntary quit provision applies when:

(a) The employment was for 30 hours or more per week, or provided weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.

(b) The voluntary reduction of hours caused employment to be less than 30 hours per week by the individual.

(c) For applicant households, the quit or reduction of hours occurred within 60 days prior to the date of application or anytime thereafter prior to the disposition of the case.

(d) For participating households, the quit or reduction occurred while the individual was participating in the program.

(4) Good Cause

Good Cause for quitting a job or reducing the hours of employment includes, but is not limited to:

(a) The job is determined to be unsuitable, as described in 1240-1-3-.43;

(b) Circumstances beyond the individual's control, such as illness, illness of another household member which requires the individual's presence, a household emergency, or unavailability or transportation;

(c) Discrimination by an employer based on age, sex, race, color, handicap, religious beliefs, national origin, or political beliefs;

(d) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

(e) Enrollment at least half-time in any recognized school, training program or institution of higher learning that requires the household member to leave employment or reduce work hours;

(f) Another household member has accepted employment or enrolled at least half-time in a recognized school, training program, or institution of higher education in another county, which requires the household to relocate;

(g) Resignation by a person under age 60 which is recognized by the employer as retirement;

(h) The individual accepted a bona fide offer of employment of more than 30 hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by 30 hours. However, because of circumstances beyond the person's control, the new job does not materialize or results in employment of less than 30 hours a week or weekly earnings of less than 30 times the Federal minimum wage; or

(i) The individual left a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work. The household may apply for Food Stamps between a job, particularly when work is not available at the new job site. In such instances, the individual will be considered to have quit for good cause if this is a normal pattern of that type of employment.

(5) An employee of the Federal government, or of a state or local government

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

(6) Verification of Voluntarily Quit/Reduction in Hours and Good Cause Determination

(a) The household has the primary responsibility for providing verification of questionable information related to the voluntary quit/reduction and good cause determination.

When it is difficult or impossible for the household to obtain evidence in a timely manner, the county will offer to assist the household. Acceptable sources of verification include but are not limited to:

1. the previous or current employer;
2. employee associations;
3. union representatives;
4. grievance committees and organizations; and
5. when documentary evidence cannot be obtained, the caseworker is responsible for obtaining verification from acceptable collateral contact provided by the household.

(b) When the circumstances of the quit/reduction cannot be verified for good reasons, the individual member will not be denied participation in the program. Examples of good reasons are resignation from employment due to discriminatory practices or unreasonable demands by the employer, or because the employer cannot be located.

(7) Implementing a Voluntary Quit/Reduction of Work Hours Disqualification

(a) Applicant Households

When a determination is made that good cause did not exist for the voluntary quit or reduction, the individual will be disqualified from participating in the Food Stamp Program, as follows:

1. First Violation - one month;

2. Second Violation - three months;

3. Third and Subsequent Violations – six months.

The ACCENT system will issue the household a notice of denial explaining the proposed period of disqualification and the right to a fair hearing.

(b) Participating Households

When a determination is made that good cause did not exist for the voluntary quit or reduction, the individual will be disqualified from participating in the Food Stamp Program, effective the month following the expiration of the notice of adverse action.

1. First Violation - one month;
2. Second Violation - three months;
3. Third and Subsequent Violations – six months.

The ACCENT system will issue the household a termination notice explaining the proposed period of disqualification and the right to a fair hearing. When a participating household requests a fair hearing, with benefits to continue, and the Department's action is upheld, the disqualification will begin the first month after the decision is rendered.

(c) When a disqualified individual joins another household, the sanction will follow the individual who caused the disqualification, and the remainder of the sanction period will apply to the individual. His income and resources will be counted as available to the new household members.

(8) Ending the Disqualification

Disqualification of an individual shall be applied for the appropriate time period. To become exempt from the disqualification, the member must meet one of the following exemptions:

1. becomes subject to and complies with a work registration requirement under Cash Assistance or Unemployment Compensation;

2. becomes a parent or other member of a household with responsibility for a dependent child under six or for an incapacitated person;

3. becomes a student enrolled at least half-time in any recognized school, training program or institution of higher education;

4. becomes a regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

5. becomes employed a minimum of 30 hours per week or receives weekly earnings which will equal the minimum hourly wage rate multiplied by 30 hours; or

6. is between the ages of sixteen and eighteen who is not head of a household or who is attending school or enrolled in an employment training program at least half-time.

When an individual becomes exempt, the individual who meets other eligibility requirements **is once again eligible for Food Stamps, regardless of whether the minimum disqualification period has been served**.

1240-1-4-.01 FINANCIAL ELIGIBILITY REQUIREMENTS

(1) This section provides the policies for consideration of resources and income for all households applying for Food Stamp benefits. Prior to determining a household's financial eligibility, the non-financial criteria should be considered. If any non-financial criterion is not met for Food Stamps, the application may be denied for Food Stamps without a determination of financial eligibility for the program. See Section 1240-1-14, Application Process, for procedures to follow in these circumstances.

(2) Categorically Eligible Households

Certain households are considered categorically eligible for Food Stamps, without regard to the Food Stamp financial eligibility criteria, if all individuals included in the household are:

- SSI recipients or authorized to receive SSI benefits, and/or
- Cash Assistance recipients or those authorized to receive these benefits, and/or
- Eligible for Family Services Counseling following closure of the Families First cash case, and/or
- Eligible for and approved for a First Wheels loan. CE status will last for the duration of the loan.

  See Section 1240-1-14-.15 for further information.

(3) Mixed Households

Certain households in which one or more member(s), but not all HH members, receive or are authorized to receive Families First, Families First extended services (Family Services Counseling or First Wheels loan), and/or SSI. These households are considered mixed CE households.

The Food Stamp Program excludes resources of the categorically eligible individual (Families First/Families First extended services/SSI recipient). The person is considered categorically resource eligible. Resources of the non-categorically eligible individuals must be considered. The household must meet the gross and net income standards for the appropriate household size to be eligible.

1240-1-4-.02 RESOURCE ELIGIBILITY STANDARDS

Eligibility exists if the equity value of non-exempt resources, both liquid and non-liquid assets, for the household do not exceed:

(1) Households containing an elderly or disabled member

The resource limit is $3,000 for all food stamp households, regardless of the household size, containing:

- an elderly or
- a disabled member.

(2) All other households

The resource limit is $2,000 for all other food stamp households.

1240-1-4-.03 APPLICATION OF RESOURCE LIMITS

The household will report all resources at the time of interview and recertification. The household's resources at the time of the interview and at each recertification will be used to determine if the household's resources meet the eligibility standard.

1240-1-4-.04 VERIFICATION

Documentary evidence is the primary source of verification although collateral contacts (e.g., banks, car dealers, or real estate firms) may also be resources for verification if written verification is unavailable.

The caseworker will verify resource information prior to approval for any household if the household indicates either on the application or during the interview that it has liquid resources.

1240-1-4-.05 EXEMPT RESOURCES

Certain resources are not considered when determining eligibility. Such resources include those that are exempt by program policies and federal regulations, those determined to be inaccessible to the household, and those which are excluded by law. In determining the resources of a household, the following are exempt:

(1) Home and Lot

The home, its outbuildings, and surrounding property which is not separated from the home by intervening property owned by others is exempt. Public rights of way, such as roads which run through the surrounding property and separate it from the home, will not affect the exemption of the property. Outbuildings are structures such as barns, garages, sheds, etc., that are considered a part of the household's residence. Other structures on the property, such as stores, houses and trailers, that are clearly not a part of the residence are resources unless exempt for some other reason.

The home, outbuildings, and surrounding property (regardless of location) will remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness or uninhabitabilty caused by casualty or natural disaster <u>if the household intends to return. If the household does not already own a home, the value of a lot purchased to build a home on is excluded. If the new home is partially completed, the value of it is excluded.</u>

(2) Household Goods and Personal Effects

The value of household goods and personal effects are exempt.

(3) Insurance Policies

Cash value of life insurance policies is not considered in determining eligibility or benefit level.

(4) Exempt Vehicles

See Section 1240-1-4-.10 regarding exempt vehicles.

(5) Burial Policies, Burial Agreements, and Burial Plots

These are considered exempt for resources.

Note: A burial policy, which is different from a burial agreement, is usually purchased from a funeral home for a certain premium per week or month. These policies pay only for burial costs at the death of the person named on the policy and have no cash value.

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(6) Pension Funds

Retirement accounts established under Section 401(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account (Section 8439, Title 5, USC) are excluded as a resource.

A nonexclusive list of types of retirement savings and pension plans are excluded includes:

- Pension or traditional defined-benefit plan [Section 401(a) of the Internal Revenue Code]
- 401(k) plans [Section 401(a) of the Internal Revenue Code]
- SIMPLE 401 (k) [Section 401(a) of the Internal Revenue Code]
- Section 501(c)(18) plans (retirement plans for union members consisting of employee contributions to certain trusts that must have been established before June 1959)
- 403 (b) plan under the Internal Revenue Code
- 457 plan under the Internal Revenue Code
- Federal Employee Thrift Savings plan [Section 8439 of Title 5 of the US Code]
- Keogh plan [Section 401(a) of the Internal Revenue Code]
- Individual Retirement Account (IRA) [Section 408 of the Internal Revenue Code]
- Roth IRA [Section 408(A) of the Internal Revenue Code]
- SIMPLE IRA [Section 408 of the Internal Revenue Code]
- Simplified Employer Plan [Section 408 of the Internal Revenue Code]
- Profit Sharing Plan [Section 401(a) of the Internal Revenue Code]
- Cash Balance Plans [Section 401(a) of the Internal Revenue Code]

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(7) Income Producing Property

(a) Definitions

1. property which annually produces income consistent with other similar property in the area, with the same fair market value, even if only used on a seasonal basis

2. property such as farm land which is essential to the employment or the self-employment of a household member

3. rental homes and vacation homes (including unattached trailers or mobile homes not being used as the home place) which may be used by the household for vacation purposes at sometime during the year but which annually produce income consistent with the prevailing rate of return for similar property in the area, if not income producing, the equity value is counted.

4. work related equipment, such as a tradesman’s tools or a farmer’s machinery, which is essential to a household member’s employment or self-employment

5. installment contracts for the sale of land or building(s), if the contract or agreement is producing income consistent with the prevailing rate of return for similar property. This exclusion also applies to the value of the property sold under contract or held as security in exchange for a purchase price consistent with the selling price of a similar property in the area;

6. Farm property including land, equipment and supplies may be excluded for one year beginning with the date self-employment farming ceases.

(b) Determining If Property Is Income Producing

1. When it is necessary to determine if property is producing income consistent with the same fair market value, the caseworker may contact local realtors, county trustee's office, the Small Business Administration, Farmer's Home Administration, or similar sources to determine the prevailing rate of return (e.g., square foot rental for similar usage of real property) in the area.

2. If the caseworker determines that the property is not producing income consistent with similar property in the area (for instance, the property is being leased for a token payment), such property will be counted as a resource.

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

   Note: All findings must be documented thoroughly in the running record (CLRC) on ACCENT.

(8) Inaccessible Resources

The cash values of resources which are not accessible to the household or which cannot be brought to a condition of current availability are exempt.

For example:

- security deposits on rental property or utilities;

- property in probate;

- jointly owned resources determined to be inaccessible;

- real property which the household is making a good faith effort to sell at a reasonable price, but which has not been sold. (Verification of the effort to sell the property may be obtained through a collateral contact or documentation, such as a public advertisement that the property is for sale. It must be determined that the household has not declined a reasonable offer.)

- a resource which is unlikely to produce any significant amount of funds for the support of the AG if sold or disposed of in any other manner is considered inaccessible. A resource that the AG is unable to sell for any significant return because the AG's interest is relatively slight or because the costs of selling the AG's interest would be relatively great is also considered inaccessible.

Note: *Significant amount of funds* is an amount equal to one-half or more of the applicable resource limit. *Significant return* is any return, after estimated costs of sale or disposition, and taking into account the ownership interest of the AG, that is estimated to be one-half or more of the AG's resource limit.

Exceptions:

- Financial instruments such as stocks, bonds and negotiable financial instruments.

Resources that are inaccessible, such as those listed below, are excluded.

(a) Irrevocable Trust Funds

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

1. the trust arrangement is not likely to cease during the certification period, and no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period: and

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

3. the funds held in irrevocable trusts are either:

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

   (ii) established from non-household funds by a non-household member; and

4. the trustee administering funds is either:

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

   (ii) an individual appointed by the court who has court imposed limitations placed on his/her use of the funds which meet the requirements of the provision above.

(b) Non-Liquid Assets Used as Collateral for Business Loans

When the household places a lien against a non-liquid asset to obtain a business loan, consider the asset as inaccessible if the lien agreement specifically prohibits the household from selling it.

(c) Money in "Cafeteria Plans"

Money set aside in a ‘Cafeteria Plan” is excluded as a resource. Money is set aside by the employer from the household member’s gross paycheck as authorized by the member. This set aside money is used to pay certain expenses such as medical costs or child care costs and is paid as a vendor payment by the employer. The household will lose the money at the end of the year if any is left over. The household is unable to withdraw this money that has been set aside and, therefore, the money is inaccessible.

(9) Resources Excluded by Law

Mixed Food Stamp Households -- Have one or more member(s) receiving or authorized to receive Cash Assistance and/or SSI but not all household members receive these benefits. The Food Stamp Program will exclude resources of these individuals. If identified, these resources cannot be included when a household’s total resources are calculated. The household member is categorically resource eligible for Food Stamps.

The following types of payments are excluded by law from consideration as resources in the determination of eligibility/level of benefits:

(a) Relocation Assistance Payments

Relocation payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970:

1. payments to person displaced as a result of the acquisition of real property;

2. relocation payments to a displaced homeowner toward the purchase of a replacement dwelling. Such payments are made only to a displaced owner who purchases and occupies a dwelling within one (1) year following displacement; and

3. replacement housing payments to displaced persons are eligible for a homeowner’s payment.

(b) Alaska Native Claims Payments and Sac and Fox Indian Claim Payments
Payments received under the Alaska Native Claims Settlements Act P.L. 920203, Section 21(a) and the Sac and Fox Indian Claims Agreement P.L. 94-189.

(c) Payments for Certain Indian Tribes Payments
These payments are derived from certain submarginal lands of the United States which are held in trust for certain Indian tribes.

(d) Workforce Investment Act
Payments received from the Workforce Investment Act (WIA).

(e) Payments from Disposition of Funds of Ottawa Indians
Payments made to the Grand River Band of Ottawa Indians under P.L. 94-540.

(f) Payments Under Title IV of the Higher Education Act
Federal Assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act. Such payments include Pell Grants, Supplemental Education Opportunity (SEOG) Grants, PLUS Program Grants, National Direct Student Loans (NDSL), Byrd Honor Scholarships, and college work study funds.

(g) Energy Assistance Payments
Do not count payments made under any federal laws for the purpose of energy assistance. These payments must be clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. Payments made through state or local funding are counted. Among the federal payments that would be excluded are energy assistance payments provided through the Department of Health and Human Services, Low Income Energy Assistance Program and the Community Service Administrations' Energy Crisis Assistance and Crisis Intervention Programs. HUD Section 8 payments and FmHA are also excluded because they are identified as federal energy assistance.

(h) HUD Retroactive Tax and Utility Cost Subsidy Payments
Payments issued pursuant to settlement of Underwood vs. Harris (Civil No. 78-04 69 D.D.C. against HUD) for the month for which payment was received and for the following month.

(i) Payments of Relocation Assistance to Members of the Navajo and Hopi Tribes Under P.L. 93-531.

(j) Benefits from Food Program
Do not count the following benefits from the food programs:

1. WIC (special supplemental food program for Women, Infants, and Children);

2. value of food stamps;

3. value of school lunches or other school food programs.

(k) Earned Income Tax Credits
Monthly or lump sum EITC payments are excluded as a resource for 12 months from receipt if the individual was a Food Stamp participant at the time of receipt and continues to participate (with breaks of a month or less).

(l) Nazi Persecution Payments
Payments made to individuals because of their status as victims of Nazi persecution are to be excluded as a resource.

(m) Compensation under the Crime Act of 1984
Compensation made under the Crime Act of 1984 to crime victims is excluded as a resource as stated in Section 230202 of P.L. 103-322.

(10) Resources of Non-Household Members

Do not count the resources belonging to non-AG members except for the following

(a) Ineligible Aliens/Individuals with Questionable Citizenship

Individuals who do not meet the citizenship or eligible alien status. Count the resources of these individuals in their entirety.

(b) SSN Disqualified

Individuals disqualified from participation in the program for failure to provide or apply for a SSN. Count the resources of these individuals in their entirety.

(c) Employment & Training Disqualified or IPV Disqualification

Resources of individuals disqualified because of an intentional program violation or an Employment and Training program sanction count in their entirety to the remaining AG members.

(d) Able Bodied Adults Without Dependent Children

Resources of ABAWDS that are ineligible within a thirty-six month period are counted in their entirety to the remaining household members.

(e) Convicted of Trafficking in Food Stamps of $500 or More (eff. 11/1/96); Second Violation of a Finding by a Federal, State or local Court of Trading of Coupons for a Controlled Substance (eff. 11/1/96); First Violation Based Upon a Finding by a Federal, State or local Court of the Trading of Firearms, Ammunition or Explosives for Coupons (eff. 11/1/96); Fleeing Felon or a Probation/Parole Violator (eff. 11/1/96); or Convicted (under Federal or State Law) of a Felony Offense Which Occurred after 8-22-96 Which has an Element the Possession, Use, or Distribution of a Controlled Substance (eff. 7/1/97).

Resources of individuals disqualified for the above reasons are counted in their entirety to the remaining household members.

(11) Agent Orange Settlement Payments

Payments are excluded as income and resources for Food Stamps. Veterans who are eligible under the program receive disability payments each year they are disabled during the life of the program. Lump sum payments received by survivors of deceased veterans are also excluded.

(12) Allowances Paid to Children of Vietnam Veterans Born with Spina Bifida

These allowances are to be excluded from income and resources in determining eligibility for or the amount of benefits under the Food Stamp Program.

(13) Individual Development Account (IDA)

Families First participants enrolled in the IDA program can have a special savings account. Participants' earnings deposited into an IDA account are matched by a not-for-profit or government agency. IDAs are operated by local non-profit organizations. These funds (savings, matching funds and interest) are disregarded in the Food Stamp Program as long as the money stays in the IDA. If the money is paid out directly to the individual or any interest is paid directly to the individual, the exclusion would not apply.

Individual contributions and interest payments to an IDA which receives matching funds from the Assets for Independence Act (AFIA) are excluded as a resource. IDAs under the AFIA provide federal funds to match the amount of earnings that low-income working individuals put into savings.

(14) "Dedicated Accounts" for SSI Children

These accounts are set up for past due monthly benefits from Supplemental Security Income at a financial institution. The account should be set up as the child's name by the Payee's name as the representative payee or trustee. These funds are to be used for specific purposes such as medical treatment and education or job skills training and services such as special equipment, therapy or special needs. The accounts are not counted as resources.

(15) Earmarked Resources

(a) Exempt any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to a legal sanction if the funds are not used as intended. Such funds include those made by the Department of Housing and Urban Development through the Individual and Family Grant Program or disaster loans or grants made by the Small Business Administration.

(b) Payments made under the National Flood Insurance Program (NFIP) for flood mitigation activities shall not be counted as income or resources of the property owner. The Federal Emergency Management Agency awards grants to States and communities, which distribute the funds to individuals and businesses for activities that reduce the risk of repetitive flood damage.

(16) Prorated Income

Exempt monies, such as those of students or self-employed persons, which have been prorated and counted as income. (The same funds may not be counted as both income and resources for the same period of time.)

(17) Indian Lands

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

(18) Livestock and Poultry

These are exempt when consumed as home produce.

(19) Handling of Excluded Funds

(a) Excluded liquid assets kept in a separate account, and not commingled in an account with non-excluded funds, retain their resource exclusion for an unlimited period of time.

(b) Resources which have been excluded as prorated income but are commingled in an account with non-excluded funds, will retain their exclusion for the period of time over which they have been prorated. (They will not be counted as both income and resources during the same period of time.)

(c) All other excluded monies which are commingled with non-excluded funds will retain their exemption for six months from the date they are commingled. After six months, all funds in the commingled account, other than those in (a) above, are counted as a resource.

(20) Educational Accounts (Effective 10-1-08)

Two types of education savings accounts that currently receive tax-preferred status under the federal tax code are shown below. These accounts are exempt resources for Food Stamps.

- Section 529 qualified tuition programs, which allow owners to prepay a student's education expenses or to contribute to an account to pay those expenses, and
- Coverdell education savings accounts (Section 530), an IRA type of account designed to pay a student's education expenses.

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1240-1-4-.06 Reserved

1240-1-4-.07 COUNTABLE RESOURCES

The equity value of non-exempt liquid and non-liquid resources is used to determine the total countable resources available to the household. (Equity is determined by deducting the amount of encumbrances from the fair market value.)

(1) Countable Liquid Resources

(a) Cash on hand

(b) Checking or savings account in a bank or other savings institution including credit union

Note: Do not include as a resource the monthly amount which has been counted as income in the period under consideration.

(c) Savings certificates

(d) Stocks or bonds

(e) Proceeds from sale of property received as a lump sum

(f) Proceeds from estate settlement received as a lump sum

(g) Pension plans not covered in 1240-1-4-.05(6).

If the cash value of an excluded type of plan is rolled over into a countable resource, the cash value loses its exclusion and becomes an included resource.

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(h) Non-Recurring Lump Sum/Retroactive Payments

Lump sum liquid resources such as the following are considered a resource in the month received, unless specifically excluded from consideration as a resource by other federal laws:

1. Retroactive payments such as RSDI, VA, Unemployment benefits, and Workman's Compensation;

2. Windfalls, cash gifts, prizes, and awards;

3. Income tax refunds;

4. Tax rebates and credits;

5. Refunds of security deposits on rental property or utilities;

6. Vacation, sick, longevity and bonus pay received in a lump sum payment by an employee whose employment has been terminated; and

   Note: If the employee chooses not to withdraw the pay, count the value as a resource beginning the month the layoff or termination is effective. (Refer to Unearned Income Section for such payments received in installments after employment is terminated.)

7. Monthly earned income tax credits or lump sum EITC payments for new households, new assistance group members and individuals off the program more than 30 days are counted. Also any amount of EITC remaining after the 12 month exclusion must be considered.

(2) Countable Non-Liquid Resources

Unless otherwise exempt, count the equity in all non-liquid resources as a resource. Examples are as follows:

(a) non-exempt buildings;

(b) non-exempt land;

(c) recreational properties; and

(d) property such as boats, vacation homes, and mobile homes.

Note: Equity in real property is determined by subtracting encumbrances from fair market value of the property.

1240-1-4-.08 DOCUMENTATION

(1) Verification of a Resource

If verification was required because of questionable information, the caseworker must document why it is considered questionable and what documents were used to resolve the questions. Use Running Record Comments (CLRC) for this purpose.

(2) Actions on Cases Receiving Lump Sum Payments

(a) Case Review

Upon obtaining information that the certified household has received a one time payment, the caseworker shall review the case in order to determine if the amount received, in addition to the amount of resources listed on the application, will exceed the resource limitation for the particular household.

(b) If Resources Do not Exceed Limits

If countable resources, including the lump sum, do not exceed the limitation the running record should be annotated to document the information received and the household should be notified in accordance with the procedures for reported changes.

(c) If Resources Exceed Limits

If the total amount exceeds the allowable resource limitation, the household should be given an opportunity to update its entire resource statement. If it declines to do so or the amount of resources still exceeds the limit, the caseworker shall take action to terminate the household's certification.

1240-1-4-.09 SPECIAL RESOURCE SITUATIONS

(1) Jointly Owned Resources (Real or Personal Property)

Resources owned jointly with any other person(s) outside the household will be considered available in their entirety to that person and to the household unless it can be demonstrated that the resources are inaccessible to the household. When the household can demonstrate that resources are not accessible in their entirety, only the portion of the resource to which the household has access will be counted toward its resource level.

Note: The fact that a household member's name appears on a joint bank account with that of a non-household member does not conclusively mean that the funds are "jointly owned". The household member must be given the opportunity to prove that he/she does not, in fact, have any ownership rights in the funds. The key to determination of ownership lies in the written language or oral understanding surrounding the creation of the joint bank account or other jointly named asset. Consider the source of the funds or asset and for whom the use and benefit of the funds in such an account are intended and used. This may occur, for example, where a household member's name is listed on a joint checking account in which all of the funds belong to an elderly or disabled relative so that the household member can assist with his/her banking transactions, and the household member does not use any funds for his/her own personal use. In any case, the burden is on the household member to prove that he/she has no ownership in the funds.

(a) Inaccessible Resources

Resources are considered inaccessible to the household if they cannot be practically subdivided and access to their value is dependent on the agreement of the joint owner who refuses to comply.

Resources are considered inaccessible to persons residing in shelters for battered women (as defined in 1240-1-8-(74)) if:

1. the resources are jointly owned by such persons and by members of their former household; AND

2. the shelter resident's access to the value of the resource is dependent on the agreement of a joint owner who still resides in the former household.

When determining the household's resource level, ineligible aliens and disqualified individuals residing with the household shall be considered household members.

(b) Real property that the household demonstrates it cannot sell
If the property cannot be sold because it only has a life estate, use rights, lifetime occupancy, or dower rights shall also be considered inaccessible to the household.

Note: Ownership of a life estate entitles the individual to any income from the property.

(2) Victims Compensation Awards

(a) Victims Compensation Awards paid on Behalf of Minors
These payments will be treated as irrevocable trusts in Food Stamps PROVIDED:

1. the minor's parent, other caretaker relative or guardian entered into an agreement with the State Claims Commission as to the uses to be made of the funds and signed such an agreement, and

2. the funds are deposited in accordance with the agreement, and

3. the funds remain on deposit or are used only according to the terms of the agreement. Any funds withdrawn and used for goods/services not specified in the agreement will be treated as income in the month received.

(b) Victims Compensation Awards Paid to Adults (Age 18 or Older)

Compensation paid to the adults in their own behalf will continue to be treated as non-recurring lump sums.

(3) Establishing Ownership of Property Through Legal Title

When there is a question of ownership, it is normally presumed that the title holder of the property is the owner; therefore, the property is considered a resource to the owner. Occasionally, one person pays the purchase price of the property, but title to the property is placed in another's name. This type of ownership is called an equitable trust or a resulting trust. The title to the property is being held in trust for the benefit of the owner. In these situations, the property would not be considered a resource for the title holder.

Example: A person is unable to purchase a vehicle in his own name due to bad credit, and a parent placed his name on the title. The child actually has the vehicle and is making the monthly payments. Ownership is attributed to the child and not the parent.

The burden of proof is on the title holder to present evidence to overcome the presumption of ownership. Such evidence could include statements or affidavits from the parties involved or from knowledgeable sources. Documentation of how the decision was reached must be recorded on CLRC.

1240-1-4-.10 TREATMENT OF VEHICLES

All licensed and unlicensed vehicles used for family transportation are exempt as a resource in the Food Stamp Program. The caseworker must continue to record all vehicles for the household for informational purposes in Food Stamps and eligibility determination for other Family Assistance programs. Exempt vehicles will be coded as 'FW' on the AERVH screen in ACCENT. Vehicles used for recreational purposes rather than everyday transportation, such as RVs, snowmobiles, boats, trailers, ATVs and personal watercraft must be considered as a resource.

1240-1-4-.11 TRANSFER OF RESOURCES

(1) Transfers Resulting in Disqualification

At the time of application, the household shall be asked to provide information regarding any resources which any household member (or ineligible alien or disqualified person whose resources are being considered available to the household) had transferred within the three month period immediately preceding the date of application. This includes resources which are transferred between members of the same household (including ineligible aliens or disqualified persons whose resources are being considered available to the household). Households which have transferred resources knowingly for the purpose of qualifying or attempting to qualify for Food Stamp benefits are disqualified from participation in the program for up to one year from the date of discovery of the transfer. This disqualification period shall be applied if the resources are transferred knowingly in the three month period prior to application or if they are transferred knowingly after the household is determined eligible for benefits.

(2) Transfers <u>Not</u> Resulting in Disqualification

Eligibility for the Food Stamp program will not be affected by transfers of resources:

(a) which would not otherwise affect eligibility; for example, excluded personal property such as furniture, or money that when added to other non-exempt resources was less than the allowable limits at the time of the transfer;

(b) which are sold or traded at or near fair market value;

(c) which are transferred between members of the same household; and

(d) which are transferred for reasons other than qualifying or attempting to qualify for Food Stamp benefits; for example, a parent placing funds in an inaccessible educational trust fund.

(3) Period of Disqualification

The length of the disqualification period is based on the amount by which the transferred resource, when added to other countable resources, exceeded resource limits.

The following chart will be used to determine the period of disqualification:

Amount in Excess of the Resource Limit	Period of the Disqualification
$0.00 to $249.99	1 month
$250.00 to $999.99	3 months
$1,000.00 to $2,999.99	6 months
$3,000.00 to $4,999.99	9 months
$5,000.00 and up	12 months

EXAMPLE

A one-person household with $1,250 in a bank transferred ownership of non-exempt land worth $1350 to a relative. The $1,350 would be applied toward the resource limit of $2000. All countable resources are $2600 ($1250 + $1350). Only $600 of that transfer would be considered. The one-person household would be disqualified for 3 months based upon the chart shown above.

(4) Disqualifying a Household

In the event the caseworker establishes that an applicant/recipient household knowingly transferred resources for the purpose of qualifying or attempting to qualify for Food Stamp benefits, the caseworker sends the household a notice of denial explaining the reason for and length of the disqualification. The disqualification shall begin in the month of application.

If the household is participating at the time of the discovery of the transfer, a notice of disposition explaining the reason for and length of the disqualification is sent. The period of disqualification is effective with the first allotment issued after the adverse notice period has expired, unless the household requested a fair hearing and continued benefits.

INCOME 1240-1-4-.12

The following sections describe the treatment of income and budgeting procedures determining eligibility and level of benefits.

All sources of income must be explored and the gross countable income from all sources must be verified prior to approval or continuation of benefits, except when a food stamp household qualifies for expedited service. The applicant/recipient has primary responsibility for providing acceptable income verification. If he/she is unable to secure/provide acceptable verification, the caseworker will give assistance in securing the required information.

1240-1-4-.13 INCOME ELIGIBILITY STANDARDS

The gross and net income eligibility standards are used in determining the eligibility of households applying for Food Stamps. Certain households are subject to one standard only. Other households are subject to both.

(1) Households containing neither an elderly nor disabled member are subject to both the gross and net income standards.

(2) Households containing an elderly or disabled member are subject to the net income standard only.

1240-1-4-.14 DEFINITION OF INCOME

Household income shall mean all monies from whatever source, earned or unearned, except listed in 1240-1-4-.15.

(1) Earned Income

Earned income is money derived from an individual's work efforts, such as wages, salaries, commissions, or as profits from a self-employment enterprise, including farming, carried on either alone or jointly. It includes pay received from jury duty, bonuses, vacation pay, maternity leave pay, and sick pay received by an individual while still employed. Garnished or diverted wages also are considered to be earned income:

(a) Wages, salaries, commissions

(b) Profit from self-employment enterprises such as the following:

1. farming
2. small business enterprises
3. roomer/boarders
4. rental receipts

NOTE: If an owner of rental property is actively engaged in the rental, maintenance, management of property at least 20 hours per week, the income from the property is earned.

5. total gains of any capital goods or equipment related to the business, excluding the costs of doing business.

(c) Training and Rehabilitation Allowances

Count as earned income any training allowances from vocational and rehabilitative programs sponsored by federal, state, or local governments (such as the Employment & Training Program) unless the allowances are excluded as reimbursements. (Except for WIA training allowances which are excluded.)

(d) College Work Study Program

Income from college work study employment is excluded in its entirety.

(e) Vacation, Sick, Longevity and Bonus Pay When Employment Continues

Such payments received by an individual while still employed are considered earned income. When the payment is received in a lump sum, the household has the option to count the payment in the month received or have it averaged over the certification period. (Refer to Unearned Income Section for payments received after employment is terminated.)

(f) On-The-Job Training Programs

Consider as earned income all monies received through the Workforce Investment Act (WIA), Americorps, and Youthbuild On-The-Job Training Programs, unless the WIA participant is under age 19 and under parental control of another adult member.

Note: On-the-job training payments received under the Summer Youth Employment and Training Programs are excluded.

(2) Unearned Income

Unearned income is any income which does not meet the definition of earned income. No earned income exclusions or work expense deductions may be applied to unearned income, as defined. The following payments are considered unearned income (this is not all inclusive):

(a) Unemployment Compensation and Workmen’s Compensation

(b) Strike Benefits

NOTE: Strikers are eligible to participate in the program if they meet all eligibility requirements prior to the strike and their deemed income from the strike, plus any other household income,

does not exceed the appropriate income limit. For specific information regarding strikers, refer to Section 1240-1-32.

(c) Vacation, Sick, Longevity and Bonus Pay as Unearned Income

Such pay received in installments by an individual who has been laid off or whose employment has terminated is considered unearned income. (Such payments received as lump sum, rather than in installments, are considered resources, when employment has been terminated. Refer to the Resource Section.)

(d) Certain Rental Income

If an owner of rental property is actively engaged in the rental, maintenance, or management of property at least 20 hours per week, the income from the property is earned. If he/she is actively engaged less than 20 hours per week, the income is unearned. In either case, costs of doing business are deducted from gross income and the remainder is counted.

(e) Interest Payments, Dividends, and Royalties Income

These payments and all other such direct money payments, which can be construed to be a gain or benefit, are considered unearned income. Convert such payments to monthly amounts if received on a weekly, bi-weekly or semi-monthly basis.

Note: Interest income would only be counted if in excess of $60 quarterly. If less it would be exempt.

Consider these payments as currently available regular income. If such payments are received quarterly, prorate them over three months; semi-annually, prorate over six months; annually, prorate over twelve months.

(f) Assistance Payments

Consider general assistance payments, pensions or other countable need based assistance payments, unless excluded, as unearned income. (Consider Cash Assistance and SSI payments as unearned income.)

When a Federal, state or local needs-based payment (such as SSI, AFDC/FF or Food Stamps) is reduced because of a household member's failure to comply with the requirements of that program, the household may not receive an increase in food stamps because of this decrease in income.

NOTE: SSI will not be considered a means tested program as it relates to the penalty. The gross SSI amount less the recovery amount would be shown in ACCENT on the AEFMI screen.

1. The food stamp allotment of the household shall be reduced by 10% (percent) so long as the needs-based program's reduction is in effect. If the penalty in Cash Assistance is due to a work requirement and the Food Stamps has the same component and the individual is mandatory, then

the appropriate penalty would be applied and not the 10% penalty (See Section 1240-1-3-.45 for more information on this.).

2. If the needs-based payment case is closed due to the recipient's failure to comply, the food stamp allotment shall be reduced by 10% for a three month period.

3. Regardless of the number of violations in other needs-based programs, only one 10% reduction is applied to the food stamp allotment at one time.

(g) Pensions and Benefits

Count annuities, pensions, retirement, veterans or disability benefits, Social Security benefits, military and Job Corps allotments, and other such pensions and benefits as unearned income.

Note: A monthly fee collected from SSI payments by an organizational representative payee is legally obligated to the payee and is not counted as income to the recipient for the Food Stamp Program. The organization must be a community based nonprofit social service agency.

Note: Social Security disability and Supplemental Security income payments based on drug addiction and/or alcoholism must be received through a representative payee and are subject to a fee for this service. The amount of the fee that is withheld from the funds is not counted as income to the Social Security/SSI recipient. Retroactive installment payments which are made for two or more months are counted as income.

(h) Support and Alimony

Child support or alimony payments from non-household members, made directly to the household and not transferred to the IV-D agency, as unearned income.

(i) Contributions

Count any regular cash contribution made to the household as unearned income.

NOTE: Exclude as income <u>charitable contributions</u> received from <u>private non-profit organizations</u> (up to $300 per quarter). A quarter is defined as a Federal Fiscal quarter (i.e., January-March, April-June, etc.).

(j) Monies Received from Trust Funds

In some instances, money received from trust funds is excluded as a resource. (Please refer to Section 1240-1-4-.15 for specific examples.) When trust fund money has been excluded as a resource, count it as unearned income in the month it is received or becomes available to the household, unless it is exempt for other reasons.

The above instructions apply in the following situations:

1. When money is withdrawn from the trust fund;

2. When dividends on the trust fund are received; and

3. When dividends become available to the household, but the household elects to reinvest them in the trust fund. In this situation, count the dividend amount as unearned income during the month it becomes available to the household.

(k) Income of Excluded or Ineligible Members

1. Ineligible Aliens, Individuals Whose Citizenship is Questionable, and Individuals Disqualified for Failure to Comply with Enumeration:

   Continue to count earned and unearned income of such members as income to the remaining household members, less a pro rata share for the excluded individual.

   NOTE: When considering SSA, SSI, and/or VA monies paid to an excluded household member on behalf of eligible household members, continue to count the entire income as available to the eligible household members. If the income is considered as belonging to the excluded payee, count it as available to the eligible HH members, less a pro rata share for the excluded member.

   When considering child support payments, if the support is paid to the excluded HH member for the support of children who are eligible HH members, count it as available to the children, if the children are identified in the court order.

   If the court order does not stipulate for which children the child support is being paid, consider the income as belonging to the excluded payee, and not the children. Thus, all but the excluded individual's pro rata share would be counted as income to the eligible members.

2. Individuals Disqualified for Intentional Program Violations

   Count earned and unearned income of such members in their entirety to the remaining household members.

3. Convicted of Trafficking in Food Stamps of $500 or More (11/1/96); Second Violation of a Finding by a Federal, State or local Court of Trading of Coupons for a Controlled Substance (11/1/96); First Violation Based Upon a Finding by a Federal, State or local Court of the Trading of Firearms, Ammunition or Explosives for Coupons (11/1/96); Fleeing Felon or a Probation/Parole Violator (11/1/96); or Convicted (under Federal or State Law) of a Felony Which Occurred on or after 8-22-96 Which has an Element the Possession, Use, or Distribution of a Controlled Substance (7/1/97).

   Count earned and unearned income of such members in their entirety to the remaining household members.

(l) Foster Care Payments and/or Guardianship Payments

A food stamp household has the option to include or exclude individuals receiving these type payments. If the option to include the individual is chosen, the payments are treated as unearned income. Any other income the individual might have must also be considered. If the option is chosen to exclude these individuals (as boarders) neither their income nor the payment is considered as income to the household.

(m) Severance Pay

Severance pay is considered unearned income when received subsequent to termination of employment.

1240-1-4-.15 PAYMENTS/BENEFITS EXCLUDED IN ELIGIBILITY DETERMINATION

Certain payments and benefits which might ordinarily be considered income are excluded under federal law or regulation from consideration as income for eligibility purposes. This means that these payments are not counted when applying the Gross Income Test or when computing cash assistance or food stamp benefits. The following section lists some exclusions.

(1) Relocation Assistance Payments

Relocation payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(2) Any funds distributed per capita to or held in trust for members of any Indian tribe under P.L. 92-254, P.L. 93-134, or P.L. 94-540.

(3) Payments received under the Alaska Native Claims Settlement Act

(P.L. 92-203, Section 21 (a)); payments by the Indian Claims Commission to the Confederated Tribes and Bands of the **Yakima Indian Nation or the Apache Tribe of the Mescalera Reservation** (P.L. 95-443); payments to the **Passamaquoddy Tribe** and the **Penobscot Nation** or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420, Section 5); payments of relocation assistance to members of the **Navajo and Hopi Tribes** (P.L. 93-531).

(4) Receipts distributed to members of certain Indian tribes referred to in Section 6, P.L. 94-114.

(5) Benefits received from programs under the Older Americans Act of 1965

(a) Payments from the Senior Community Service Employment Programs (Title V)

(b) Payments from the Nutrition Programs for the Elderly (Title VII).

(6) The value of supplemental food assistance received under the Child Nutrition Act of 1966

(WIC), as amended, and the special food service program for children under the National School Lunch Act, as amended.

(7) Payments for supporting services and reimbursements of out-of-pocket expenses

Payments made to individual volunteers serving as health aids, senior companions, R.S.V.P., Foster grandparents and any other programs under Title II pursuant to Section 418 of P.L. 93-113.

(8) Payments Under the Domestic Volunteer Service Act of 1973

(a) Payments to volunteers under Title I of the Domestic Volunteer Service Act of 1973 (P.L. 93-113 as amended) will be excluded when the volunteers meet either of the following conditions:

1. the individual's were receiving food stamps or cash assistance at the time they joined the Title I program; or

2. the individuals were receiving the Title I subsistence allowance prior to March 1, 1979. This exclusion will apply for the length of the volunteer contract in effect as of March 1, 1979.

(b) Payments to volunteers under Title II of the Domestic Volunteer Service Act of 1973 (P.L. 93-113, as amended) are excluded.

(9) Workforce Investment Act (WIA) Income

(a) WIA On-the-Job-Training Programs

Earnings for WIA on-the-job training programs are excluded only for individuals under age 19 who are under the parental control of an adult household member.

Note: On-the-job training payments received under the Summer Youth Employment and Training Program are excluded.

(b) Other WIA Programs

All income (earned or unearned) from other WIA programs is excluded.

(10)Experimental Housing Allowance Program Payments

Payments made under annual contribution contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended are excluded.

(11)Nazi Persecution Payments

Payments made to individuals because of their status as victims of Nazi persecution are to be excluded as income.

(12)Educational Loans, Grants, Scholarships, Fellowships & Veteran's Educational Benefits

All educational income is excluded. The excluded income may be from Title IV, non-Title IV, BIA, or Federal grants, as well as private sources. Also excluded will be college work-study programs.

(13)Energy Assistance Payments

Payments or allowances made under any federal laws for the purpose of energy assistance are excluded. These payments or allowances must be identified clearly as energy assistance by the legislative body authorizing the program or providing the funds. Among the federal payments that are excluded are energy assistance payments provided through:

(a) Department of Health and Human Services' Low Income Energy Assistance Program;

(b) Community Services Administration's Energy Crisis Assistance and Crisis Intervention Programs;

(c) HUD; or

(d) Farmers Home Administration.

Payments made through state or local funding are not excluded. Refer to Section 1240-1-4-.14-(2)-(f) to determine shelter costs for households receiving energy assistance payments.

(14)Agent Orange Settlement Payments

These payments are excluded as income and resources. Payments are for veterans who are eligible under the program to receive disability payments each year they are disabled during the life of the program. Lump sum payments are made to survivors of deceased veterans.

(15)Earned Income Tax Credit (EITC)

Earned Income Tax Credits are excluded as income.

(16)Compensation received under Crime Act of 1984

Compensation made under the Crime Act of 1984 to crime victims is excluded from income as stated in Section 230202 of P.L. 103-322.

(17)Earnings of Children

Do not count the earned income of a household member under age 18 when:

- that person is a student at least half-time in elementary, high school or classes to obtain a General Equivalency Diploma (GED); and
- lives with a natural or adoptive parent or stepparent, or
- is under the control of a household member other than a parent.

If the child's earnings or the amount of work performed cannot be differentiated from that of other household members, prorate the total earnings among the working members. Do not count the child's pro rata share.

Continue to apply this exclusion during temporary interruptions in school attendance (i.e., semester or vacation breaks), provided the child will return to school following the break.

(18)Cost of producing Self-Employment Income

Do not count the allowable costs of producing self-employment income. These include but are not limited to (1240-1-4-.24):

(a) identifiable costs of labor (salaries, employer's share of SS, insurance, etc.);

(b) stock, raw materials, seed and fertilizer feed for livestock;

(c) rent and costs of building maintenance; and

(d) business telephone costs.

(19)Irregular Income

Do not count any income received too infrequently or irregularly to be reasonably anticipated. The amount must not exceed $30 in a three-month period.

(20)Loans

Do not count loans, including loans from private individuals, as well as commercial institutions. This does not include educational loans on which repayment is deferred.

(21)Income of Non-Household Members

(a) Do not count the income of non-household members who have not been disqualified. This includes ineligible students, live-in attendants, roomers, and boarders who are not considered household members.

If a non-household member receives SSA, SSI and/or VA benefits on behalf of an eligible HH member, consider the income as available to the eligible HH member(s).

If a non-household member receives child support payments for the support of children who are eligible HH members, count the support payment as available to the children, if the children are identified in the court order.

If the court order does not stipulate for which children the child support is being paid, consider the income as belonging to the payee, and not to the children.

(b) Do not count monies received and used for the care and maintenance of a third party who is a non-household member. If the intended beneficiaries of a single payment are both HH and non-household members, do not count any identifiable portion of the payment intended and used for the care and maintenance of the non-household member. If the non-household member's portion cannot be readily identifiable, prorate the payment evenly among intended beneficiaries.

(22)Non-Recurring Lump Sum Payments

Do not count non-recurring lump sum payments. This includes, but is not limited to, income tax refunds, rebates, or credits; retroactive lump sum Social Security, SSI, Cash Assistance, railroad retirement pensions, or other payments; retroactive lump sum insurance settlements, or refunds of security deposits on rental property or utilities. Count these payments as resources in the month received, unless specifically excluded as a resource by other federal laws.

Also included is the Veterans Administration Disability Pension Payment Annual Adjustment. VA does not consider this as a medical reimbursement.

(23)Recoupments

Do not count the portion of the household's income which is either withheld by the provider, or returned to the provider by the recipient to repay a prior overpayment.

Exceptions:

- monies withheld from assistance payments (Families First) to repay an overpayment caused by intentionally failing to comply with the other Program's requirements;
- monies withheld for bankruptcy;
- monies withheld for wage earner plan purposes; or
- monies withheld either voluntarily or involuntarily, for any purposes, except to repay a prior overpayment.

(24)Reimbursements

(a) Definition of Excluded Reimbursements

Reimbursements for past or future expenses other than normal living costs are excluded to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household. When a reimbursement, including a flat allowance, covers multiple expenses, each expense does have to be separately identified as long as none of the reimbursements cover normal living expenses. Reimbursements for normal living expenses of the household, such as rent or mortgage, personal clothing, or food eaten at home, are a gain or benefit and therefore are not excluded. To be excluded, these payments must be provided specifically for an identified expense, other than normal living expenses, and used for the purpose intended. Excluded reimbursements include the following payments.

1. Reimbursements received to pay for services provided by Title XX of the Social Security Act.

2. Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

3. Dependent care or medical reimbursements. Direct payments made to a household to cover the costs associated with the upkeep of animals specially trained to provide service to the disabled are to be excluded as a medical reimbursement.

4. Non-federal reimbursements or allowances to students for specific education expenses, such as travel or books, but not allowances for normal living expenses such as food, rent, or clothing. Portions of a general grant, loan, or scholarship must be specifically earmarked by the grantor for education expenses, rather than living expenses, to be excluded as a reimbursement.

5. Rent subsidy payments, known as STRAP (State of Tennessee Rental Assistance Payments) made as part of the settlement agreement in People First of Tennessee, et al. v. Clover Bottom Developmental Center, et al. These are need-based payments to developmentally disabled people who are making the transition from institutionalization to community-based living arrangements.

(b) Non-Excluded Reimbursements

When the household claims that a reimbursement exceeds the actual expense, consider the amount by which it exceeds the actual incurred expense as income.

(25)Support Payments

Support payments received by a household but transferred to the IV-D agency.

(26)Vendor Payments

Money payments that are not payable directly to the household but are paid to a third-party for the household’s expenses are vendor payments and are excluded.

Exception: Monies that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third-party for a household expense are counted as income and are not excluded as vendor payments. The distinction is whether the person or organization making the payment on behalf of a household is using funds that otherwise would have to be paid to a household. These funds include any wages earned by a household member, support and alimony payments which legally must be paid to a household, educational loans on which payment is deferred, grants, scholarships, etc., which are paid to a third-party for living expenses. If any employer, agency, former spouse or other person makes payments for household expenses to a third-party from funds that are not owed to the household, these payments must be excluded as vendor payments.

EXAMPLE

Wages earned by a household member that are garnished or diverted by an employer, and paid to a third-party for a household's expenses or debt, such as rent, are considered as income. However, if the employer pays a household's rent directly to the landlord in addition to paying the household its regular wages, exclude this rent payment as a vendor payment. In addition, if the employer provides housing to an employee, exclude the value of the housing from the income determination.

EXAMPLE

Payments specified by a court order or other legally binding agreement to go directly to a third-party, rather than to the HH, and voluntary support payments which are paid to a third-party, rather than the HH, are excluded as vendor payments, even if the HH agrees to the arrangement.

EXAMPLE

Garnishments include all or part of a cash assistance grant which would normally be provided in money payment to the household, but which is diverted to third-parties or to a protective payee for purposes such as managing a household. However, payments by the Department that would not normally be provided as a money payment to the household, and that are over and above normal cash assistance grants, are excluded as vendor payments if they are made directly to a third-party for a household expense. This rule applies even if the household has the option of receiving a direct cash payment.

(27)PASS Accounts

Money from any source deposited into a Plan for Achieving Self Support (PASS) Account under Title XVI of the Social Security Act is excluded as income.

(28)AmeriCorps

(a) AmeriCorps On-The-Job Training Program

Earnings for AmeriCorps on-the-job training programs are excluded only for individuals under age 19 who are under the parental control of an adult household member.

(b) AmeriCorps VISTA

All VISTA income is authorized under Domestic Volunteer Services Act. This would be treated like other VISTA income.

1. Payments through VISTA will be excluded for those individuals receiving Families First or Food Stamps at the time he/she joined the program. Temporary interruptions in the Food Stamp Program shall not alter the exclusion once the initial determination has been made.

2. New applicants who were not receiving Families First or Food Stamps at the time he/she joined VISTA shall have these payments included as earned income which would be subject to the earned income deduction.

(c) Other AmeriCorps Programs
All income (earned or unearned) from other AmeriCorps Programs is excluded.

(29)Allowances Paid to Children of Vietnam Veterans

These allowances are to be excluded from income and resources in determining eligibility for or the amount of benefits.

- Benefits paid based upon the birth defect of spina bifida to children suffering from spina bifida if their mother or father served in Vietnam. (P.L. 104-204)

- The Vietnam Benefits and Health Care improvement Act of 2000 (Section 401) is authorized to provide benefits to children with certain birth defects born to female Vietnam veterans. The payments are disregarded and were approved back to 12/1/01.

(30)SSI Lump Sum Installment Payments

Payments of large retroactive SSI benefit amounts are now required to be paid in installments to the SSI recipient. The payments are to be paid in not more than 3 installments and will be paid at 6-month intervals. These installment payments are to be excluded as income.

(31)Youthbuild Program Payments

The Housing and Community Development Act of 1992, Sec. 456(e) provides that payments made under this program are to be treated like Workforce Investment Act (WIA) payments.

(a) On-The-Job Training
Earnings for on-the-job training programs are excluded only for individuals under the age of 19 who are under the parental control of an adult household member.

(b) Other Programs
All income (earned or unearned) from the other Youthbuild Programs is excluded.

(32)Non-Cash Items

Exclude any gain or benefit not in the form of money payable directly to the household, such as meals, clothing, garden produce, public housing, or their in-kind benefits.

(33)Payments Under Title I

Title I (VISTA, University Year for Action, etc.) are under the Domestic Volunteer Service Act of 1973 (P.L. 93-113 Stat. as amended).

(a) Payments through VISTA will be excluded for those individuals receiving Families First or Food Stamps at the time he/she joined the program. Temporary interruptions in the Food Stamp Program shall not alter the exclusion once the initial determination has been made.

(b) New applicants who were not receiving Families First or Food Stamps at the time he/she joined VISTA shall have these payments included as earned income which would be subject to the earned income deduction.

(34)Disaster Income

(a) Exempt any governmental payments that are designated for the restoration of a home damaged in a disaster, if the household is subject to a legal sanction if the funds are not used as intended. Such funds include those made by the Department of Housing and Urban Development through the Individual and Family Grant Program or disaster loans or grants made by the Small Business Administration.

(b) Payments made under the National Flood Insurance Program (NFIP) for flood mitigation activities shall not be counted as income or resources of the property owner. The Federal Emergency Management Agency awards grants to States and communities, which distribute the funds to individuals and businesses for activities that reduce the risk of repetitive flood damage.

(35)Military Combat Pay

Additional pay received by military personnel as a result of deployment to a combat zone is to be excluded from income. This is a result of the Consolidated Appropriations Act of 2005, Public Law 108-447. The absent member is not included as a household member in the Food Stamp group. Regardless of the pay arrangement (directly deposited in a bank account or an allotment made by the enlisted person), only the money that is actually made available to the applicant or participating household is counted as income for food stamp purposes.

Processing
The caseworker must determine if any of the service person's income made available to the household is as a result of being deployed to a combat zone.

A. Establish the amount of the military person's pay that was actually available to the household prior to deployment to a designated combat zone.

- If the military person was a part of the food stamp household prior to the deployment, the amount would be his/her pay prior to the combat supplement.
- If the military person was not a part of the food stamp household prior to the deployment, the amount would be what the person made available to the family before deployment to the combat zone.

B. Determine the amount of pay that the absent member deployed to a designated combat zone is making available to the household.

C. Compare the amount of income available to the household prior to deployment with the amount available to them after deployment to the combat zone.
   - If the amount of pay available is equal to or less than the amount the household was receiving from the military person prior to deployment, all of the allotment would be counted as income to the household.
   - Any portion of the amount that exceeds what they received prior to deployment to a combat zone will be excluded when determining the household's income for food stamps.

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1240-1-4-.16 INCOME INCLUDED IN ELIGIBILITY DETERMINATION

Except for the payments/benefits specifically excluded in 1240-1-4-.15, all other payments received by HH members are treated as income in the determination of eligibility and level of benefits in the Food Stamp Program.

1240-1-4-.17 TREATMENT OF INCOME /DETERMINATION OF AVAILABLE INCOME

The amount of income available to meet food/maintenance needs is to be determined in establishing eligibility for benefits in accordance with definitions given previously and in accordance with the instructions given in Section 1240-1-4-.17-(1) through 1240-1-4-.27. Currently available income as defined (except that specifically excluded, disregarded, or deducted), is considered in the determination of eligibility and level of benefit in Food Stamps.

(1) Projecting Income

In the Food Stamp program a prospective method of determining eligibility and payment is used.

At the time of case action a decision is made as to the amount of income to be considered available for a future period. To the extent possible, any fluctuations in income are to be handled to permit the longest Food Stamp certification period permissible. The worker anticipates monthly income the household will have in the coming months and uses this figure to calculate the amount of benefits for Food Stamps.

In fluctuating income cases the Caseworker must determine what is **representative** income for the prospective period based on earnings from the prior period. **At a minimum**, at least two months or 8 weeks of known income, or one month of income that is known and can be reasonably anticipated to be representative, is needed to determine average income. Pay patterns must be established. This could take more than a two month period depending on the individual's pay patterns. Checks may be disregarded if they are not representative for the future period. The justification for this procedure must be fully documented on CLRC screen.

EXAMPLE

Mr. Irregular Time is receiving Food Stamps and has come in for recertification of his case. Mr. Time is employed at We Get You A Job Emploment Service. His employment is fluctuating as he never knows what hours he will be working. He plans on working about the same hours as he has been. Mr. Time brought 8 weeks of pay stubs. He told the Caseworker that he had been off work a couple of weeks last month as he had been sick. The pay stubs showed the following income:

3/27	$231.66
3/20	466.15
3/13	11.53
3/6	didn't work
2/27	didn't work
2/20	175.74
2/13	258.41
2/6	182.19

The above pay stubs are not enough to get an accurate picture of the pay Mr. Time receives while employed. The Caseworker realized that 8 weeks were not enough to determine what amount of income would be correct to anticipate for the household. The employer was contacted and the additional information was provided from preceding weeks.

1/30	236.48
1/23	186.47
1/16	228.11
1/09	196.10
1/02	237.31

With the additional information, the Caseworker could obtain a more representative picture of the income Mr. Time is expected to receive.

(a) Anticipating Income

At the time of application/recertification a household may expect changes in circumstances to occur in the future; in particular, changes relating to the receipt of income. However, only currently available income will be used to project the amount of ongoing available income unless the amount and date of receipt of expected income is known with reasonable certainty or unless some change has occurred. If the exact amount/month of receipt of the income is not known, only that portion of it which can be reasonably anticipated shall be considered as income.

When any change in the household circumstances is expected, including a change in income, the household is required to report the change within 10 days of the change.

Example

A family who applies for Food Stamps receives SS benefits. There is every reason to believe these benefits will continue and will be received on the third of each month. This income will be counted as available ongoing income.

Example

A family has applied for Food Stamps and Families First. There is no income from earnings or other sources. In determining Food Stamp eligibility and benefit amount, it can be anticipated with reasonable certainty that a Families First grant will be received once the grant is approved. If the FS and FF are approved after cut-off, the FF grant will have to be entered on AEFMI for food stamps only for the next month, with a beginning and ending date, so that it will be counted in the food stamp budget.

The Families First grant must also be entered on AEFMI with a beginning and ending date when the FF case is closed, but then reopened before the effective date of closure.

1. Counting Anticipated Income in Month Received

   Income anticipated with reasonable certainty during the period under consideration shall be counted as income only in the month(s) it is expected to be received, unless the income is averaged.

2. Income in Past 30 Days

   Income received during the past thirty days shall be used as an indicator of anticipated income. However, past income shall not be used for any month in which a change in income has occurred or can be anticipated.

   If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the caseworker and the household may use a longer period of past time if it will provide an accurate indication of anticipated fluctuations in future income. Similarly, if the family's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of income for the certification period.

   In no event shall the caseworker automatically attribute to the household the amounts of any past income. Past income shall not be used as an indicator of anticipated income when changes in income have occurred or are anticipated.

3. Cases of Steady Employment

   In cases where the wage earner is steadily employed, income from previous months is usually a good indicator of the amount of income that can be anticipated in the month of application and subsequent months. If information supplied by the household or a collateral

contact indicates that future income will differ substantially from the previous month's income, the caseworker will use such information to make a reasonable estimate.

4. Assistance Payments

   Households receiving state or federal assistance payments, such as Families First, SSI benefits, or Social Security payments, on a recurring monthly basis shall not have their monthly income from these sources varied merely because mailing cycles may cause two payments to be received in one calendar month and one in the next month.

5. Withheld Wages

   Wages held at the request of the employee shall be considered income to the HH in the month the wages would otherwise have been paid by the employer. Wages held by the employer as a general practice, even if in violation of law, are not counted as income to the HH, unless a HH anticipates that it will ask for and receive an advance, or a HH anticipates that it will receive income from previously withheld wages not previously counted as income. Advances on wages shall only count as income if reasonably anticipated.

(b) Averaging Income

Unless a HH specifically requests consideration of income as actually received and consequent adjustments in benefits during the certification period (variable allotments), the projected average monthly income will be considered in the determination of eligibility and amount of benefit.

1. To average income, the caseworker shall use the HH's anticipation of income fluctuations over the certification period. The number of months used to arrive at the average income need not be the same as the number of months in the certification period.

2. When a full month's income is expected but will be received in weekly, bi-weekly, or semi-weekly amounts, or is annual income, the income will be converted to a monthly amount.

3. Income <u>must not be averaged</u> for a **destitute household** during the first certification period month since averaging would result in assigning to the month of application income from future periods which is not actually available to the family that month.

(2) Converting Income To Monthly Amounts

Since need determination and level of benefit calculation are made on a monthly basis, income and expenses available to a HH must be stated in monthly amounts. The following methods shall be used to convert income to monthly amounts for purposes of determining prospective eligibility on active cases and benefit amounts.

(a) Hourly or Piece Work Wages

Estimate the amount of income to be expected as the result of a week's work based on hours/days produced. Use the weekly earnings figure to determine monthly amount.

(b) Weekly Income

Multiply weekly income by 4.3 to determine monthly income.

(c) Bi-Weekly Income

Multiply amount received each two weeks by 2.15 to determine monthly income.

(d) Semi-Monthly Income

Add the two amounts received to determine monthly income.

(e) Monthly Income

When a wage earner is employed and paid on a regular monthly basis, accept his/her verified monthly wage/salary as monthly income.

(f) Annual Income

Divide annual income by 12 to determine monthly income.

1. Households which, by contract or self-employment, derive their annual income either once annually or over a period of time shorter than one year, shall have the income annualized over a 12-month period. That is, income will be anticipated for and averaged over the full 12 months. Such groups include farmers, certain school employees employed on a contractual basis, sharecroppers, and other self-employed persons. This does not apply to migrants, seasonal farm workers, persons who receive income on an hourly or piece work basis. In these latter instances, income is counted in the months received. If a person is under contract, the 12-month period should begin the first month the person receives payment under contract. If the self-employment income is received once annually, the income would be averaged over a 12-month period beginning with the month the income is received.

   Example: An individual applied for benefits in December with annual income, which was received in September. The annual income would be averaged for September through August and shown in the Food Stamp budget for December through August.

2. Income which is received annually, or which is an integral part of annual income, will be totaled and prorated over 12 months. Such income is usually earned income and derived from a farming or other self-employment enterprise. Income which, by contract or otherwise, could be generally considered as annual income, but which is received in a shorter period of time will be considered as income in the months during which it is intended to cover. An estimated average income from migrant labor, seasonal farm work, or other seasonal employment will be considered during the months such income is received.

(3) Rounding Truncating Procedures

Cents for all types of income will be truncated when used in the budget calculations for Food Stamps.

Cents for all types of expenses will be included in the budget calculations and then dropped in the final budget step for Food Stamps.

Hourly wages will not be rounded prior to converting to gross weekly or gross monthly income. Use cents when computing the gross income. The ACCENT System will do the truncating procedure.

Example

Client comes in with 8 paychecks

232.44	289.67
222.66	212.32
198.33	199.78
210.54	205.89

for a total of $1671.63 divided by 8 = $208.95

The amount entered on AEIEI or AEISE would be 208.95. The cent amount should always be entered into the ACCENT System.

(4) Income at Application

(a) Income in Application Month

Base the eligibility and benefit level for the HH's submitting an initial application on its circumstances for the entire calendar month in which the application is filed. Use the income received by the HH members during the application month (i.e., income already received by the day of application plus any that is anticipated, with reasonable certainty, to be received in that month) to determine initial eligibility and benefit level.

NOTE: If the household's income is averaged, use the averaged amount for each month of the certification period, including the application month. (This does not apply to income from a new source when it was not received during the entire application month.)

When an active Families First recipient applies for Food Stamp benefits, the Caseworker will need to look at the child support pass through payments for the past two months to determine the anticipated monthly amount. Use these amounts to project the monthly amount of child support pass through income to be counted in the first and second months of the initial certification.

(b) Effects of Changes During the Application Processing Period

A household may be eligible in the application month based on circumstances existing in that month, but ineligible in the subsequent month because of changes which occur. The household is entitled to benefits for the application month even when the processing of the application results in benefits not being issued/paid in the subsequent month.

Example

A family applied for FF/FS on the 20th of the month. Income was from earnings the first week of the month. The wage earner has been temporarily laid off and does not know when she will be called back to work. Based on income, eligibility for the application month exists. During the application processing, the wage earner is called back to work and one child leaves the home. Projected ongoing earnings cause ineligibility of the remaining household members. Benefits are to be granted for the application month even though they are paid in the subsequent month.

Similarly, a household may be ineligible in the application month based on circumstances existing in that month, but eligible in the subsequent month because of changes which occur. A new application is not required even though the request for assistance for the first month is denied.

Example

A family applies for Food Stamps on the 20th of the month. Income already received in that month causes ineligibility. However, the applicant presents an official notice that employment has been terminated effective the first of the next month. There is no other income available. The request for benefits in the application month is denied, but benefits are granted for the subsequent month without the completion of a new application.

Ongoing income from any and all sources is considered available to meet maintenance needs until such time as the recipient reports, or the agency discovers a change.

(5) Anticipated Changes and Benefit Amounts

(a) As a result of anticipating changes, the household's Food Stamp allotment for the month of application may differ from its allotment in subsequent months. The certification period established by the Caseworker should be for the longest possible period over which changes in the household circumstances can be reasonably anticipated. The household's allotment shall vary month to month within the certification period to reflect changes anticipated at the time of certification, unless the household elects the averaging techniques. If the recipient elects to average income, a change back to monthly adjustments cannot be made during a certification period.

In the third month of the initial certification and ongoing, the Families First child support pass through payments will be budgeted retrospectively. The system will do an automatic update each month for Food Stamp cases. All child support pass through payments that are not mass changed by the system must be processed by the Caseworker. The automatic mass change occurs around the first week of the month.

(b) When changes in income are reported, great care must be taken to coordinate the action taken in Food Stamps and Families First. It must be carefully explained to the recipient that any change reported may affect the FF grant, which in turn, may affect the amount of his/her Food Stamp allotment.

(6) Income at Recertification

Food Stamp eligibility and the level of benefits for recertification shall be based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. If an application for recertification has expired, the month of application shall be the month in which the application was filed, as for an initial application.

(7) Consideration of Income Belonging to Particular Individuals

The income of all persons who share a living arrangement must be explored, but all individuals income may or may not be considered in the determination of eligibility and level of benefit as described below:

(a) Individuals Whose Income IS to be Considered

1. Household Members

   The non-excluded income for all household members must be considered totally available to the household when determining eligibility and level of benefits. None of it may be diverted to ineligible individuals in, or outside of, the household.

2. Excluded Household Members
   (See Household Composition Section 1240-1-2-.02-(4) also.)

   (i) Ineligible Aliens; Individuals Whose Citizenship is Questionable; Individuals Disqualified for Failure to Provide or Apply for SSN

   The earned and/or unearned income of these household members will continue to be counted as income to the remaining household members, less a pro rata share for the excluded member(s). The pro rata share is calculated by dividing the excluded member's countable income evenly among the household members, including the excluded members. All but the excluded member's share is counted as income for the remaining household members.

   (ii) Individuals Disqualified for Intentional Program Violations; Non-Compliance with the Work Requirements including Voluntary Quit; Convicted of Trafficking in Food Stamps of $500 or More (eff. 11/1/96); Second Violation of a Finding by a Federal, State or local Court of Trading of Coupons for a Controlled Substance (eff. 11/1/96); First Violation Based Upon a Finding by a Federal, State or local Court of the Trading of Firearms, Ammunition, or Explosives for Coupons (eff. 11/1/96); Individual Found to Have Made a Fraudulent Statement or Representation with Respect to Identity or Residence in Order to Receive Multiple Benefits Simultaneously (eff. 11/1/96); or Convicted (under Federal or State law) of a Felony Offense Which Occurred after August 22, 1996 Which has an Element the Possession, Use, or Distribution of a Controlled Substance (eff. 7/1/97);

   The earned and/or unearned income of these members will continue to count in their entirety to the remaining Food Stamp household members.

(b) Individuals Whose Income IS NOT to be Considered for Food Stamps

1. Ineligible Students

   The income of individuals who are not eligible because of student eligibility criteria.

2. Individuals Living Outside the Household

   The income of any individual who does not actually live with the household, regardless of legal relationship to members of the household.

   Exception: An individual sponsor's and spouse's income must be counted toward the alien whom he/she is sponsoring if the new affidavit is signed. (See Section 1240-1-3-.12-(2))

3. Children Under Age 18 Who are at Least Half-Time Students

   The earned income of children under age 18 when the person:

   - is a student at least half-time in elementary school, high school, or classes to obtain a General Equivalency Diploma (GED); <u>and</u>

   - lives with a natural or adoptive parent or stepparent, <u>or</u>
   - is under the control of a household member other than a parent.

4. Boarders

   Only the amount paid for room/board is considered as income to the household, unless the household has requested the boarder to be considered as a household member.

5. Foster Child or Foster Adult

   The Food Stamp household has the option of whether to consider the foster child or foster adult as a household member. If the household requests that the foster individual not be counted as a household member the individual's income would not be counted toward the household. If the individual is considered as a household member, then the individual's income would be counted toward the Food Stamp household.

(8) Deductions From Income

(a) Limitations On Deductions

Deductible expenses include only those costs described in this section.

(b) Types of Expenses <u>Not</u> Allowed As Deductions

Expenses may be deducted only if the service is provided by someone outside the household and the household makes a money payment for the service. For example, a dependent care deduction is not allowed if another household member provides the care.

Household's expenses that are paid through an excluded reimbursement or vendor payment may not be allowed as a deduction for the household, except for utility expenses paid by the Low Income Home Energy Assistance Program (LIHEAP).

Example

Mrs. Albert's electric bill is paid by LIHEAP. She heats with electricity. Mrs. Albert is eligible to receive the standard utility allowance for the appropriate number in her household. If she does not want the SUA, she may claim her entire actual costs, including those expenses paid by LIHEAP.

Example

Mr. Harmon heats and cools his home with gas. His son, who is not in the HH, pays his gas bill directly to the utility company every month. Mr. Harmon is not entitled to the standard utility allowance because his heating and cooling expense is paid through a vendor payment. Also, he may not claim actual heating and cooling expenses because the vendor payment covers the entire expense.

(c) Billed Expenses Deducted in Month Due

Except as provided in Section 1240-1-4-.17-(8)-(d) and (e) below, a deduction is allowed in the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. Amounts carried forward from past billing periods are not deductible, even if included with the most recent billing and paid by the household.

(d) Fluctuating Expenses

Households may elect to have fluctuating expenses averaged. They also may choose to have expenses which are billed less often monthly averaged forward over the interval between scheduled billings. If there is no scheduled interval, average forward over the period the expense is intended to cover.

Example

If a household received a single fuel bill in February which covers a three-month supply of oil, the bill may be averaged over February, March and April.

Households reporting one-time only expenses during their certification period may elect to either have a one-time deduction in the month the change would become effective, or to have the expense averaged over the remaining months in the certification period. Averaging would begin the month the change would become effective.

(e) Anticipating Expenses

A household's expenses are calculated based on the expenses for which the household expects to be billed during the certification period. Anticipation of the expenses is based on the most recent month's bills, unless the household is reasonably certain that a change will occur. Changes may be anticipated during the certification period based on last year's bills from the same period updated by overall price increases. If only the most recent bill is available, utility cost increases or decreases over the months of the certification period may be based on utility company estimates for the type of dwelling and utilities used by the household. Past expenses will not be averaged (such as utility bills for the past several months) as a method of anticipating utility costs for the certification period.

(f) Types of Expenses Allowed as Deductions

Allow deductions for the following expenses in calculating the household's adjusted monthly income:

1. Earned Income Deduction

   Deduct 20% of gross earned income. Do not allow any additional deductions (i.e., taxes, pensions, union dues, and the like) except for costs of self-employment. Excluded earned income is not subject to this deduction. Households that willfully and fraudulently fail to report earnings, and, thus, commit an Intentional Program Violation, are not entitled to the 20% deduction in the overissuance determination. Once the earnings are discovered and counted in the ongoing food stamp budget, the household is entitled to the 20% deduction.

2. Standard Deduction

   Apply the appropriate standard deduction to each household regardless of its income. (See chart in Section 1240-1-4-.27.)

3. Excess Medical Deduction

   Refer to the Medical Deduction Supplement at the back of this Section for information on medical expenses.

4. Dependent Care

   Allow payments for the actual costs for the care of a child or other dependents when necessary for a household member to accept or continue employment, seek employment in compliance with an E & T component (or an equivalent effort by those not subject to E&T), or attend training or education preparatory to employment. Maximum amounts are established for this deduction and are subject to change annually. (See chart in Section 1240-1-4-.27.)

5. Shelter Costs

(i) Monthly shelter costs is the amount in excess of 50% of the household's income after all deductions have been allowed. The shelter deduction cannot exceed the maximum unless the household contains a member who is elderly or disabled as defined in Section 1240-1-8-.01. These households will receive an excess shelter deduction for the monthly cost that exceeds 50% of the household's monthly income after all applicable deductions. The maximum shelter deduction is subject to change annually. Shelter costs include only the following.

(I) Continuing charges for the shelter occupied by the household, including rent, mortgage, condominium fees or other continuing charges leading to the ownership of shelter, such as loan repayments for the purchase of a mobile home, including interests on such payments.

If a recipient takes a second mortgage or loan, in which the loan is secured by a lien on the homestead property by the lender, payments on these secured loans meet the criteria of continuing charges for the shelter and are considered shelter costs. This true is regardless of what the loan is actually for. Payments made on unsecured or personal loans are not considered shelter costs.

(II) Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

(III) Charges for heating, cooling, and cooking fuel; electricity; water and sewer; garbage and trash collection fees; the standard telephone allowance; and fees charged by the utility provider for initial installation of utility cost.

(IV) The above shelter (I - III) costs for the home if not actually occupied by the household because of employment away from home, illness or abandonment of the home due to natural disaster or casualty loss. For the costs of a vacated home to be included in shelter costs, the household must intend to return to the home; the current occupants of the home, if any, cannot be claiming the shelter costs during the absence of the household; and the home must not be leased or rented in the household's absence. Households claiming utility costs for unoccupied homes must verify the actual expenses and the standard utility allowance cannot be substituted.

(V) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as fire or flood. Shelter costs cannot include charges for repair of the home that have been or will be reimbursed by private or public relief agencies such as insurance agencies or from any other source.

(ii) Payments NOT Included in Shelter Costs Are:

(I) fees charged for one-time deposits on utilities;

(II) separate costs for insuring furniture or personal belongings;

(III) repairs or replacement of any appliance, well, septic tank, or any portion of the home due to wear and tear or mechanical problems;

(IV) any costs related to housing not actually occupied by the household, except as specified in 1240-1-4-.17-(8)-(f)-5-IV above;

(V) down payments, closing costs, discount points, and other costs incidental to purchase and the closing of a mortgage;

(VI) costs of drilling a well or installing a septic tank; or

(VII) site preparation to locate a mobile home.

(iii) Homeless Households Shelter Standard

Homeless households that incur or expect to incur shelter costs during the month shall be eligible for a HH shelter standard. Households which receive free housing and utilities throughout the month would not be eligible.

A homeless household which uses the special standard is not entitled to the standard utility allowance since average utility costs are included in the estimate.

Homeless households with shelter costs higher than the HH standard would be able to claim these costs if they can be reasonably verified. If there is no such verification the HH standard would be used.

The Caseworker shall use prudent judgment in determining if verification obtained is adequate. Once there is a noticeable pattern to a homeless household's shelter costs, the certification period can be adjusted accordingly. The household is still required to report changes in their circumstances, including shelter costs.

(iv) Standard Utility Allowance (SUA)

The standard utility allowance (SUA) is used in calculating the shelter costs of those households which directly incur heating or cooling expenses on a regular basis separate and apart from their rent or mortgage payment, including residents of rental housing who are billed on a monthly basis by their landlords for actual usage as determined through individual metering.

(v) Standard Telephone Allowance

A standard telephone allowance is to be used in calculating the shelter costs for households which incur a separate telephone expense, but are not entitled to the utility allowance.

(vi) Actual Utility Expenses

Actual utility costs may be deducted if the household can verify these costs, and it can be reasonably anticipated that the costs will continue for the length of the certification period.

A household living in public housing or other rental housing which has central utility meters and charges the household only for excess heating or cooling costs cannot be permitted to use the SUA. These households may elect to have their excess utility costs allowed in the billing month, or have the excess averaged forward over the interval between scheduled billings.

If a household wishes to claim utility expenses for an unoccupied home, the household must provide verification of the actual utility expenses for the unoccupied home. The SUA cannot be used for unoccupied homes.

(vii) Household's Option

At the time of certification, explain to the household that it may deduct its actual utility costs rather than the SUA throughout the certification period, if the household can verify these costs. The household may switch between the SUA and actual costs at recertification only.

The limit on the number of times a household may switch between actual costs and the SUA applies only to those times it actually has a <u>choice</u>. It does <u>not</u> apply when the household must switch from the SUA to actual expenses because it is no longer eligible for the SUA (i.e., the household no longer incurs heating or cooling expenses).

(viii) When the Standard Utility Allowance CAN be Used

The standard utility allowance (SUA) may be used:

(I) When the household is billed on a regular basis for heating or cooling expenses separate and apart from its rent or mortgage. The standard allowance includes the cost of heating and/or cooling, cooking fuel, electricity, the basic service fee for one telephone, water, sewage, and garbage and trash collection. A cooling cost is a verifiable utility expense relating to the operation of air conditioning systems or room air conditioners. Only households which <u>directly incur a heating or cooling expense</u> on a regular basis separate and apart from their rent or mortgage are entitled to the standard utility allowance.

Exceptions:

I. A household billed less often than monthly for its heating/cooling costs, if otherwise eligible to use the standard allowance between billing months.

II A household receiving LIHEAA payments is entitled to the standard utility allowance even if they do not incur heating or cooling costs separate from rent.

(II) When there is no rent or mortgage payment, such as when there is free use of a house or mobile home, or when the home mortgage is fully paid, if the household is otherwise eligible to use the standard utility allowance.

(III) When two or more households share a common residence and contribute to the common heating or cooling expense for the residence. Each household would be eligible to receive the SUA for the number of individuals in its respective household.

Example
A three-person food stamp household shares a residence and common utility costs (including heating and cooling) with a two-person food stamp household. While the actual utility bill comes to the head of the three-person household, the head of the two-person household has provided verification of actual utility payments. The three-person household may be allowed the standard utility allowance (SUA) for 3 and the two-person household may be allowed the SUA for 2.

(ix) When the Standard Allowance for Utilities Is NOT to Be Used

(I) the household has no utility expense such as when all utilities are furnished as in-kind benefit;

(II) the household wishes to claim expenses for an unoccupied home;

(III) households are charged only for water, garbage and trash collection, sewage, telephone, cooking fuel, or any combination of these expenses. To be eligible for the standard allowance, the household must be directly billed on a regular basis for its heating and/or cooling costs;

(IV) a household lives in a public housing unit or other rental housing unit. The household is charged only for excess utility costs, regardless of whether the unit is individually or centrally metered.

(V) a household that lives with another household (which receives the actual utility bill) sharing a common meter for utilities but residing in a separate residence, would not be eligible for the SUA but is entitled to actual costs paid to the household that receives the bill or the Basic Utility Allowance (BUA) as explained in 1240-1-4-.17-(8)-(f)-(5)-(xi).

Example

A household is billed for water and electricity. However it has no air conditioners and cuts its own firewood for heating. Its only expense is gasoline for a chain saw and matches for lighting the fire. This household would not be entitled to the SUA.

Example

A household rents an apartment where the gas heat is included in the rent payment. There is no air conditioning in the apartment. During the winter, the household runs a blower fan with electricity, even though it heats with gas. This household is not entitled to the SUA because its heating expense is provided in the rent payment and it does not incur a heating or cooling expense.

Example

Household A has a residence with a basement apartment which is separate from Household A's residence. All utilities for both residences are on the same meter. Household B rents the apartment and pays rent and a portion of the electricity for cooling. Household A would be eligible for the SUA, but Household B would be eligible for the BUA or actual expenses.

(x) Eligibility for the Standard Utility Allowance for Households Receiving Energy Assistance or Other Vendor Payments for Utilities

An "energy assistance" payment is any payment made to a household or utility company, which is earmarked specifically to pay a household's utility costs. These may be paid from federal, state, or local programs, private agencies, etc. {To determine how to count energy assistance payments, refer to Resource Section 1240-1-4-.05 and Income Section 1240-1-4-.15.}

(I) Low Income Home Energy Assistance Act (LIHEAA)

LIHEAA payments made directly to the household or provider do not affect the household's eligibility for the SUA. Households are entitled to the SUA even if the expense is totally covered by a LIHEAA payment.

(II) HUD and FmHA Utility Reimbursements

Households receiving HUD and FmHA reimbursements are entitled to the SUA if they incur heating or cooling costs that exceed the amount of the excluded payment.

(III) State and Local Energy Assistance and Other Vendor Payments

I. Energy assistance payments made directly to the household do not affect the household's eligibility for the SUA if the household is otherwise entitled to it.

II. Consider energy assistance payments (other than LIHEAA payments) as vendor payments when they are made directly to the utility company (including checks made jointly to the household and the utility company).

III. To determine a household's eligibility for the SUA when vendor payments are made to the utility company, follow the procedures outlined below.

- Determine the period the vendor payment is intended to cover (i.e., a month, a year, the heating or cooling season) and prorate the payment over that period.

- When the vendor does not specify the months the payment is to cover, consider the heating season as October through March, and the cooling season as April through September.

- Based on the prorated vendor payment, anticipate whether the household will have out-of-pocket heating or cooling expenses during the certification period over and above the costs covered by the vendor payment.

- If you anticipate that the household will have out-of-pocket heating or cooling expenses for any month of the certification period, allow the SUA (as shown in the example below).

- If you do not anticipate the household will have out-of-pocket heating or cooling expenses during any month of the certification period, do not allow the SUA.

- When the SUA is not allowed, but the household reports and verifies out-of-pocket expenses later in the certification period, allow the SUA at that point.

Example

Mr. Newman's family applied for food stamps in August and will be certified for six months, ending January 31. They own their home and are responsible for the heating expenses. Mr. Newman reports that HUD (Section 8) pays $50 each month directly to the utility company for his household's expenses. The family's utility bills are $40 to $50 monthly in the summer and early fall. However, they are as high as $100 per month during the late fall and winter.

Because we can anticipate that the household will have out-of-pocket heating expenses during at least one month during the certification period, we can allow the household the SUA for the entire certification period.

Example

Mrs. Woodard lives in an apartment and is responsible for heating and cooling expenses. She is elderly and was certified for a year as a one-person household beginning March, at which time she chose to use the SUA. The following November 5, she reported that a church deposited $600 with the utility company for her fall and winter heating costs.
The church did not specify the exact period the vendor payment was intended to cover. Therefore, it will be prorated over the entire heating season.

$600 divided by 6 (Oct. - March) = $100 month

Mrs. Woodard states that her heating costs never exceed $100 a month. Therefore, we cannot anticipate that she will have heating or cooling costs during any month remaining in the certification period (the certification ends 2/28). However, because she was responsible for paying her heating and cooling costs during at least one month of her certification period, Mrs. Woodard continues to be eligible for the SUA during the entire certification period.

Example

Mr. Redford's family is certified for November through April. They are billed directly for heating and air conditioning. At certification, Mr. Redford provided verification that a county-funded energy assistance program paid $500 directly to the utility company for his winter heating costs. The program specified that the payment was to cover the family's utility expenses for November through February.

$500 divided by 4 (Nov. - Feb.) = $125 per month

Mr. Redford states that his heating costs never exceed $125 per month. Although the vendor payment will pay the household's entire heating costs in the months for which it is intended, the family again will have to pay its own heating and/or cooling expenses in March and April. (Consider the vendor payment as covering expenses only during the months for which it is intended, even when the payment exceeds the total expenses for this period.)

Because the household will have out-of-pocket heating or cooling costs during at least one month of the certification period, the SUA may be allowed for the entire certification period.

(xi) Basic Utility Allowance

The basic utility allowance (BUA) is an option for a food stamp household that incurs a utility expense but is ineligible for the SUA. The BUA may be used in lieu of actual costs. The BUA is not used when the household's only utility expense is for a telephone.

6. Child Support Payment Deduction

   Court ordered child support payments paid by a Food Stamp household member to or for an individual living outside the household are allowed as a deduction.

7. Deduction for a Representative Payee

   A monthly fee collected from SSI payments by an organizational representative payee is legally obligated to the payee and is not counted as income to the recipient for the Food Stamp Program. The organization must be a community based nonprofit social service agency.

   Title XVI Supplemental Security Income (SSI) and Title II Social Security Insurance (SSDI) Payments to individuals whose disability is based on drug addiction and/or alcoholism (DAA) are required to be paid through a representative payee. The amount of the fee, which the representative payee withholds from the funds receives on behalf of the recipient, is not counted as income to the household for Food Stamp purposes.

(g) Types of Expenses Allowed for Excluded Household Members

1. Ineligible Aliens, Individuals Whose Citizenship is Questionable and Individuals Disqualified for Failure to Provide or Apply for SSN

   Apply the earned income deduction to that portion of the excluded individual's earned income which is attributed to the household. That portion of the household's allowable child support payment deduction, shelter and dependent care expenses which is either paid by or billed to the excluded members will be divided evenly among the household members, including the excluded members. Count all but the excluded member's share as a deductible expense for the remaining household members. No deduction is allowed for the excluded member's medical expenses.

2. Individuals Disqualified for Intentional Program Violations or Failure to Comply with Work Requirements

   The entire household's allowable earned income deduction, standard deduction, child support payment deduction, medical dependent care and excess shelter deductions, including those of the disqualified person, continue to apply to the remaining household members.

1240-1-4-.18 TREATMENT OF UNEARNED INCOME

Unearned income is money which is received for reasons other than the current work efforts of an individual. No earned income exclusions or work expense deductions may be applied to unearned income as defined. In the Food Stamp Program, the standard deductions and dependent care, child support, shelter, and medical deductions are to be applied to unearned income as appropriate. (See Section 1240-1-4-.17.) Unearned income is considered available to meet food needs as described in previous sections.

1240-1-4-.19 TREATMENT OF EARNED INCOME

(1) Earned income is defined as that total income which a household earns by its own work efforts, either salary, wages, or commissions paid to the household as an employee, or profits from self-employment in an enterprise (including farming) which it may carry on independently or jointly with another person or persons. It includes earnings over a period of time for which settlement is made at one given time. It also includes paid annual leave, vacation time, sick leave, pay while on maternity leave, and bonuses when they are subject to income tax and FICA. When a member of the household is actively engaged in the management of rental property at least an average of 20 hours per week, income from rental property is earned. It does not include any income such as pensions or benefits accruing as compensation or reward for service or compensation for lack of employment; for example, RSDI benefits, VA benefits, Unemployment Compensation, etc., not military allotments, allotments from Job Corps participants, or return from capital investments.

(2) All gross income which is received or expected to be received during a food stamp certification period is considered currently available with two exceptions:

(a) when income is excluded or disregarded as defined; or

(b) when income is so infrequent or irregular that it cannot reasonably be anticipated, but not in excess of $30 per quarter.

1240-1-4-.20 POLICIES REGARDING DETERMINATION OF NET INCOME

Net income determines the amount of allotment per household size.

(1) Generally, net earned income is considered to be gross earnings minus a 20% earned income deduction, and, if income is from self-employment, minus cost of doing business.

(2) Adjusted monthly income is gross earned and unearned income less all appropriate deductions. Refer to Section 1240-1-4-.17-(8) for appropriate deductions.

1240-1-4-.21

Reserved

MEDICAL DEDUCTION SUPPLEMENT

I. WHAT IS A MEDICAL DEDUCTION?

A. DEFINITIONS

(1) Medical Expense

A medical expense is an identifiable medical cost incurred by a household member who meets one of the criteria given in Section B.

Allowable medical costs are:

1. medical and dental care, including psychotherapy and rehabilitation services, provided by a licensed practitioner authorized by state law, of other qualified health professional;

2. hospitalization or outpatient treatment, nursing care, and nursing home care, including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home licensed (or recognized) by the state;

3. prescription drugs when prescribed by a licensed practitioner authorized under state law, and over the counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional; in addition, costs of medical supplies, sickroom equipment (including rental) or other prescribed equipment are deductible;

4. health and hospitalization insurance policy premiums (Refer to definition);

5. Medicare premiums related to coverage under Title XVIII of the Social Security Act; and cost-sharing or spend-down expenses incurred by Medicaid recipients;

6. dentures, hearing aids and prosthetics;

7. costs of securing and maintaining an animal specially trained to provide service to the disabled including the cost of food and veterinarian bills. Costs over and above that covered by a reimbursement constitute an allowable deduction;

8. eyeglasses or contact lenses, prescribed by a physician skilled in eye disease or by an optometrist;

9. reasonable cost of transportation and lodging to obtain medical treatment/services;

10. monthly telephone fees for amplifiers and warning signals for handicapped persons;

11. costs of typewriter equipment for the deaf;

12. special diets that require a prescription and must be obtained from a pharmacist (do not count other special diets); and

13. costs of maintaining an attendant, homemaker, home health aid, child care services, or housekeeper that are necessary due to age, infirmity, or illness. In addition, deduct an amount equal to the one-person coupon allotment if the household furnishes the majority of the attendant's meals. The allotment for this meal-related deduction will be that in effect at the time of initial certification. Update the allotment amount at the next scheduled recertification.

(2) Medical Deductions

A medical deduction is the non-reimbursable portion of an allowable medical cost that exceeds $35 per month, **except** when the individual is enrolled in the Medicare-Approved Drug Discount Card Program. The Medicare-Approved Drug Discount Card Program is a transitional program authorized by The Medicare-Approved Drug Improvement and Modernization Act of 2003. It is designed to provide relief for prescription drug costs of eligible individuals until the new Medicare drug benefit goes into effect in January 2006.

(a) Anyone on Medicare is eligible to enroll in a Medicare-Approved Drug Discount Card Program **except** those who have outpatient prescription drug coverage through Medicaid.

When an individual who has a Medicare-Approved Drug Discount Card is later approved for Medicaid, do not remove the excess medical deduction until the next recertification.

(b) Assume anyone whose gross income is no more than 135 percent of the federal poverty level is eligible for the $600 credit. (NOTE: the food stamp gross income limit is 130 percent of the federal poverty level)

(c) Prorate the $600 yearly credit over the two years it is available at the rate of $50 per month. The proration will continue even if benefits are terminated and later resumed.

Example: A household applies for food stamps in December 2004. The 24 months will run through November 30, 2006, but assistance is terminated when they receive substantial lottery winnings in July 2005. The household reapplies in January 2006 when their resources are again within permitted limits. The prorated credit of $50 per month will continue to be budgeted through the original date, November 30, 2006.

(d) The Centers for Medicare & Medicaid Services has estimated as the monthly value of the prescription drug discounts received with the card to be $23. Add this $23 standard allowance to the cardholder's out-of-pocket expenses to calculate monthly medical expenses.

Example: A household with a Medicare-approved discount drug cardholder is interviewed for recertification and reports that he/she has the card. He/she also reports out-of-pocket expenses of $150. The worker will calculate the excess medical deduction by adding the $150 out-of-pocket expense plus the $50 credit plus the $23 standard to equal $223. The excess medical deduction will be $223 minus $35, or $188.

(e) If an individual opts to use out-of-pocket medical expenses that he/she incurred prior to using the discount card, that is permissible. In this case, the worker must calculate the excess medical expense using the receipts provided by the individual.

Example: The individual in the example above had incurred prescription costs of $300 per month before enrolling in the Medicare Approved Drug Discount Program. Now he/she pays $150 per month using the discount card. Since the total medical expenses calculated in the example above is a lesser amount than the $300 he/she had previously incurred, the worker can use the $300 for total medical expense, assuming the individual can provide receipts to verify the higher amount.

(f) If an individual reports he/she has the Medicare-approved drug discount card, but does not declare any out-of-pocket medical expenses because the discount card covered all of his prescription drug cost, he/she is still eligible for the prorated credit of $50 and the standard of $23. The excess medical expense allowed would be:

$50 + $23 = $73 - $35 = $38 excess medical expense deduction.

(g) There is a $30 annual enrollment fee that companies offering the Medicare-approved drug discount card may charge enrollees. Only persons who do not qualify for the $600 credit must pay the $30 enrollment fee if the company offering the card charges the fee. It is unlikely that a food stamp recipient would have to pay the $30 enrollment fee, but if a recipient does, it is to be averaged over the certification period. If a person has to pay the $30 enrollment fee for 2004, assume he/she will also have to pay it for 2005.

(3) Disability

An individual is considered disabled if he/she meets any of the following criteria (also see Definition Section for Disability):

(a) receives payments for disability or blindness under Titles I, II, X, XIV or XVI of the Social Security Act;

(b) receives federally or state administered supplemental benefits under section 212 (a) of Public Law 93-66;

(c) receives disability retirement benefits from a governmental agency because of a disability considered permanent under Section 221 (i) of the Social Security Act;

(d) receives an annuity payment under Section 2 (a)(l)(iv) of Railroad Retirement Act of 1984 and is determined to be eligible to receive Medicare by the Railroad Retirement Board;

(e) receives an annuity payment under Section 2 (a)(i)(v) of the Railroad Retirement Act of 1984 and is determined to be disabled based on the criteria used under Title XVI of the Social Security Act (SSI);

(f) receives interim or presumptive assistance payments pending receipt of SSI;

(g) receives medical assistance based on disability under Title XIX (Medicaid);

(h) is a veteran receiving VA benefits for a service or non-service connected disability rated or paid as total or is considered by VA standards to be in need of regular aid and attendance or considered permanently housebound;

(i) is a disabled surviving spouse of a veteran and is considered by VA standards to be in need of regular aid and attendance or is permanently housebound;

(j) is a disabled surviving child of a veteran and is considered by VA standards to be permanently incapable of self-support;

(k) is a surviving spouse or child of a veteran and entitled to VA compensation for a service-connected death or VA pension benefit for a non-service-connected death and has a disability considered permanent under the Social Security Act.

(4 Entitled (in relation to disability)

"Entitled" refers to a surviving spouse and children of veterans who are receiving the compensation or benefits stated in the Disability definition, or have been approved for such payments but are not yet receiving them.

(5) Health & Hospitalization Insurance Policies

A health and hospitalization insurance policy pays for medical services, either on an out-patient basis (major medical), or due to hospitalization. The payment is normally made directly to the medical service provider or as a reimbursement to the insured.

Do not consider the following:

a. the cost of "health and accident" policies that are payable in a lump sum settlement for death or dismemberment;

b. the cost of income maintenance policies that continue mortgage or loan payments while the beneficiary is disabled; or

c. the entire amount of a health or insurance premium if it includes coverage for household members not entitled to a medical deduction.

Allow only that portion of a health or hospitalization insurance premium assigned to a HH member eligible for a medical deduction. If specific information is not available on what portion of the premium is for the eligible member, pro rate the premium to determine the allowable amount for the eligible HH member.

(6) One Time Medical Expenses

One time medical expenses are medical expenses that are not recurring, either on a stable or fluctuating basis.

Examples are:

- a hospital bill;
- a doctor bill for a temporary illness or a minor surgical procedure done in the doctor's office;
- bills for the purchase of prescription eye glasses or contact lens; or
- bills for the purchase of hearing aids.

(7) Recurring Medical Expenses

Recurring medical expenses are those expenses that occur again and again over a period of time. They may be stable or fluctuating.

Generally, insurance premiums and attendant care costs are stable, while prescriptions, doctor bills, and transportation costs are fluctuating.

As a rule, a medical expense recurring at regular intervals, and with a constant cost per occurrence, would be considered stable. An expense which recurs at irregular intervals, or with a changing cost, would be considered fluctuating.

B. CRITERIA FOR DETERMINING WHO IS ELIGIBLE FOR A MEDICAL DEDUCTION

(1) General

In order to be eligible for a medical deduction, a household member must be either age 60 or older, or disabled.

Only household members who meet at least one of the eligibility criteria may receive the medical deduction.

If a person becomes age 60 during the initial month of certification, the medical expenses can be allowed beginning that month. If a person becomes age 60 later in the certification period, the medical expenses may be considered at that time.

If a household member is eligible for a medical deduction but does not claim any, document the case record that no medical expenses were claimed or subsequently reported.

(2.) SSI Essential Persons

Spouses and dependents who receive SSI benefits as SSI essential persons are not eligible for a medical deduction. They are, however, included in the household.

(3) When An Application For SSI or Social Security Disability Has Been Made

A member of a currently certified household who is not age 60 or older may apply for SSI or Social Security disability. Do not allow a medical deduction until the individual actually receives an SSI or SSA disability check.

(4) State Supplement

Individuals who receive State Supplement payments are not eligible for a medical deduction unless they also receive an SSI check.

(5) Termination of SSI, SSA, or VA Benefits

Whenever SSI, SSA, or VA benefits are terminated, the household member is no longer entitled to the medical deduction unless he/she meets one of the other criteria.

If such benefits are resumed later, the individual will be entitled to the medical deduction again.

C. CONSIDERATION OF MEDICAL EXPENSES

(1) General

The total non-reimbursable medical cost exceed $35 per month. Apply the $35 exclusion to the household, not to individuals. The $35 is deducted for each month a medical deduction is allowed. The balance, in excess of the monthly $35 exclusion, is counted as a medical expense.

(2) Age of the Medical Expense

When considering a one-time medical expense, the following criteria apply:

a. do not consider how old the expense is or when it was incurred;

b. establish that the medical expense still exists;

c. establish whether it has previously been considered (if it has been considered in the food stamp budget before, it cannot be considered again); and

d. establish the current balance. Only the existing balance can be considered.

(3) Verification

Verify all medical expenses prior to allowing them as deductions. Do not provide a deduction if the expense cannot be verified. If the household subsequently provides the verification, redetermine benefits at that time.

Provide increased benefits, if any, according to established procedures for processing reported changes.

(4) Responsibility for Medical Expenses of a Non-Household Member

At times, the food stamp household is responsible for a non-household member's medical expenses. This normally occurs when an individual dies or enters a nursing home.

The individual must have been an eligible HH member, and eligible for a medical deduction, immediately prior to entering the hospital or nursing home, or prior to death.

Consider only the following:

a. hospitalization;

b. out-patient care; and

c. nursing home care.

D. REIMBURSEMENTS

(1) General

Allow medical expenses only after reimbursements have been determined. Possible reimbursements for a medical expense exist anytime the individual has Medicare, health or hospitalization.

(2) When Reimbursements Cannot Be Established

Do not allow the medical expense if the amount of the reimbursement cannot be established.

Allow the medical expense only when the client is able to verify the amount of reimbursement, even if it is at a later day.

For a one-time expense, allow only the currently existing balance still owed at the time the amount of reimbursements is verified.

EXAMPLE

Mrs. Jones, who is 68, reports a one-time medical expense of $200 on March 7. The EW establishes that a portion of the expense is reimbursable, but the amount of the reimbursement cannot be established at this time.

In May, Mrs. Jones provides verification that the insurance company will reimburse $100 of the expense.

She has already paid $60 on the one-time expense. Thus, the balance owed is $40 ($200 – 160 = 40).

Consider only $40 balance as a one-time medical expense.

(3) Verification and Documentation

Accept the household's statement that no reimbursement will be received, unless questionable.

EXAMPLE
A client's statement that no reimbursement will be received might be questionable if it is known that his employer provides a group medical insurance plan, or if the client is a Medicaid or Medicare participant.

Verify reimbursements by using the A/R's insurance policy, payment records, the actual reimbursement check, or by contacting the client's employer, or the reimbursing agent.

Document the case record, stating that reimbursements were discussed with the household, whether or not the possibility of reimbursement exists, the amount and expected date of the reimbursement, and how it was verified.

E. REPAYMENT PLANS FOR MEDICAL PLANS

(1) Many times a household has established a billing or repayment arrangement with a medical services provider prior to application. This may be either a verbal or written agreement and is normally for payment on a one-time medical expense.

(2) Verify a repayment plan only if questionable. Document the case record giving the amount of the one-time expense, the name and address of the provider, and the length and terms of the repayment plan.

(3) <u>How to Consider Monthly Payments</u>

a. Monthly Installments

Consider monthly installment payments on a one time medical expense in the month they are due.

Count monthly installment payments for the entire length of the payment plan, even when it spans several certification periods.

When a household establishes a repayment plan after certification, count the monthly installment payments for the entire length of the payment plan only if the medical expense has not previously been considered.

EXAMPLE

Mrs. Clark receives Social Security Disability. She is paying off some old debts under Chapter 13 (bankruptcy). She sends her lawyer $150 per month which he distributes among the people she owes. Some of the bills that are being paid are old doctor and hospital bills. $100 of the $150 goes towards medical bills, as verified by her lawyer. None of these bills have been previously considered. Therefore, Mrs. Clark may be allowed a $65 medical deduction per month ($100 - $35 exclusion).

b. Loans

Consider monthly payments on a loan that a household received to pay a one time only medical expense as a medical deduction. Verify that the loan, etc., is in fact for a medical expense.

Note: Normally, additional charges are added on to a loan or charge account. This is usually in the form of interest or finance charges, etc. Do not include these additional charges as part of the medical expense.

c. Charge Accounts

Once in a while, a household pays on a one time medical bill through a charge account, VISA, etc.

Consider the one-time medical expense as billed when the household receives the first charge account statement. At that time, give the household the option of treating the one-time medical expense as:

- a one-time medical deduction; or

- prorating the one-time expense over the remainder of the certification period.

Do not consider payment of a one-time medical expense through a charge account as a repayment plan. This is due to the fact that there is no means of establishing what portion of the individual's monthly payment on the charge account is actually credited towards the medical expense, as opposed to other items that were also charged on the same account.

II. TREATMENT OF MEDICAL EXPENSES

A. ONE-TIME EXPENSES

(1) Consideration of a One-Time Expense

(a) Initial Applications

Consider only the existing balance still owed in the month of application. Do not allow any portion paid prior to the month of application.

EXAMPLE

Mr. Jones, who is eligible for a medical deduction, pays $100 on a $500 hospital bill on February 2. He applies for food stamps on February 15. Consider the total $500 as a one-time medical expense because this was the amount owed in the month of February.

EXAMPLE

Mr. Fred, who is eligible for a medical deduction, pays $150 on a $600 surgical bill on March 30. He applies for food stamps on April 1. Consider only $450 as a one-time medical expense because $150 was paid prior to the application month.

(b) Reported After Initial Certification

Consider only the existing balance still owed on a one-time expense at the time it is reported. Do not allow any portion of the expense paid prior to reporting it.

EXAMPLE

A currently certified household reported a $300 one-time medical expense on April 20. The household had already paid $50 on the bill, prior to reporting it. Consider only $250 of the one-time expense.

(2) One-Time Deduction vs Proration of a One-Time Expense

(a) Households reporting a one-time only medical expense, when a repayment plan has not been established, have the option of:

1. considering the expense as a one-time deduction; or

2. having the expense prorated over the certification period (if it is reported at the time of application), or prorated over the remainder of the certification period (if it is reported as a change during the certification period.)

(b) Households reporting a one-time only medical expense when a repayment plan has been established, have the option of:

1. considering the expense as a one-time deduction; or

2. having the repayment plan considered over the length of the repayment agreement.

Note: Do not prorate a one-time medical expense over the certification period when a repayment plan has already been established.

(c) Fully explain to the household the following, to assist it with making a decision:

1. the difference in benefits, based on the various options available;

2. that a one-time expense may be considered only once, even if it remains unpaid or there is a balance still owing at a later date; and

3. that if a repayment plan already exists, it may be counted the entire length of the agreement. However, if the HH establishes a repayment plan after the one-time expense has been counted, it cannot be considered again.

(3) One-Time Deduction

If the household elects a one-time deduction, the EW must:

(a) establish whether the individual is entitled to a reimbursement for the medical expense, and if so, how much; and

(b) establish whether any portion of the medical expense has already been paid by the individual.

Once the one-time medical expense has been allowed, do not allow it again, even if there is still a balance owing on the bill.

EXAMPLE

Mr. Bruce reported and received consideration for a $560 hospital bill as a one-time medical deduction in March.

When Mr. Bruce applied for recertification in June, he reported that he still owed $300 on the bill. Do not count this because it has already been considered.

EXAMPLE

Mrs. Black brings in verification of a one-time medical expense on December 30, after cut-off. She is currently certified through the following October.

Because the medical expense is not large enough to count if prorated over the remainder of her certification period, she chooses to receive a one-time deduction. Since it is too late to allow the deduction for January, allow the one-time medical expense deduction for February.

The one-time medical deduction would be removed from the budget effective March.

(4) Proration of the One-Time Expense

(a) When the household elects to have the one-time medical expense prorated, the EW must:

1. establish whether the household has a repayment plan; and

2. establish whether the individual is entitled to a reimbursement and the amount of the reimbursement.

(b) Prorating One-Time Medical Expense at Application

If the expense is reported and verified during the application processing period, divide the amount of the countable expense by the number of months in the certification period to obtain a monthly figure.

EXAMPLE
Mrs. Long reports a $2,500 hospital bill at application. She has not made arrangements to pay on the bill, but provides verification that her hospitalization insurance will pay $1,000 of the bill. She wants the $1,500 balance prorated over her 12-month certification period ($125 per month). After allowing the $35 per month exclusion, the EW allows Mrs. Long a $90 per month medical deduction ($125 - $35 = $90).

(c) Prorating One-Time Medical Expenses During the Certification Period

If the expense is reported during the certification period, divide the amount of the countable expense by the number of months remaining in the current certification period, based on when the expenses was verified and when the change can be effected to obtain a monthly figure.

EXAMPLE
Mr. Reaves reports a $1,500 doctor bill on March 18. He is currently certified from January through June. Mr. Reaves provides verification of the bill and an insurance reimbursement of $100, on March 30. He wants the $1,400 balance prorated. Revise Mr. Reaves food stamp budget, effective with his May issuance, allowing him a $665 medical deduction for May and June ($1,400 – 2 = $700 minus $35 monthly exclusion = $665.

B. RECURRING MEDICAL EXPENSES

(1) Averaging vs. Actual Medical Bills

When an individual has recurring medical expenses, he/she has an option to:

(a) bring in the medical bills each month for a month by month deduction; or

(b) have the medical expenses averaged.

To assist the client in making a choice, provide him/her with sufficient information to make an informed decision.

(2) Averaging Recurring Medical Bills

If the client has a predictable pattern of medical expenses each month and/or has approximately the same amount of expenses each month it may be less cumbersome for the client if we average the expenses rather than consider them on a month by month basis.

In order to obtain an accurate average, have the household provide adequate verification of medical expense for the past three months, as a rule.

However, some medical expenses occur less frequently than monthly, but frequent enough to be averaged (ie. a prescription that is filled every 4 months). In these cases, verification for a longer period of time will be appropriate (4-6 months) in order to accurately average the expense.

(3) Using Actual Expenses

The household has the option of using actual medical expenses on a month-by-month basis. Using the actual expenses may be more beneficial when the client is billed less often than monthly for an expense. This may happen if the household's only allowable medical expense is a health insurance premium paid once every three months, or if the individual goes to the doctor only once every so many months. If the bills were averaged, the expense may be less than $35.00 per month, resulting in no deduction.

Note: Once an expense has been allowed, it cannot be allowed again, regardless of whether the household actually paid it.

EXAMPLE

Mrs. Clark is eligible for a medical deduction, but the only medical expense she has is hospitalization insurance which is paid every 3 months. The insurance payment is not enough for a deduction if averaged monthly. In order to count the premium payment, she chooses to have the premium amount counted in the month the premium is billed.

III. CHANGES

A. Applications

A change may occur during the application processing period which effects an individual's eligibility for a medical deduction. Consider these changes in determining the household's coupon allotment beginning with the initial month of the certification period.

If the household anticipates a medical expense several months into the certification period and provides adequate verification at application the household may elect to have the expense averaged over the entire certification period.

When a household reports an anticipated medical expense at the time of application but is unable to provide the verification at that time, do not allow until the verification is provided.

B. Active Cases

Households are required to report and verify all medical expenses at the time of application and at reapplication. They may report changes in their medical expenses during the certification period but are not required to do so.

When a household voluntarily reports a change, it should be acted upon within the normal timeframes for handling changes.

When a change in medical expenses is discovered from a source other than the household, the change would be acted upon if the change is considered verified and no further information is needed. If the change that was reported from another source would require a contact of the household, the change would not be acted upon during the certification period.

C. Death Of The Eligible Household Member

(1) One-Time Medical Expenses

Continue to count the medical expense throughout the remainder of the certification period when:

(a) the household member who is eligible for the medical deduction dies; and

(b) the one-time medical expense was prorated over the certification period.

(2) Recurring Medical Expenses

Terminate the medical deduction within the normal criteria concerning changes which reduce benefits when:

(a) the household member who is eligible for the medical deduction dies; and

(b) the HH is receiving a medical deduction for recurring medical expenses (either averaged over the certification period or actual expenses).

EXAMPLE

A three-person household consists of a husband, wife and child. The wife receives SSI and the household has chosen to have her recurring medical expenses averaged.

On June 3, the household reports that the wife has died. Because the household member eligible for the medical deduction has died, and the medical deduction was based on recurring medical expenses, the budget is revised to delete the medical deduction, effective with the July allotment.

(3) Expenses of a Non-Household Member

Sometimes the food stamp household is responsible for a non-household member's medical expenses.

The individual must have been an eligible HH member, and eligible for a medical deduction, immediately prior to entering the hospital or nursing home, or prior to death.

Allow only the following expenses:

- hospitalization;
- out patient care; and
- nursing home care.

This applies, even if none of the remaining household members are age 60 or disabled.

EXAMPLE

A household consists of a husband (age 50), his wife (age 49), and their disabled son who receives SSI benefits. They are currently certified from January 1 through June 30.

Their son has a hospital bill that was prorated over their certification period, allowing them a monthly medical deduction.

On March 10, they report that their son has passed away. Even though the son will be removed from the household effective April, continue to allow the HH the medical deduction for April through June.

D. Changes Reported in the Last Month of the Certification Period

A household may report and verify an allowable one-time medical expense during the last month of the certification period.

(1) Household Remains Eligible at Recertification

If the household continues to be eligible at recertification, allow only the currently existing non-reimbursable balance owed at the time. The household has the same options available to it, as discussed under Treatment of Medical Expenses, based on whether or not it has established a repayment.

EXAMPLE

Mr. Jones reports a $200 one-time medical expense in July, which is the last month of his current certification period. He reports this during his July 10 recertification interview. The EW may consider the one-time expense for his new certification period.

EXAMPLE

Mr. Hurt reports a $600 one-time medical expense in May. His certification period expires July 31. He provides verification of a $150 reimbursement on the bill from his health insurance during the July 8 recertification interview. At the time of recertification, the EW may consider the remaining $450 balance as an allowable medical expense.

(2) Ineligible at Recertification

If the household is determined ineligible at certification, no further action is required. If the HH reapplies at a later date, and is determined eligible, verify whether the expense is reimbursable and the amount of the reimbursement.

Allow only the currently existing balance owed on the one-time expense at the time the HH reapplies and is determined eligible. Do not allow recurring expenses that have been brought forward from previous billing periods.

1240-1-4-.22 CALCULATING NET INCOME AND BENEFIT LEVELS

The calculation of the net income and budget benefit levels is done by the ACCENT System. The calculations are reflected on AEBFN and AEBFB screens. The method of computation is outlined below.

(1) Net Monthly Income

To determine a household's net monthly income, use the following method and sequence.

(a) Add the gross monthly income earned income by all household members minus earned income exclusions, to determine the household's total gross earned income.

(b) Subtract 20% from the total gross earnings to determine the net monthly earned income.

(c) Add the total monthly unearned income of all household members, minus income exclusions to net monthly earned income.

(d) Subtract the standard deduction.

(e) If the household is entitled to an excess medical deduction, determine if total medical expenses exceed $35 per month. If so, subtract that portion which exceeds $35.

(f) Subtract monthly dependent care expenses, if any, up to the maximum amount allowed.

(g) Subtract the monthly child support deduction, if any.

(h) Total the allowable shelter expenses to determine shelter costs. Subtract 50% of the household's monthly income after all the above deductions have been subtracted from total shelter cost. The remaining amount, if any, is the excess shelter costs. Subtract the excess shelter cost from up to the maximum amount. The result is the household's net monthly income, unless the household is entitled to the full amount of its excess shelter expense.

(i) Subtract the excess shelter cost up to the maximum amount allowed (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to the shelter standard will have the full amount exceeding 50% of their net income subtracted after all the above deductions have been subtracted. The household's net monthly income has been determined.

(j) Compare the net monthly income as calculated in Paragraphs (a) through (i) of this section to the appropriate household size to determine eligibility for the month in accordance with 1240-1-4-.27, Food Stamp Net Income Standards.

(k) Except as provided in subparagraph (3) of this section and initial month's benefits, the household's monthly allotment is equal to the Thrifty Food Plan for the household's size in accordance with the Basis of Coupon Issuance Tables. NO BENEFITS UNDER $10.00 WILL BE ISSUED FOR THE INITIAL MONTH.

Example

The Johnsons are a family of four with income consisting of $210 in earnings and a $207 Families First grant. Their expenses are $180 shelter costs and $40 child care.

Total earned income is:		$210.00
Total unearned income is:		+207.00
Total Income:		$417.00
Minus 20% of earned income:		- 42.00
		$375.00
Minus $134 standard:		- 134.00
		$241.00
Minus Dependent Care:		- 40.00
Adj. Income:		$201.00
(Adj. Inc. Divided by 2 = $100.50)		
Total Shelter Costs:	$180.00	
Minus 50% of Adj. Income	- 100.50	
Excess Shelter:	$ 79.50	
Adj. Income:		$201.00
Excess Shelter:		- 79.50
Adj. Net Monthly Inc.:		$121.00

Refer to the Basis Of Issuance Chart for 4 people.

Example

A household consists of two elderly individuals. Their total income is $300 monthly SSA benefits. Their monthly medical costs are $75 and their shelter costs are $235.

Total income:		$300.00
Minus standard deduction:		- 134.00
Equals adj. income		$166.00
Excess medical Expense:	($75 - $35)	- 40.00
Adj. Income		$126.00
Total shelter	$235.00	
50% of Adj. Inc.	- 63.00	
Excess shelter	$172.00	
Adjusted Income:		$126.00
Minus excess shelter		- 172.00
Net Adj. Income		$ 0.00

Refer to the Basis Of Issuance Chart for a 4 person household.

(2) Prorating Initial Month's Benefits

(a) General Information

- "Initial month" means the first month for which the household is certified for food stamps following any period during which the household was not certified.
- All households' initial month's benefits are subject to proration and such benefits are based on the households' application date.
- Using the calendar month, households' initial month's benefits are prorated from the application date to the end of the month.
- When initial month's benefits (before or after proration) are less than $10.00, the household will receive no benefits for that month.

(b) Procedures for Determining Initial Month's Benefits

1. Establish whether the household meets the net income eligibility standard.
2. Based on the household's net income and household size, use the Basis of Issuance chart to determine the unprorated allotment.
3. Calculate the prorated amount by using the following formula in sequences of the steps listed below.

Formula:

Full mo.'s benfs. x (no. of days in mo. + 1 - appl. date) = Allotment
No. of days in the month

Example
Mr. Smith applied on April 10 and is eligible. The full allotment for a month is $200.
$200 x (30 + 1 - 10) = $200 x 21 = 4200 = $140 30 30 30
Mr. Smith's prorated allotment for April is $140.

4. When prorated benefits for the initial month are less than $10.00, the household will receive no benefits for that month.

5. The proration calculator at www.sworps.utk.edu/induction/prorate.asp may be used to calculate the initial month's benefits when the caseworker has to do this manually.

(c) Initial month benefits for households certified using expedited service standards are subject to proration.

(d) If the application for recertification is not received until after the certification period expired, then that application shall be considered an initial application and benefits for that month shall be prorated. Anyone applying after the expiration of the certification period will have their initial month benefits prorated.

(e) Eligible households which are entitled to no benefits shall be denied on the basis that net income exceeds the level below which no benefits are issued.

Eligible households which are entitled to no benefits in their initial month of application, but are entitled to benefits in subsequent months, shall be certified beginning with the month of application.

1240-1-4-.23

Reserved

1240-1-4-.24 TREATMENT OF INCOME FROM SELF-EMPLOYMENT

When the household includes a person(s) who receives income from self-employment, instructions

in the following sections should be used to arrive at the monthly amount of gross profit which is used to calculate countable income.

(1) Determining Self-Employment Income

(a) Situations for Averaging Income

1. When Income Is for a Year

   Annualize self-employment income which represents an annual support over a 12-month period, even if the income is received in only a short period of time or if the household receives income from other sources in addition to self-employment. If self-employment income is received once annually, average the income over a 12-month period beginning with the month the income is received. If a person is under contract, begin the 12-month period with the first month the person receives payment under the contract. If the prorated amount does not accurately reflect the household's actual circumstances because of substantial increases or decreases in business, calculate the self-employment income based on anticipated changes.

2. When Self-Employment Income Is Received Monthly

   Self-employment income which is received on a monthly basis, but which represents a household's annual support, normally will be averaged over a 12-month period. If the averaged amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business, calculate the self-employment income based on anticipated earnings.

3. When Self-Employment Income Is Only Part of Total Income

   When self-employment income is intended to meet the household's needs for only part of the year, average the income over the period of time it is intended to cover.

4. Income From New Business

   If a household's self-employment enterprise has been in existence for less than a year, average the income from the self-employment enterprise over the period of time the business has been in operation and project the monthly amount for the coming year. If the business has been in operation for such a short time that there is insufficient information to make a reasonable projection, the household may be certified for food stamps for less than a year, until the business has been in operation long enough to establish a pattern of average income.

(2) Special Income Consideration

(a) Rental Property

Income from rental property always has the cost of doing business deducted. If a member of a household is actively engaged in the management of the property at least an average of 20 hours per

week, the 20% earned income deduction may be allowed. The income would be considered earned income. If the 20 hours per week criterion is not met, the net income is considered unearned.

(b) Capital Gains

The proceeds from the sale of capital goods or equipment are calculated in the same manner as a capital gain for federal income tax purposes. Even if only 50% of the proceeds from the sale of capital goods or equipment is taxed for federal income tax purposes, the caseworker shall count the full amount of the capital gain as income.

(c) Internal Revenue Service Publications

IRS Publications 17, 334 and 533 provide detail on taxing self-employment income. They are available from IRS information offices.

(3) Costs of Producing Self-Employment Income

(a) When a member of the household receives income from self-employment, he/she shall be required to keep a record of expenses incurred in the production of this income.

(b) Expenses

1. Allowable costs of producing self-employment income include, but are not limited to:

   (i) Identifiable costs of labor (salaries, employer's share of SS, insurance, etc.);

   (ii) Stock, raw materials, seed and fertilizer, feed for livestock;

   (iii) Rent and cost of building maintenance;

   (iv) Business telephone costs;

   (v) Costs of operating a motor vehicle when required in connection with the operation of the business;

   (vi) Interest paid to purchase income producing property;

   (vii) Insurance premiums and taxes paid on income producing property;

   (viii) Costs of feed for work stock; or

   (ix) Costs of meals and equipment for children for whom day care is provided in the applicant/recipient's home.

2. Unallowable Deductions

   The following items are not considered as a cost of producing self-employment income:

(i) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery, and other durable goods;

(ii) Net losses from previous periods;

(iii) Federal, state, and local income taxes, money set aside for retirement purposes, and other work related personal expenses (such as transportation to and from work). These expenses are accounted for the 20% earned income deduction in the Food Stamp Program.;

(iv) Costs of producing home produce intended for family consumption;

(v) Family living expenses; or

(vi) Depreciation.

(4) Determining Monthly Income When Averaged

For the period of time over which self-employment is determined, add all gross self-employment income (including capital gains), exclude the costs of producing the self-employment income, and divide the self-employment income by the number of months over which the income will be averaged.

If a self-employment farm enterprise has received at least $1,000 in gross annual proceeds and its costs of producing the self-employment income exceed the gross proceeds, deduct these excess costs from the household's other gross monthly income. Determine the monthly amount of excess costs to be excluded as follows:

1. Subtract the costs of producing the farm income from the gross farm proceeds;

2. Divide the excess costs (loss) by the number of months over which the income would have been averaged. The result is the monthly amount of excess costs to be excluded from the household's other income.

3. If the household has self-employment income from farming and another type of self-employment enterprise, compute these incomes separately, since the excess costs of producing non-farm self-employment income cannot be excluded from other household income.

Example

Mr. Green is a self-employed farmer who applied for Food Stamps for his four-person household in July, 1997. Mr. Green made $2,000 from his farming enterprise during the last year. His costs of producing that income were $2,720 for that same time period. Mr. Green's son, James, works part-time at a restaurant and earns $320 per month. Determine the gross monthly income as follows:

Mr. Green's Gross Self-Employment Farm Income:	$2,000.00
Costs of Producing Farm Income:	- 2,720.00
Excess Costs (Loss)	$ -720.00

Annualize the excess costs : $720 divided by 12 = $60 monthly loss

James' Earnings	$ 320.00
Monthly Loss	- 60.00
Gross Monthly Income	$ 260.00

When computing Mr. Green's food stamp budget apply the earned income deduction to James' total gross earnings prior to excluding the excess costs.

James' Earnings $320 x 20% = $64 Earned income deduction

In this situation, the budget will show $260.00 gross earnings with a $64.00 earned income deduction.

Example

Mr. Brown is a self-employed farmer. His gross proceeds for the preceding year were $5,000.00, but his costs of producing this income were $6,200.00. Mr. Brown's mother, Annie Brown, who is a household member, receives $305.00 monthly SSA. Compute Mr. Brown's monthly excess costs as follows:

Self-Employment Farm Income:	$5,000.00
Costs of Producing Income:	- 6,200.00
Excess Costs (loss)	- $1,200.00

Annualize this excess cost of $1,200.00 by dividing by 12 = $100.00 monthly loss

Annie Brown's SSA	$ 305.00
Monthly Loss	- 100.00
Gross Unearned Income to be used in budget	$ 205.00

There will $0 Gross Earnings and $0 Earned Income Deduction

(5) Determining Monthly Income When Anticipated

For those households whose self-employment income is not averaged, but instead is calculated on an anticipated basis, add any capital gains the household anticipates it will receive in the next 12 months (starting with the date the application is filed). Divide this amount by 12. Use this amount in successive certification periods/months during the next 12 months, unless the anticipated amount of capital gains changes. Add the anticipated monthly amount of capital gains to the anticipated monthly self-employment income and subtract the cost of producing the self-employment income. Except for depreciation, calculate the cost of producing the self-employment income by anticipating the monthly allowable costs of producing the self-employment income.

If the household anticipates that it will receive at least $1,000 gross proceeds from a self-employment farming enterprise during the next 12 months, and it anticipates that the costs of producing this income will exceed the income produced, exclude these excess costs from the household's other income. Determine the monthly excess costs as follows:

(a) Subtract the anticipated costs of doing business for the next 12 months from the gross anticipated farm income for the same period;

(b) Divide the result by 12. This amount is the monthly excess costs (loss) to be excluded from the household's other monthly income (Refer to Examples in Section 1240-1-4-.24-(4).); and

(c) If the household has income from more than one self-employment enterprise, compute the farm income and excess cost separately, because the non-farm losses cannot be deducted from other income.

(6) Households With Boarders

(a) Households that take in boarders or that operate commercial boarding houses are considered self-employed. Identifiable expenses are allowed as costs of doing business, as in any self-employment.

(b) Determining Income For Household

1. Income From Boarder

   The income from boarders (self-employment income) includes all direct payments to the household for room and meals, including contributions to the household's shelter expenses. Shelter expenses paid directly by boarders to someone outside of the household are not counted as income to the household.

2. Cost of Doing Business

   After determining the income received from the boarders, exclude that portion of the boarder payment which is a cost of doing business. The cost of doing business is equal to one of the following, provided that the amount allowed as the cost of doing business does not exceed the payment the household received from the boarder for lodging and meals:

(i) the cost of the Thrifty Food Plan for a household size that is equal to the number of boarders; or

(ii) the actual documented cost of providing room and meals if applicant claims actual costs exceeding the Thrifty Food Plan. If actual costs are used, the only separate and identifiable costs of providing room and board to the boarder are excluded.

3. Deductible Expense

The net income from self-employment is added to other earned income and the earned income deduction is applied to the total.

4. Shelter Costs

Shelter costs the household actually incurs, even if the boarder contributed to the household for part of the household's shelter expenses, is computed to determine if the household will receive a shelter deduction. However, the shelter costs cannot include any shelter expenses directly paid by the boarder to a third party, such as the landlord or utility company.

Note: A boarder is not eligible as a food stamp household in his/her own right. However, the boarder can be a household member at the request of the household providing the boarder service.

1240-1-4-.25 INCOME OF RESIDENT FARM LABORERS, MIGRANT HOUSEHOLDS, SCHOOL EMPLOYEES AND OTHER CONTRACTUAL EMPLOYEES

(1) Resident Farm Laborers

(a) Stable Income - Single Employer

Farm Laborers whose primary source of income is from regular farm employment with the same employer are normally employed for the entire year and receive a regular monthly salary.

When the income is regular and does not vary from month to month, the monthly income figure will be used to determine the benefit level for the entire certification period.

(b) Irregular Income - Single Employer

In some instances, the laborer is paid for work done only during the work season, but resides year round on the farm and may receive advance or deferred payments, (sometimes known as "furnish"), during the non-work season. Some difficulty may be experienced in assigning an income figure to the farm worker whose income is high during the work season and correspondingly low during the non-work season when income is only from advance or deferred payments.

(c) Regular or Irregular - Multiple Employers

When a farmer laborer works regularly for more than one employer, the total income from all employers must be determined and then it is treated in the same manner as that received from a single employer. If work for multiple employers is irregular, the food stamp certification period should reflect actual income or a variable basis of issuance should be assigned.

(2) Migrant Farm Laborers

(a) Expedited Service

Migrant farm laborers usually have little or no income when entering an area and may qualify for expedited services.

(b) Resources

It must be determined whether migrants have out-of-state resources or income from real property in the home base area. A migrant family is permitted one home and lot as an exemption from resources, as any other household.

Example
If the applicant has a home and lot in Texas and does not own a residence in Tennessee, the Texas home will be exempted as a resource. It must be determined whether out-of-state real property is being rented or is producing income. If such property is producing income, such income must be added to all other household income in determining eligibility and basis of issuance for Food Stamps.

(c) Employment and Training

Employable members of migrant households who are not employed at least 30 hours a week or receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours must register for and accept suitable employment in the same manner as other persons.

Migrants who have a contract for work (whether written or verbal commitment) are considered employed and are exempt from registering for work if the minimum 30 hours per week requirement is met.

There are some conditions that could prevent migrants with employment secured from being able to start working; such as inclement weather, delay in crops, etc.. As these conditions change, they will be able to start working. Migrants in this situation should be considered employed and working as specified in Section 1240-1-3-.45.

(d) Income of Children in Migrant Households

The earned income of a student under 18 years of age is exempt and must be differentiated from the rest of the household's income. Unless income can be identified as being earned specifically by a

student, the total income shall be prorated equally among the number of household members working and exclude that portion allotted to the student. This provision applies to students who are currently attending school and those who plan to return to school after academic breaks. Individuals are considered children for purposes of this provision if they are under the parental control of another household member.

(3) School Employees

(a) General Provisions for Income Averaging

Households that derive their annual income in a period of time shorter than one year shall have that income averaged over a 12-month period, provided the income is not received on an hourly or piece-work basis. This provision includes teachers and other school employees who are under a contract which is renewable on an annual basis. Such members will be considered to be receiving compensation for an entire year even though predetermined non-work periods are involved or actual compensation is scheduled for payment during the work periods only.

(b) Contract Renewal

The renewal process may involve a signing of a new contract each year; be automatically renewable; or, in cases of school tenure, rehire rights may be implied and thus preclude the use of a written contract altogether.

(c) Work - Non-Work Cycle

The fact that such a contract is in effect for an entire year does not necessarily mean that the contract will stipulate work every month of the year. There may be certain predictable non-work periods or vacations.

(d) Income

Income from such a contract will be considered as compensation for a full year regardless of the frequency of compensation as stipulated in the terms of the contract, as determined at the convenience of the employer, or as determined at the wish of the employee.

(e) Determination of Eligibility, Basis of Issuance, and Certification Periods

The annual income household members received from contractual employment described above shall be averaged over a 12-month period to determine the member’s average monthly income. To determine the household’s eligibility, all other monthly income from other household members will be added to this average monthly income and income exclusions and deductions applied in the normal manner.

(f) Exception

Policy as stated in 1240-1-4-.25-(3)-(e) does not apply to recipients of emergency food stamp assistance issued under an FNS declared disaster. In case of emergency food stamp assistance, special rules apply which are dictated at the time of the emergency.

1240-1-4-.26

Reserved

TREATMENT OF INCOME (CE HOUSEHOLDS)

Categorical Eligibility for Food Stamps, Section 1240-1-14-.15, can be found in the Household Composition Section.

TREATMENT OF INCOME - STANDARDS

1240-1-4-.27 STANDARDS OF NEED/INCOME

The following section discusses and illustrates in table form the standard of need and income in the Food Stamp Program.

Tables I through VII show the income standards, food stamp coupon allotment (Thrifty Food Plan), standard income deduction, maximum shelter and dependent care deductions, and standard utility/telephone allowances to be used in the Food Stamp Program to determine eligibility and level of benefits.

FOOD STAMP STANDARDS

(a) Food Stamp Gross Monthly Income Standards.

The gross monthly income standard is used only as an eligibility limiting factor; it is not used to determine the actual amount of the coupon allotment. This standard does not apply to households which contain an elderly or disabled member as defined in 1240-1-8-.01.

1. If the household's gross monthly income (before deductions) exceeds the gross income standard for the number of persons in the household, the household is not eligible for food stamps.

2. If the household's gross monthly income (before deductions) is equal to or less than the gross income standard for the number of persons in the household, the household may be eligible. At this point, the net income standard must be applied to the household's net monthly income as instructed in 1240-1-4-.27-(b).

Table I Gross Income Standard (Effective 10-1-08)

No. of Persons in Household	1	2	3	4	5	6	7	8	9	10
Gross Income Standard	1127	1517	1907	2297	2687	3077	3467	3857	4247	4637

No. of Persons in Household	11	12	13	14	15	16	17	18	19	20
Gross Income Standard	5027	5417	5807	6197	6587	6977	7367	7757	8147	8537

For each additional member +390

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(b) Net Monthly Income Standards.

The net monthly income standard is used to determine whether a household is eligible. It is not used to determine the actual amount of the coupon allotment. This standard applies to all households.

1. If a household's available income (after exclusions and deductions) exceeds the net monthly income standard for the number of persons in the household, a household is not eligible for food stamps.

2. If a household's available income (after exclusions and deductions) equals or is less than the appropriate net monthly income standard for the number of persons in the household, the household is eligible for a food stamp allotment.

Table II Maximum Net Income (Effective 10-1-08)

No. of Persons in Household	1	2	3	4	5	6	7	8	9	10
Maximum Net Income	867	1167	1467	1767	2067	2367	2667	2967	3267	3567

No. of Persons in Household	11	12	13	14	15	16	17	18	19	20
Maximum Net Income	3867	4167	4467	4767	5067	5367	5667	5967	6267	6567

For each additional member +300

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(c) Basis of Coupon Issuance - Value of Thrifty Food Plan

The Thrifty Food Plan shows the maximum coupon allotment that can be authorized for a household of any given size, and is used to determine the actual amount of the coupons for which the household qualifies.

Table III Maximum Coupon Allotment (Effective 10-1-08)

No. of Persons in Household	1	2	3	4	5	6	7	8	9	10
Maximum Coupon Allotment	176	323	463	588	698	838	926	1058	1190	1322

No. of Persons in Household	11	12	13	14	15	16	17	18	19	20
Maximum Coupon Allotment	1454	1586	1718	1850	1982	2114	2246	2378	2510	2642

For each additional person +132

(d) Food Stamp Deductions

Table IV – A STANDARD DEDUCTION (Effective 10-1-08)

Household Size	1	2	3	4	5	6+
Standard Amount	$144	$144	$144	$147	$172	$197

Table IV – B DEPENDENT CARE AND SHELTER DEDUCTIONS

Dependent Care for Child or Adult		No limit (Effective 10/1/08)
Maximum Shelter Deduction	Non-Elderly/Disabled Households $446 (Effective 10/1/08)	Elderly or Disabled Households No Maximum

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(e) Food Stamp Utility Allowance Tables

Table V – A **STANDARD UTILITY ALLOWANCE (SUA)**
(Effective 7/01/07)

Household Size	1	2	3	4	5	6	7	8	9	10 or more
Utility Standard	293	304	315	326	336	347	358	369	380	391

Note: This standard is to be used for households that incur a major heating or cooling expense.

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Table V – B **BASIC UTILITY ALLOWANCE (BUA)**

Household Size	1	2	3	4	5	6	7	8	9	10 or more
Basic Utility Standard	126	126	126	126	126	126	126	126	126	126

Note: This standard is used for households that are not eligible for the SUA but do incur utility costs such as electricity, water/sewage, garbage, etc. The household would not be eligible for the BUA if a telephone was the only utility expense.

(f) Food Stamp Standard Telephone Allowance

Table VI Telephone Standard

Household Size	1	2	3	4	5	6	7	8	9	10 or more
Telephone Standard	25	25	25	25	25	25	25	25	25	25

Note: The standard Telephone Allowance Table is to be used for households not eligible to claim the regular utility standard, but wish to claim telephone expenses.

(g) Homeless Household Shelter Standard

Table VII Homeless Shelter Standard

Household Size	1	2	3	4	5	6	7	8	9	10 or more
Homeless Shelter Standard	143	143	143	143	143	143	143	143	143	143

Note: The estimate is to be used for homeless households which incur or expect to incur shelter costs during the month.

1240-1-4-.28

RESERVED

1240-1-4-.29

RESERVED

Information for Computing Food Stamp Allotments

To determine a household's food stamp coupon allotment using the Basis of Coupon Issuance Tables:

1. Calculate the household's net monthly income.
2. Compare the household's net monthly income to the maximum allowable net monthly income standard, Column C, below.
3. If the household's net monthly income is larger than the figure shown in Column C, the household is ineligible.
4. If the household's net monthly income is smaller than or equal to the figure shown in Column C, the household is eligible. Find the allotment by reading in the table down to the appropriate household size.

	Maximum Gross Monthly Income Elderly/Disabled Separate Household* 165% of Poverty	Maximum Gross Monthly Income* 130% of Poverty	Maximum Net Monthly Income 100% of Poverty	Thrifty Food Plan Maximum Allotment
HH Size	Column A	Column B	Column C	Column D
1	$ 1,430	$ 1,127	$ 867	$ 176
2	1,925	1,517	1,167	323
3	2,420	1,907	1,467	463
4	2,915	2,297	1,767	588
5	3,410	2,687	2,067	698
6	3,905	3,077	2,367	838
7	4,400	3,467	2,667	926
8	4,895	3,857	2,967	1,058
9	5,390	4,247	3,267	1,190
10	5,885	4,637	3,567	1,322
11	6,380	5,027	3,867	1,454
12	6,875	5,417	4,167	1,586
13	7,370	5,807	4,467	1,718
14	7,865	6,197	4,767	1,850
15	8,360	6,587	5,067	1,982
16	8,855	6,977	5,367	2,114
17	9,350	7,367	5,667	2,246
18	9,845	7,757	5,967	2,378
19	10,340	8,147	6,267	2,510
20	10,835	8,537	6,567	2,642
21	11,330	8,927	6,867	2,774
22	11,825	9,317	7,167	2,906
23	12,320	9,707	7,467	3,038
24	12,815	10,097	7,767	3,170
25	13,310	10,487	8,067	3,302
Each Add.	+ $ 495	+ $ 390	+ $ 300	+ $ 132

*Maximum Gross and Net Monthly Income figures are used to determine eligibility, only.

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1240-1-5-.01 DESTITUTE HOUSEHOLDS

1240-1-5-.01 HOUSEHOLD ELIGIBLE FOR EXPEDITED SERVICE – FS

The following households' eligibility will be determined on an expedited basis:

(1) households with less than $150 in countable monthly gross income and whose total liquid resources do not exceed $100;

(2) migrant and seasonal farmworker households who are destitute as defined in 1240-1-4-.04, and whose total liquid resources do not exceed $100;

(3) eligible households whose monthly rent or mortgage costs, together with its utilities, based upon actual costs or the standard utility allowances, exceed the combination of the household's liquid resources and its gross income for the month that is countable under food stamp rules.

1240-1-5-.02 PRE-SCREENING

The county office's application procedures must be designed to identify (pre-screen) all households eligible for expedited service at the time the household requests assistance. To meet this requirement, the receptionist, volunteer, intake worker, or other employee will be responsible for screening applications when they are filed in the county office or when individuals request application information by telephone.

(1) Pre-Screening Process

The person conducting the pre-screening interview will inform the individual of his/her rights as a food stamp applicant and will provide him/her with an application form. When the household contacts the wrong office, the receptionist will refer the household and forward the application to the correct office using the forwarding instructions outline in Section 1240-1-14.

(2) Documentation of Pre-Screening

Document each initial contact made (telephone, in person, or by mail) on the application form. Indicate the action taken as a result of each contact (i.e., application mailed or given, appointment date scheduled, or household referred to a worker).

Once the receptionist (or anyone responsible for screening contacts) identifies a household who may be eligible for expedited service, an eligibility counselor will interview the household. If the household identified as being eligible for expedited service is a migrant or seasonal farmworker household, the counselor will determine if the destitute criteria apply. (Refer to Section 1240-1-5-.06-2.) If the household has filed an application, schedule the interview as soon as possible so that eligibility may be determined and the benefits received by the household on or before the seventh calendar day following the application date.

(3) Incomplete Application Forms

In some instances, the county may receive an incomplete application form by mail, and will be unable to determine eligibility for expedited service. In those instances, the county office should contact the household. If the county office is unable to contact the household to determine that the household is eligible for expedited service, follow normal certification procedures (See Section 1240-1-14.).

(4) Complete Application Forms

If the application received by mail is complete, prescreen it for expedited service entitlement according to items (1) and (2) above. If there is sufficient information to determine entitlement to expedited service and the household can be contacted by telephone and given an appointment, interview the household as soon as possible so that the benefits will be received by the household on or before the seventh calendar day following the application date. If the household cannot be contacted by telephone, a notice should be sent to the household the same day the application is received to establish an appointment date and to inform the client to contact the office if the household is in immediate need of food.

1240-1-5-.03 MONITORING

(1) The Area Manager and first-line supervisor are responsible for designating an employee to perform the initial pre-screening task and must ensure that pre-screening is applied to every food stamp inquiry.

(2) The Area Manager and first-line supervisor will ensure that all households filing an application and qualifying for expedited service are processed within the timeliness standards outlined in Section 1240-1-5-.05. When the application is received, it must be date stamped and procedures established to assure that it is processed timely. District Directors will review each county's expedited processing procedures on a regular basis. In instances where non-compliance with pre-screening procedures is noted, corrective actions must be taken immediately.

1240-1-5-.04 DEFINITIONS OF DESTITUTE MIGRANT OR SEASONAL FARMWORKER HOUSEHOLDS

Migrant or seasonal farmworker households may have little or no income at the time of application and may need immediate food assistance, even though they receive income at some other time during the month of application. Such households are considered destitute when their resources do not exceed $100 and:

- their only income for the application month is received from a terminated source prior to the application date: or

- their only income for the application month is from a new source and not more than $25 from the new income source will be received by the 10th calendar day after the application date; or

- their only income for the application month is received both from a terminated and a new source as described above.

(1) Source Of Income Defined

A migrant or seasonal farmworker's source of income is considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief. A migrant who moves from one grower to another is considered to have moved from a terminated to a new income source (See Exhibit A of this section.).

(2) Terminated Income Source

(a) Terminated income source is defined as follows:

1. income that was received prior to the date of application from a terminated source; and

2. income that is received monthly or more frequently will not be received again from the same source in the month of application or in the month following application; or

3. income that is normally received less often than monthly will not be received in the month the next payment is normally received.

(b) Destitute households to whom terminated income source provisions apply include migrant households which have received their last wages from a grower, or seasonal farmworkers who have received their last wages for a crop season. Such households are provided expedited services because they may be without income for some time, and may not be able to wait as long as 30 days for food assistance (See Exhibit C).

EXAMPLE
A migrant farmworker household's only source of income is from picking peaches for a grower. The household has no liquid resources and receives its last check from the peach grower in the amount of $270.00 on July 10, when the job is completed. The household applies for food stamps on July 12. The members will not be returning to work for this grower during the application month or the following month. The household is destitute and eligible for expedited service.

Note: When determining whether the household will receive more income from the same source during the balance of the application month or during the following month, follow the guidelines in Section 1240-1-4-.17-(5).

(3) New Source

(a) Definition

Income is considered to be from a "new source" when:

1. income of more than $25 will not be received from the new source by the 10th calendar day following the date of application; and

2. the income normally is received on a monthly basis or more frequently, and no more than $25 has been received from that source within 30 days prior to the date the application was filed (See Exhibit D); or

3. the income normally is received less often than monthly, and no more than $25 was received within the last normal interval between payments.

(b) Destitute households may expect to start receiving income from a new employer, but may be totally without income for a number of weeks before the new income begins. Therefore, they may be unable to meet their current food needs and are eligible for expedited service processing.

EXAMPLE
A household applies for food stamps on July 15. The family has no liquid resources and their sole source of income will be the head of household's wages as a farmworker harvesting corn for his new employer. He will begin work on July 20 and will not receive his first pay until July 29. The family will have no other income from the new source within 10 days from the date of application. This is a destitute household and eligible for expedited service.

(4) Both Sources

Households may receive income both from a terminated source prior to the date of application and/or from a new source after the date of application. Such households are considered destitute if they receive no other income in the month and income of more than $25 from the new source will not be received by the 10th day after the date of application (See Exhibit E).

1240-1-5-.05 Processing Standards

(1) Processing Standards

For households entitled to expedited service, the county office will determine eligibility timely enough for the household to receive the benefits on or before the seventh calendar day following the application date. Expedited service timeliness standards do not begin until the household files an application (See Exhibit B of this section.).

NOTE: The application would need to be completed on or before the 4th calendar day to insure that the benefits would be received by the seventh calendar day.

If a household is entitled to expedited service and to a waiver of the office interview (as discussed in Section 1240-1-5), the worker will conduct the interview either through a home visit or by telephone, and will complete the application process within the expedited service timeliness standards. If the worker conducts a telephone interview and must mail the application to the household for a signature,

the application must be mailed the same day that the telephone interview is conducted. However, expedited service processing timeframes begin the date a signed application is received in the county office (See Exhibit B of this Section.).

(2) Late Determinations

When the pre-screener (refer to Section 1240-1-5-.02) fails to identify a household as eligible for expedited service, and the eligibility counselor subsequently discovers that the household is entitled to expedited service, the household must receive benefits on or before the seventh day following the date of discovery (See Exhibit B of this Section.).

1240-1-5-.06 DETERMINING INCOME FOR EXPEDITED SERVICE HOUSEHOLDS

(1) Non-Destitute Expedited Service Households

Determine eligibility and calculate benefit levels for all non-destitute households eligible for expedited service in the same manner as for any other household (Refer to Sections 1240-1-3 and 1240-1-4.).

(2) Destitute Migrant and Seasonal Farmworker Households

(a) Determine eligibility and calculate benefit levels for households meeting the terminated source criteria (Section 1240-1-5-(2)), for the application month by considering only income received between the first of the month and the application date.

(b) Disregard any income received after the application date for households meeting the new source criteria in Section 1240-1-5-.04-(3).

(c) For households meeting both source criteria (Section 1240-1-5-.04-(4)), consider the income if it is received between the first of the month and the application date; disregard any income received after the application date.

Exception – Travel Advances

Some employees provide travel advances to cover new employees' travel costs when new employees must travel to the new employment location. To the extent that travel advances are excluded as reimbursements, they will not be considered as income and will not affect the destitute household determination. However, travel advances designated by written contract as a wage advance, to be subtracted from wages earned later by the employee, must be considered as income. In addition, the receipt of a wage advance for a new employee's travel costs will not affect the determination of whether subsequent payments from the employer are from a new source of income, or whether a household is considered destitute.

EXAMPLE

Mr. Johnson applies on May 10 and has received a $50 advance for travel from his new employer on May 1, which by written contract is an advance on wages. He will not receive any other wages from the employer until May 30, and his household has no other source of income. Consider the household destitute. Disregard the May 30 payment, but count the wage advance received prior to the date of application.

(d) The income procedures for destitute households apply to initial application and at recertification, but only for the first month of each certification period. At recertification, disregard income from a new source in the first month new certification period if income of more than $25 will not be received from this new source by the 10th calendar day after the household's normal issuance date.

EXAMPLE

At recertification on June 5, the migrant household states that the household's only source of income from an apple grower was terminated on June 4 and the last paycheck was received on that date. The household expects to receive a check from a new grower on July 16, which is more than 10 days after the household's issuance date. Disregard the check from the new source in July.

(3) Expedited Procedures for Households Applying Through the 15th of the Month

(a) Expedited Food Stamp applications, with all required verifications and determined eligible are issued benefits for the month of application, given a normal reapplication (recertification) period, and will receive future benefits in the staggered issuance cycle.

(b) Expedited Food Stamp applications <u>without</u> required verifications, but eligible according to expedited criteria are issued benefits for the month of application and given a normal reapplication period. Issuance is set for the month of application only. Future issuances are withheld pending required verification.

(1) When verifications are provided before cut-off in the month of application and the case continues to be eligible, the second month's issuance occurs in the staggered cycle.

(2) When the verification is provided after cut-off, the second month's issuance occurs in the first daily after the verification is entered.

(4) Expedited Procedures for Households Applying After the 15th of the Month

Expedited Food Stamp applications, with or without all the required verifications and determined eligible are issued benefits for the prorated application month and the first recurring month at the same time. The case is given a normal issuance cycle.

(a) Applicants that provide all the required verifications prior to cut off of the second month, the third month's benefits (recurring) will occur in the staggered issuance cycle.

(b) For applicants that provide all the required verifications after cut off of the second month, the third month's benefits will be issued the first working day of the third month.

(c) For applicants that fail to provide all the required verifications within the initial or following month, the system will automatically close the assistance group.

(d) For applicants that have an outstanding food stamp claim and recoupment is appropriate, recoupment will begin the first full month's benefits of the month-and-a-half issuance. (See Section 1240-1-5-.08-(3)-(c) for special postponed verification procedures.)

(e) When verification is postponed from sources within the state for migrant households follow procedures in (c) above.

(f) When verification is postponed from out-of-state sources for migrant households:

- issue their prorated initial month's benefits within the expedited timeframe;

- issue their second month's benefits on the actual first working day of the second calendar month; and

- issue their third month's benefits within five working days from receipt of the postponed out-of-state verification, or on the first actual working day of the third month, whichever is later.

(5) When Expedited Procedures Apply

Expedited procedures apply at initial application only for the first month of the certification period. Households that reapply for food stamps during the last month of their certification period for the following month are not entitled to expedited services at reapplication.

1240-1-5-.07 VERIFICATION FOR EXPEDITED SERVICE

(1) Required Verification

The household's identity must be verified through a collateral contact or readily available documentary evidence. The household's identity is that of the person being interviewed. Example of acceptable documentary evidence which the household may provide include, but are not limited to: a driver's license, work or school ID, voter registration card, or birth certificate. The worker must verify factors other than identity provided that verification can be accomplished within expedited processing.

(2) Social Security Numbers

Households entitled to expedited service are not required to furnish or apply for a social security number prior to certification. However, these households must furnish or apply for a social security number at the county office for each household member prior to their second issuance. Those households who

must apply for social security numbers will remain eligible to participate while awaiting receipt of the social security number.

(3) Income and Residency

All reasonable efforts will be made to verify the household's income statement, residency and other factors of eligibility through a collateral contact or readily available documentary evidence, provided it can be done in sufficient time to meet the expedited processing standards. However, benefits must not be delayed beyond the delivery standard described in Section 1240-1-5-.05-(1) solely because income or residency has not been verified.

(4) Resources

Households entitled to expedited service must meet the resource criteria in Section 1240-1-4-.02, although verification of resources may be postponed as discussed in Section 1240-1-5-.07-(6).

(5) Work Registration

Work registration requirements must be satisfied for those persons required to register for work (Section 1240-1-3-.43) prior to certification under the expedited service criteria.

(6) Postponed Verification

Other than the factors discussed in 1240-1-5-.07-(1) and 1240-1-5-.07-(3), all other verification may be postponed to expedite certification. However, verification should be completed if the household is able to provide all needed verification in time to meet the expedited processing standard.

Non-Migrant households who are certified for more than one month must provide all postponed verification within 30 days of the application date to receive the second month's and on-going, benefits.

Migrant households who are certified for more than one month must provide postponed verification from sources within the state before the second month's benefits can be issued. They must provide all verification from out-of-state sources before the third month's benefits can be issued.

Migrants are entitled to postpone out-of-state verification only once each season. If a migrant household requests expedited service during the current season, out-of-state verification can be postponed only for the initial month's issuance.

1240-1-5-.08 CERTIFICATION PERIODS

(1) Normal Certification Periods

Assign normal certification periods to households that are certified on an expedited basis and who have provided all necessary verification required in Section 1240-1-16 prior to certification.

(2) Applications After the 15th of a Month

Assign at least a two-month certification period to eligible households who apply after the 15th of the month.

(3) Optional Certification Periods – Postponed Verification

(a) Assign the HH a certification period using the following options:

1. Certify the household only for the month of application, unless the application was filed after the 15th of the month;

2. When the HH apples after the 15th of the month, certify the household for at least two months (month of application and the following month);

3. Assign a normal certification period when the household's circumstances would otherwise warrant it. Do not issue benefits for the second month until all postponed verification is provided.

(b) When verification is postponed, provide the household with a notice indicating the following:

1. What verification is needed and that no further benefits will be issued until the postponed verification is provided;

2. That in cases where the household has been assigned a certification period longer than one month, the household has thirty (30) days from the application date to provide the postponed verification; and

3. That if the verification results in a change in the household's eligibility or benefit amount, the change will be made without advance notice of adverse action.

4. Special Instruction for Migrant Households:

   When assigning a certification period longer than one month, migrant households eligible for expedited service and applying after the 15th of a month will be notified in writing that:

   (i) they must provide postponed verification from sources within the state before a second month's benefits are issued;

(ii) they must provide all verification from out-of-state sources before being issued benefits for the third month; and

(iii) if the verification results in a change in the household's eligibility or benefit amount, the change will be made without advance notice of adverse action.

(c) Do not issue benefits for the second month until all postponed verification is provided. Once the verification is provided, issue the second month's benefits either:

1. within five (5) working days from receipt of the verification; or

2. the first working day of the second month, whichever is later.

(d) There is no limit to the number of times a household may be certified under the expedited procedures, so long as, prior to each expedited certification, the household either:

1. completes the verification requirements that were postponed at the last expedited certification; or

2. was certified under normal processing standards since the last expedited certification.

EXAMPLE
A household was certified under the expedited procedures in February. The household again requests expedited services in March. It must provides February's verification or be certified under normal standards. If the household did not request expedited service until September, it could be eligible for expedited if it:

(1) provides February's postponed verification or

(2) has been certified under the normal certification procedures in the interim. If neither of these circumstances occurred, the household is not entitled to expedited services.

(4) Ineligible for Expedited Service

Process applications according to normal standards for households requesting, but not entitled to, expedited service.

EXHIBIT F DESTITUTE HOUSEHOLDS

Exhibit F

FOOD STAMP DESK GUIDE
FOR DETERMINING
ELIGIBILITY FOR EXPEDIED SERVICE

For all expedited households determine the following:

1. How much does the household have in liquid resources?

   When the household has $100 or less in liquid resources, refer to question B. (Refer migrant and seasonal farmworker households to a counselor for screening of destitute criteria.)

2. How much income does the household have?

   Income at application includes all money received or money that will be received in the month by any member of the household.

   - When the income is less than $150, the household is entitled to expedited services.

   - When the income is $150 or more, refer to question C.

3. How much is the household's net rent or mortgage cost for the month and the higher of the actual utility expenses or utility standard for appropriate household size if household incurs a heating or cooling expense.

   When the household's monthly rent or mortgage costs and either the actual utility expenses or utility standard exceed the combines monthly gross income and liquid resources, the household is entitled to expedited service.

ALWAYS EXPLAIN TO THE HOUSEHOLD THE FOLLOWING RIGHTS:

ALWAYS EXPLAIN TO THE HOUSEHOLD THE FOLLOWING RIGHTS:

I want to inform you that it is to your benefit to file your application form today. You do not have to wait until an interview is scheduled for you before you file your application forms.

We will process your application as quickly as possible after we receive it. If you are eligible, you should be able to get your food stamps within no more than 30 days. If you have little income or resources, you may qualify for food stamps within seven days.

If you cannot come to our office, you may designate in writing someone who knows your circumstances to come for your interview. To do this, that person, if not a household member, must have your written permission.

If you are not satisfied with any action taken on your case, you may file an appeal within 90 days of the action.

1240-1-7-.01 PERIODS OF ELIGIBILITY

This section outlines Departmental policies concerning the establishment of periods of eligibility for households requesting Food Stamps from the Department of Human Services.

(1) Establishing Certification Periods

The period of eligibility for a Food Stamp household is its certification period. Definite periods of time are established within which a household shall be eligible to receive benefits. At the expiration of each certification period, entitlement to Food Stamp benefits ends. Benefits shall not be continued beyond the end of a certification period without a new determination of eligibility, even if the household has requested a fair hearing of an adverse action.

Food Stamp certification periods shall conform to calendar months. The month of application shall generally be the first month of the certification period for initial applications, even if the household's eligibility is determined in a subsequent month. However, upon recertification the certification period will begin with the month following the last month of the previous certification period.

EXAMPLE
A household submits an initial application in January and the application is not processed until February. If the household is eligible for January, a six-month certification period would include January through June.

(2) Determining Length of Certification Period for Food Stamp Households

Households shall be assigned the longest certification periods possible based on the predictability of the household's circumstances. Households must be certified for at least three months except as discussed in Section 1240-1-7-.01-(2)-(b). In no circumstances may a certification period extend beyond one year.

(a) As a result of anticipated changes, the household's level of benefits for the month of application may differ from its entitlement in subsequent months. The household's allotment will vary from month to month within the certification period to reflect changes anticipated at the time of certification, unless the household elects the averaging techniques in Section 1240-1-4-.17.

(b) Exceptions to Three Month Certification Periods

1. Families First/Food Stamp Household Certification Periods

   Households in which all members are included in a Families First grant shall have their Food Stamp recertification completed, to the extent possible, at the same time the review of the Families First case is made. The household shall be assigned a definite certification period; usually 6 months, not to exceed 12 months.

2. Food Stamp Households Certified After the 15th of the Month

   Households eligible for a certification of three months or less, shall have their certification period increased by one month, if
   the certification process is completed after the 15th day of the month of application, and
   the household's circumstances warrant the longer certification period.

3. Households Experiencing Changes

   (i) The change to age 60 is so significant in terms of a household's participation in the Program. In most instances, the household's certification period should end in the month before the month the household member reaches 60. At the recertification interview, the caseworker must address changes such as possible entitlement to medical and uncapped shelter deductions.

   However, if the household member will attain age 60 in the month following the first month of the certification period, it may be possible to effect any necessary changes by using a variable basis of issuance.

   NOTE: A household member, who will attain age 60 prior to the end of the application month, will be treated as if he/she is age 60 as of the application date.

   (ii) Students with earned income, who become 18 during a certification period, must have their earnings considered as countable income. Budget earned income no later than the month following the month in which the student becomes 18 years of age. Anticipate the earnings for the appropriate month through the variable issuance procedure or assign a limited certification period.

   Remember that the household is responsible for reporting when a household member obtains employment. Unless you know that a 17 year old has earnings, there is no need to limit the certification or set up a special action.

   (iii) Either before or after the 15th day of the month of application, certify households for one or two months, as appropriate, when the household cannot reasonably predict what its circumstances will be in the near future.

EXAMPLE
A household whose primary wage earner has just lost his job, but who may be reinstated or may be receiving unemployment compensation within two weeks, would be certified for only one or two months.

4. Unstable Households

   Households must be certified for one or two months when there is a substantial likelihood of frequent and significant changes in income or household status.

EXAMPLE

The income of day laborers and migrant workers during the work season may be uncertain and subject to extreme fluctuation due to the availability of employment or to bad weather or other circumstances. Certify such households for one or two months.

5. Stable Households

   Certify households for up to six months if there is little likelihood of changes in income or household status.

   Households with a stable income record who do not anticipate major changes in income, deductions or household composition, may be certified for up to six months.

6. Unemployable Households

   Households consisting entirely of unemployable or elderly persons (60 years or older) with very stable incomes may be certified for up to 12 months, provided that other household circumstances are expected to remain stable.

EXAMPLE

Social Security and SSI recipients and recipients of pension or disability payments would fit this type of household.

7. Certain Self-Employed Households

   Certify households for up to 12 months when their primary source of income is from self-employment (including self-employed farmers), or from regular farm employment with the same employer, provided the income can be predicted readily and household circumstances are not likely to change. Assign annual certification periods to farm workers who are provided their annual salaries or a monthly schedule which does not change as the amount of work changes.

   NOTE: Refer to Section 1240-1-5 Destitute Households and Section 1240-1-32 Strikers

8. Simplified Reporting Cases

   Households are to be assigned a six-month certification period. (A partial month's benefit is considered a month in the six-month period) If the household reports a change during the certification period that makes them no longer qualify as a SR case, the household will retain the SR status through the certification period.

   (i) When a non-SR household reports countable earned income during a certification period, the case is then classified as an SR case. The worker will prepare a budget to determine ongoing eligibility and notify the household of its new reporting requirements.

(I) If the household is certified longer than six months:

- shorten the certification period to six months (set end date to six full months from the processing date);
- notify the household of the new certification period; and
- explain the new reporting requirements.

(II) If the household is certified less than six months:

- document on CLRC that case is now SR;
- do not extend the certification period; and
- explain to the household the new reporting requirements.

(ii) A household without countable earnings will be placed in SR only at application and redetermination. A six-month certification will be given to these cases at that time, along with an explanation to the household of the new reporting requirements.

1240-1-7-.02

RESERVED

1240-1-8-.01 DEFINITIONS

Listed below are definitions of some terms frequently used in the Tennessee Department of Human Services Family Assistance Manual. These definitions are specific for the Food Stamps/AFDC Programs. Other terms unique to the two programs may not be defined here, but should be read in the context of the instructions/policies given in the various volumes of the Manual.

(A)

Assistance Unit (AU)

The Assistance Unit is composed of all the people whose needs are included in one AFDC budget. For the purpose of budgeting one person may be an aid group.

Allotment or Coupon Allotment

Allotment or Coupon Allotment is the total value of food coupons a household is authorized to receive during each month or other time period.

Alternate Payee

(a) An alternate payee is a person who is temporarily designated to receive and expend an AFDC check when the grantee-payee relative is not available to do so.

(b) The alternate payee is expected to act for the grantee-payee relative in relation to the child. That is, he is expected to see to it that the child has shelter, food, clothing and adequate supervision during the emergency period.

(c) The alternate payee may be related or unrelated to the child. He may be living in the same home with the child or apart from the child if he is carrying out his responsibilities of acting for the grantee-payee relative.

(d) Since the alternate payee must act for the grantee-payee relative he must be someone who can fulfill this requirement such as a relative, concerned neighbor or friend. Therefore, employees of the Department and institutions may not be designated alternate payee.

Applicant

(a) An applicant is a person who has submitted a completed and signed document prescribed by DHS requesting AFDC for children in his care, and/or a form approved by FNS containing at least a legible name, address and a signature to request Food Stamps for the household of which he is a member.

(b) An authorized representative or designated agent may actually file the application provided they have been authorized to do so by the head of the household, spouse, or other responsible household member.

Applicant Relative

An applicant relative is a specific relative who applies for AFDC for a child or children in his care.

Application or Application Form

An application is a form prescribed by DHS and/or approved by FNS containing prescribed information which is submitted to the County Office of the DHS by a person requesting assistance, or by the person's legally appointed guardian, designated agent or authorized representative. For food stamp purposes, an initial application is the first month for which the household applies for participation, following any period during which the household was not certified for participation in the Food Stamp Program.

Authorization to Participate Card (ATP)

Authorization to Participate Card (ATP) is a document which is issued by the Tennessee Department of Human Services to a certified household to show the Food Stamp allotment the household is authorized to receive on presentation of such document.

Authorized Representative

An authorized representative is the person designated by the head of the household, spouse, or other responsible household member for making application for Food Stamps including participation in the interview, obtaining coupons, or using the coupons. Also, an authorized representative is an employee of a private treatment and rehabilitation program which must be certified by the designated state agency. This employee shall act in the treatment center patient's behalf of making application for Food Stamps, receiving and/or spending the coupons. (See Designated Agent -- AFDC).

(B)

Boarders

(a) Food Stamps. Individuals to whom a household furnishes lodging and meals with the following restrictions:

1. Boarder status shall not be granted to a spouse, as defined in Number (77) of 1240-1-8-.01, of a member of the household, or to children under 18 years of age under the parental control of a member of the household, or to either parents living with their children or children living with their parents, unless at least one parent is 60 years of age or older.

2. Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals. An individual furnished both meals and lodging by the household, but paying compensation less than a reasonable amount, will be considered a member of the household which provides the meals and lodging.

(b) AFDC. A boarder is a person who lives as a member of a family, but who pays a fee for this privilege. His/her board rate covers his/her portion of mutual living expenses and his/her food. Any profit a family or HH/AG realizes from a boarder belongs to the person or the HH/AG including the person to whom he/she pays board.

Boarding House

A boarding house is an establishment which is licensed as a commercial enterprise which offers meals and lodging for compensation. In counties without licensing requirements, a boarding house shall be defined as a commercial establishment which offers meals and lodging for compensation with the intention of making profit. See Section 1240-1-2-.02-(4)-(a).

(C)

Caretaker

A caretaker for AFDC purposes is a specific relative of a child who is providing a home for the child, exercising primary responsibility for the care and control of the child, is in need according to Department standards, is not an SSI beneficiary and wishes to be included in the AFDC aid group. A caretaker is counted statistically as an AFDC recipient and an allowance is made for the caretaker in the AFDC grant.

Categorically Resource Eligible

Resources of a household member, in a Mixed Household, who receives or is authorized to receive AFDC and/or SSI. These resources are not used to calculate the household's total resources.

Certification Period

A certification period is an assigned period of time during which a household is eligible and certified to receive Food Stamp benefits.

Child Caring Institution

A child caring institution is an institution which provides twenty-four hour care to more than 12 children.

Communal Dining Facility

A communal dining facility is a public or non-profit private establishment, approved by FNS, which prepares or serves meals for elderly persons, or for Supplemental Security Income (SSI) recipients, and their spouses.

(D)

Dependent Child (AFDC Only)

The term “dependent child” means a needy child (1) who has been deprived of parental support or care by reason of the death, continued absence from the home (other than absence occasioned solely by reason of the performance of active duty in the uniformed services of the United States), or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their own home, and (2) who is (A) under the age of eighteen, or (B) at the option of the State, under the age of nineteen and a full-time student in a secondary school (or in the equivalent level of vocational or technical training), if, before he attains age nineteen, he may reasonably be expected to complete the program of such secondary school [or such training].

Designated Agent

A person named by an individual requesting AFDC to act for him in filing an application, gathering required information, representing him at a fair hearing, etc. The designated agent acts for the applicant/recipient in such matters but cannot receive/expend the person’s AFDC unless he is also the person’s legally appointed guardian or has been named alternate/protective payee.

Disability

(a) FS (Work Registration) An individual having mental or physical impairment which renders him or her incapable of gainful employment either permanently or temporarily will be exempt from work registration requirements for the Food Stamp Program.

(b) FS (Disability for Entitlement to Special Consideration Regarding Medical Deductions, Excess Shelter Deductions, Use of Net Income Standards, and Separate Household Status for Parent/Child and Siblings) An individual is considered disabled if he or she meets any of the following and will be eligible for special income and deduction considerations when determining food stamp eligibility and allotment amounts:

(1) receives payments for disability or blindness under Titles I, II, X, XIV, or XVI of the Social Security Act;

(2) receives federally, or state administered supplemental benefits under section 212(a) of Public Law 93-66;

(3) receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(4) is a veteran receiving VA benefits for a service or non-service connected disability rated or paid as total, or is considered by VA standards to be in need of regular aid and attendance, or considered permanently housebound;

(5) is a disabled surviving spouse of a veteran and is considered by VA standards to be in need of regular aid and attendance or is permanently housebound;

(6) is a disabled surviving child of a veteran and is considered by VA standards to be permanently incapable of self-support;

(7) is a surviving spouse or child of a veteran and entitled to VA compensation for a service connected death or VA pension benefits for a non-service connected death and has a disability considered permanent under the Social Security Act;

NOTE: "Entitled" as used in this definition refers to surviving spouses and children of veterans who are receiving the compensation or benefits stated above, or have been approved for such payments but are not receiving them.

(8) receives an annuity payment under section 2(a)(1)(iv) of Railroad Retirement Act of 1984 and is determined to be eligible to receive Medicare by the Railroad Retirement Board;

(9) receives an annuity payment under section 2(a)(i)(v) of the Railroad Retirement Act of 1984 and is determined to be disabled based on the criteria used under Title XVI of the Social Security Act (SSI);

(10) receives interim or presumptive payments pending receipt of SSI; or

(11) receives medical assistance based on disability under Title XIX (Medicaid).

(c) FS (Disability for Determining Eligibility of Separate Household Status of Elderly Individuals Living With Others and Not Purchasing Food and Preparing Meals Separately from Others) Disability for this purpose is defined as a disability considered permanent under the Social Security Act or any other non-disease related, severe permanent disability which would prevent the individuals from purchasing and preparing their own food.

(d) AFDC (Incapacity) A mental and/or physical condition, total or partial, permanent or temporary, which is of such a debilitating nature as to reduce substantially, or eliminate the parents ability to support or care for the otherwise/eligible child and can be expected to last for a period of at least 30 days.

Documentation

Documents in substantiation of a client's statements about factors of eligibility – documentary evidence.

Drug Addiction and Alcoholic Treatment and Rehabilitation Center

A treatment program certified by the appropriate State Agency of the State of Tennessee as a bona fide treatment program and conducted by a private, non-profit organization or institution or a publicly operated community health center. Residents of such programs may apply for Food Stamp Program benefits with an authorized representative employed by the treatment program acting as the authorized representative for all applicant households.

(E)

Earned Income

That total income which an A/R earns by his own efforts; either salary, wages or commissions paid to him as an employee, or profits from self-employment in an enterprise (including farming) which he may carry on independently or jointly with another person or persons. It includes earnings over a period of time for which settlement is made at one given time. It does not include any income such as pensions or benefits accruing as compensation or reward for service or compensation for lack of employment; for example, RSDI benefits, VA benefits, UMW benefits, strike benefits, Unemployment Compensation, etc., nor Military Allotments, allotments from Job Corps participants, or return from capital investments, or income provided by another agency.

Elderly Person

For Food Stamp Program purposes, a person 60 years of age or older or is 59 years old on the date of application and will be sixty before the end of the month of application.

Eligible Foods -- Food Stamp Program

(a) Any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption;

(b) Seeds and plants to grow for the personal consumption of eligible food stamp households;

(c) Meals prepared and delivered by an authorized meal delivery service to households eligible to use coupons to purchase meals or to households eligible to use coupons for communal dining at communal dining facilities for the elderly, for SSI households or both;

(d) Meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to households eligible to use coupons to purchase those meals;

(e) Meals prepared and served by an authorized group living arrangement facility to residents who are blind or disabled recipients of benefits under Title II (RSDI) or Title XVI (SSI) of the Social Security Act;

(f) Meals prepared by and served by a shelter for battered women and children to its eligible residents.

Excluded Household Members

Excluded members are defined as individuals who do not meet the citizenship or eligible alien status; individuals who are disqualified for failure to provide or apply for an SSN; and individuals disqualified for intentional program violations.

(F)

Fair Hearing

A procedure whereby an appeal may be made by persons whose applications are denied, not acted upon with reasonable promptness, or who are otherwise aggrieved by the agency's interpretation of any provision of the FS/AFDC laws and regulations as it affects their situations. See Section 1240-1-30 for detailed instructions.

Food and Nutrition Service (FNS)

The division of the United States Department of Agriculture which supervises the Food Stamp Program at the federal level.

Food Stamp Act

The Food Stamp Act of 1977 (Pub. L. 95-133) including any subsequent amendments thereto.

Foster Boarding Home

A licensed or approved home in which twenty-four hour care is provided to a person who lives as a member of the family.

Foster Care

Care provided to a person in a licensed or approved foster boarding home when the person's own home is not available to him.

Full-Time Employee

A person who works 30 hours per week or more or has weekly earnings equal to the federal minimum wage times 30 hours.

(G)

General Assistance Agency

Any agency using local funds to provide financial assistance to individuals and families.

Grantee Relative

A specified relative who receives an AFDC grant for a child or children in his care. This person may or may not be included in the aid group.

Group Living Arrangement

A public or private non-profit residential setting that serves no more than sixteen (16) residents and that is certified by the Department of Mental Health. To be eligible for food stamp benefits, a resident of such a group living arrangement must be blind or disabled and receiving benefits under Title II or Title XVI of the Social Security Act.

Guardian

An individual named by a court of competent jurisdiction (usually the County Court) to manage the affairs of an adult who has been adjudicated mentally incompetent; or one who has been named to manage the affairs and /or person of a minor.

(H)

Homeless Individual

A homeless individual is defined as an individual who lacks a fixed and regular nighttime residence or an individual who has a primary nighttime residence that is:

- a supervised publicly or privately operated shelter designed to provide temporary living accommodations;
- an institution that provides a temporary residence for individuals intended to be institutionalized;
- a temporary accommodation in the residence of another individual; or
- a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

Homestead

The home and surrounding property which is not separated from the home by intervening property owned by others. Public rights of way, such as roads which run through the surrounding property and separate it from the home, will not affect its classification as a homestead.

Household

For food stamp purposes, a group of people who customarily purchase and prepare food together for home consumption. For program purposes, an individual living alone may be a household.

(I)

Identification Card (ID)

A card which identifies the bearer as eligible to receive and use food coupons.

Income

A recurring gain or benefit measured in money amounts.

Inmate of Public Institution

A person living in a public institution unless (1) he has definite plans to leave the institution within the current or succeeding month; or (2) he is free to leave on his own volition at any time. See Section 1240-1-31 for food stamp policies regarding persons residing in facilities for the treatment of drug addiction/alcoholism.

Inquiry

A request for information about the Family Assistance programs. Inquiries are not applications for assistance and no permanent records of inquiries are kept.

Immigration and Naturalization Service (INS)

The Immigration and Naturalization Service of the United States Department of Justice which has jurisdiction over determining the alien status of all residents.

Institution of Higher Education

Any institution which normally requires a high school diploma or equivalency certificate (GED) for enrollment including, but not limited to, colleges, universities, and vocational or technical schools at the post-high school level.

Institution of Post Secondary Education

Any public or private educational institution which normally:

- requires a high school diploma or equivalency certificate for enrollment; or
- admits persons who are beyond the 17 year old compulsory school attendance age, provided the institution is legally authorized or recognized by the state to provide an educational program beyond secondary education; or
- provides a program of training to prepare students for gainful employment.

(L)

Low Income Household

For food stamp purposes, a household whose annual income does not exceed 130% of the Office of Management and Budget guidelines.

(M)

Mail Issuance

The method by which eligible households receive their food stamps by mail each month.

Mass Changes

Certain changes initiated by the State or Federal Government which affect the entire Family Assistance caseload or significant portions of the caseload.

Meal Delivery Service

A non-profit meal delivery service authorized by FNS which provides prepared meals to eligible food stamp household members over 60 years of age and their spouses, or members (and spouses) who are housebound, physically handicapped, or otherwise disabled to the extent that they are unable to adequately prepare all their meals.

Medicaid

A Federal and State funded medical insurance program administered in this state by the Tennessee Department of Public Health – Medicaid Division. Benefits are available only for certain groups of people. The Federal base for the program is Title XIX of the Social Security Act as amended.

Medicare

A hospital insurance benefit and supplemental medical insurance benefit program administered by the Social Security Administration for certain individuals who receive Social Security benefits. Administered under Title XVIII of the Social Security Act as amended.

Minor

A minor is a person under 18 years of age unless his minority has been removed at an earlier age by court action.

Mixed Households

Households with one or more member(s) receiving or authorized to receive AFDC and/or SSI but not all household members receive these benefits.

(N)

Net Income

Gross income less appropriate exclusions and work allowances.

(O)

Office Of Family Assistance (OFA)

The division of the United States Department of Health and Human Services which supervises the administration of the AFDC Program.

(P)

Payee

The person to whom an AFDC grant check is made payable.

Prevailing Rate of Return

The current usual monetary yield on real/personal property of similar type and usage in the area in which the property is located.

Private Institution

A facility which provides under private management shelter, custodial care, personal services, and in some instances, nursing care to two or more persons unrelated to the owner or manager. It is usually entirely supported by private funds. It may, however, receive contributions from public funds and still be considered a private institution, if the governmental unit does not exercise any administrative control.

Private institutions include such facilities as hospitals, nursing homes, child caring institutions and homes for the aged. The institutions may be operated by an individual or it may be under the auspices of a church, a fraternal organization, or a private board.

Program

May refer to either the Food Stamp Program conducted under the Food Stamp Act and regulations or the Aid to Families with Dependent Children (AFDC) Program conducted under Title IV-A of the Social Security Act and regulations. If not specifically designated, “program” must be read as pertaining to either program depending on the context of the material.

Program Violations

(1) Food Stamps

(a) Intentional Program Violation can be determined through an administrative disqualification hearing or a court appropriate jurisdiction. Intentional program violation shall consist of any action by an individual who knowingly, willfully and with deceitful intent:

1. Made a false or misleading statement or misrepresented, concealed or withheld facts; or

2. Committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations; or

3. Any State statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or ATP’s.

(b) Inadvertent Household Error
An inadvertent household error is an error caused by a misunderstanding or unintended error on the part of the household.

(c) Administrative Error
An administrative error is an error caused by the worker or Department.

(2) AFDC

Whoever knowingly obtains or attempts to obtain or aids or abets any person to obtain, by means of a willfully false statement or representation or by impersonation, or other device, assistance for a dependent child to which such child is not entitled, or assistance greater than that to which such child is entitled shall be guilty of a felony and punishable accordingly.

Project Area

(a) A county within the State of Tennessee which has been designated as an administrative unit for Food Stamp Program operations; or

(b) A geographic area, usually a county, served by one WIN-ES Office.

Protective Payee

An individual (selected by the A/R when possible or by the staff of the Department and when necessary) named by the Department of Human Services to receive and expend an AFDC grant for the benefit of a recipient who:

(a) refuses to participate in WIN;

(b) refuses to assign support rights/cooperate with the IV-D agency;

(c) because of physical/mental/emotional disorder, youth or immaturity or demonstrated to manage money is in need of the assistance of a payee. See Section 1240-1-18.

Public Institution

A facility which provides shelter, custody, or care and is the responsibility of a government unit or over which a governmental unit exercises administrative control.

Pure AFDC Household

A pure AFDC-Food Stamp case is one in which each member of the Food Stamp household is included in an AFDC grant.

(R)

Recipient

A person who receives an AFDC payment, is included in the aid group and is counted statistically as a caretaker, second parent, or dependent child including a child receiving AFDC-FC.

Recertification/Redetermination of Eligibility

(a) Recertification -- The processing of an application for recertification for food stamps prior to the end of a predefined certification period of a household.

(b) Redetermination of Eligibility -- The periodic investigation of each AFDC case which is required in order to establish that the family continues to be eligible for assistance. The terms redetermination of eligibility, review, and periodic review are used interchangeably.

Referral

(a) A specific request for assistance or service to a specific individual which is received from or sent to an agency, individual, or other program within the Department of Human Services.

(b) Family Assistance staff will usually receive referrals in written form in relation to an application or active case. Such referrals are to be made a part of the care record.

(c) Referrals by Family Assistance staff may be made on applications and active cases to Social Services, Division of Vocational Rehabilitation, Services to the Blind, or an agency which provides financial aid such as the Social Security Administration, Veterans Administration, and so on. Referrals may be in written form and if so a copy of the referral is to be made a part of the case folder.

Relative or Specified Relative

(a) For AFDC purposes, any blood relative, including those of half-blood; first cousins, nephews and nieces. This includes relationships to persons of preceding generations as denoted by prefixes of grand, great or great great.

(b) Stepfather, stepmother, stepbrother and stepsister.

(c) Legally adoptive parents of the child or of the child’s parents, the natural and other legally adopted children of such persons, and the blood relatives of such persons, including first cousins, nephews and nieces.

(d) Legal spouses of any of the persons named in the above three groups. This applies even though the marriage may have been terminated by death or divorce.

Relocation Payment

A payment to a person who is displaced from his home as a result of HUD assisted and other federally assisted program or project subject to the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970. The relocation payment is the amount paid to cover moving costs and

- for Homeowners -- the amount of payment made as a grant over and above the amount paid to him for his equity in property to purchase replacement housing.

- for renters -- the amount paid to assist in obtaining replacement housing (rented or to be purchased).

Resident

A household living in the county in which it files an application for participation.

In AFDC, a person who is living in the state voluntarily and not for a temporary purpose, that is, with no intentions of presently removing there from; or one living in the state who has come into the state if he is to seek or take employment. A child is residing in the state if he is making his home in the state. Temporary absence from the state with subsequent returns to the state, or intent to return when the purposes of the absences have been accomplished, shall not interrupt the continuity of residence.

Residents of Institutions

For food stamp purposes, individuals who reside in an institution and the institution provides them with the majority of their meals as part of the institution's normal services and the institution has not been authorized to accept food stamp coupons. Residents of institutions are not eligible for participation in the Food Stamp Program, with the following exception:

(a) Residents of federally subsidized housing for the elderly, built under Section 202 of the housing act of 1959 or Section 236 of the National Housing Act.

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

(c) Disabled or blind individuals who are residents of group living arrangements (as defined in the Definitions Section, 1240-1-8-.11-(34) and who receive benefits under Title II (RSDI) or Title XVI (SSI) of the Social Security Act.

(d) Residents of shelters for battered women and children as defined in (74) of this section. Such persons shall be considered individual household units for the purpose of applying for and participating in the Program.

In AFDC, individuals who reside in an institution. A resident of a public institution is not eligible for assistance unless he is a patient in a public medical institution. A resident in a private institution may be eligible if he is temporarily absent from home or meets requirements for AFDC-FC.

Retail Food Store

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

(b) Public or private communal dining facilities and meal delivery services and drug addict or alcoholic treatment and rehabilitation programs; public or private non-profit group living arrangements; or public or private non-profit shelters for battered women and children;

(c) Any private non-profit cooperative food purchasing venture, including those members pay for food prior to receipt of the food; and

(d) A farmers market.

Roomer

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

(S)

Second Parent

A parent who meets the following conditions:

(a) Both parents are in the home with the eligible child and are married to each other.

This applies only in AFDC cases in which a disabled natural or adoptive parent is living in the home with the eligible child. If the disabled parent is designated caretaker, the other parent may be designated second parent. A stepparent can qualify as second parent but only if the child's natural or adoptive parent is disabled and in the home.

(b) The second parent is not receiving SSI.

(c) The second parent is included in the aid group.

Set of Children

A "set" of children is defined as one child, or two or more children who are full brothers and/or sisters, i.e., having (1) the same father and mother, (2) the same mother but different fathers, or (3) the same father but different mothers.

Shelter for Battered Women and Children

Public or private non-profit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. The shelter must also be a residence which serves meals or provides food to its residents.

Special Action

A purposeful contact between a Family Assistance staff member and a family which is made between recertification/redeterminations of eligibility in order to explore a particular event which was anticipated or reported to the worker and which would have some effect on an individual's (or family's) continued eligibility for benefits.

Special Care

Nursing care, personal care, and/or households services which are medically required by and being purchased by a person receiving FS/AFDC.

Special Review

A limited review of selected factors of eligibility in a selected sample of FS/AFDC cases when this is required based on Quality Control findings.

Spouse

For Food Stamp purposes, either of two individuals:

(a) Who would be defined as married to each other under applicable state laws or

(b) Who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople.

For AFDC purposes, a legal husband or wife.

State Agency

The agency of State Government which has the responsibility for the administration of the Food Stamp and Public Assistance Programs within the state. In Tennessee, this is the Tennessee Department of Human Services.

Student

An individual attending at least half time, as defined by the institution, any kindergarten, pre-school, grade school, vocational or technical school, training program, college, or university. Enrollment in a mail, self-study, or correspondence course does not qualify such person as a student. Participation in the Job Corps qualifies a person as a student for AFDC purposes only. A student remains a student during official school vacation periods if he has definite plans to enroll at the beginning of the next school term.

Student, Full-Time -- A child must have a schedule equal to a full-time curriculum for the school he is attending.

Student, Part-Time -- A child must have a schedule equal to a one-half of a full-time curriculum in the school he is attending.

Supplemental Security Income (SSI)

Monthly cash payments made under the authority of Title XVI of the Social Security Act, as amended, to eligible aged, blind, and disabled persons.

(T)

Thrifty Food Plan

The diet required to feed a family of four persons consisting of a man and a woman 20 through 54, a child 6 through 8 and a child 9 through 11 years of age, determined in accordance with the Secretary's calculations. The costs of such a diet shall be based on uniform allotments for all households regardless of their actual composition, except that the Secretary shall make household size adjustments in the thrifty food plan taking into account economies of scale.

(U)

Unearned Income

Any payments received without the current work efforts of the person, such as but not limited to: unemployment benefits, SSA and SSI benefits, workmen's compensation payments, gifts, and contributions, etc.

United States Department of Agriculture

The agency of the Federal Government authorized by the United States Congress to administer the Food Stamp Program.

United States Department of Health and Human Services

The agency of the Federal Government authorized to administer the federally aided public assistance programs.

(V)

Vendor

A person or organization which provides goods and/or services to an individual or family.

Vendor Payment

(a) A payment made in money on behalf of a HH/AG to a third party or

(b) A payment made by the agency directly to a provider of goods/services as in AFDC-FC, Medicaid payments to a hospital or nursing home, etc.

1240-1-9 TRANSITIONAL FOOD STAMPS

This section outlines the eligibility requirements for Transitional Food Stamp benefits.

1240-1-9-.01 ELIGIBILITY REQUIREMENTS

A Families First group with earnings whose case is closed because their income exceeds the Families First income standards may be eligible for five months of Transitional Food Stamps (TFS) if they are part of a currently certified food stamp case. The Families First closure may be because of new or increased earnings, or because another circumstance occurred in the case which caused existing earnings (with or without other income) to exceed the Families First income standard.

(1) Transitional benefits begin the first month following closure of the Families First case, or as soon as is administratively feasible, and continue for a maximum of five months.

(2) A household member who leaves the Transitional Food Stamp household during receipt of TFS benefits must re-apply for regular food stamp benefits in order to regain food stamp eligibility. He/she may not continue to receive Transitional Food Stamp benefits in a separate household.

(3) Transitional benefits continue throughout the five-month period unless the household re-applies and is approved for Families First or re-applies for regular food stamp benefits.

(4) Only eligible food stamp household members are eligible for Transitional Food Stamps; i.e., ineligible or disqualified individuals are not eligible for TFS.

(5) All food stamp household members do not have to have been receiving Families First to be eligible for transitional benefits. However, if there is an open Families First case remaining within the food stamp household, the food stamp household is not eligible for Transitional Food Stamps.

1240-1-9-.02 DETERMINING THE TRANSITIONAL FOOD STAMP BENEFIT

(1) Determine the Transitional Food Stamp allotment by using the earned and unearned income that was in the food stamp budget prior to Families First closure and removing the Families First grant and any other source of income that is no longer available from the computation.

(2) Assign the household a new certification period that conforms with the five-month transitional period.

1240-1-9-.03 CHANGES

(1) A Transitional Food Stamp household is not required to report changes during the five-month period unless a household member leaves the household and applies for food stamps in another household.

(2) The TFS household may apply to be recertified for the regular Food Stamp Program at any time while receiving Transitional Food Stamps.

(3) A TFS household that wishes to increase the level of food stamp benefits because of changes that have occurred must re-apply for recertification through the regular Food Stamp Program. This includes changes such as an increase or decrease in household size or loss of earnings or other income.

(4) When someone leaves a TFS household, do not remove the individual or change the TFS benefit unless the individual who left either re-applies for food stamps on his/her own or is added to another food stamp household.

(5) The Transitional Food Stamp household is not required to report any changes in household circumstances to the worker during the five months of TFS.

(a) If a TFS household does report a change, record the changed information on CLRC.

(b) Take no action on the Transitional Food Stamp case unless the client wants the case closed or re-applies for the regular Food Stamp Program and/or Families First and is approved.

(c) Apply the change to the regular food stamp benefits following the TFS period, when a new food stamp certification period is authorized.

(d) If the information reported is relevant to other program benefits received (e.g., TennCare Medicaid) apply the change to that program's eligibility and benefits.

(e) If a household member is disqualified for an Intentional Program Violation during the TFS period, impose the disqualification on the individual and adjust the benefits accordingly.

(f) If a claim is established for the food stamp household, apply the appropriate allotment reduction.

1240-1-9-.04 RECERTIFICATION FOR REGULAR FOOD STAMP BENEFITS

(1) A household may apply for the regular Food Stamp Program at any time during the TFS period.

(a) If a household applies for recertification during the transitional period but does not follow through with the application or is determined to be ineligible for the regular Food Stamp Program, advise the household and continue the transitional benefits for the remainder of the five-month period.

1. If the household applies for regular benefits during the transitional period and is determined eligible but is entitled to a benefit amount lower than its transitional benefit, encourage the household to withdraw its application and continue to receive transitional benefits.

2. If the household chooses not to withdraw its application, complete the recertification process and authorize the lower benefit beginning with the first month of the new certification period.

(b) If the household applies for the regular Food Stamp Program and is found eligible for benefits higher than its transitional benefits and the TFS benefits have already been issued for the first month of regular Food Stamp eligibility, authorize the approval and issue the household a supplement for the difference.

(c) Follow normal application processing guidelines for applications for recertification (Food Stamp Manual, Vol. II, 1240-1-10-.01, Recertification) that are submitted in the final month of the transitional period.

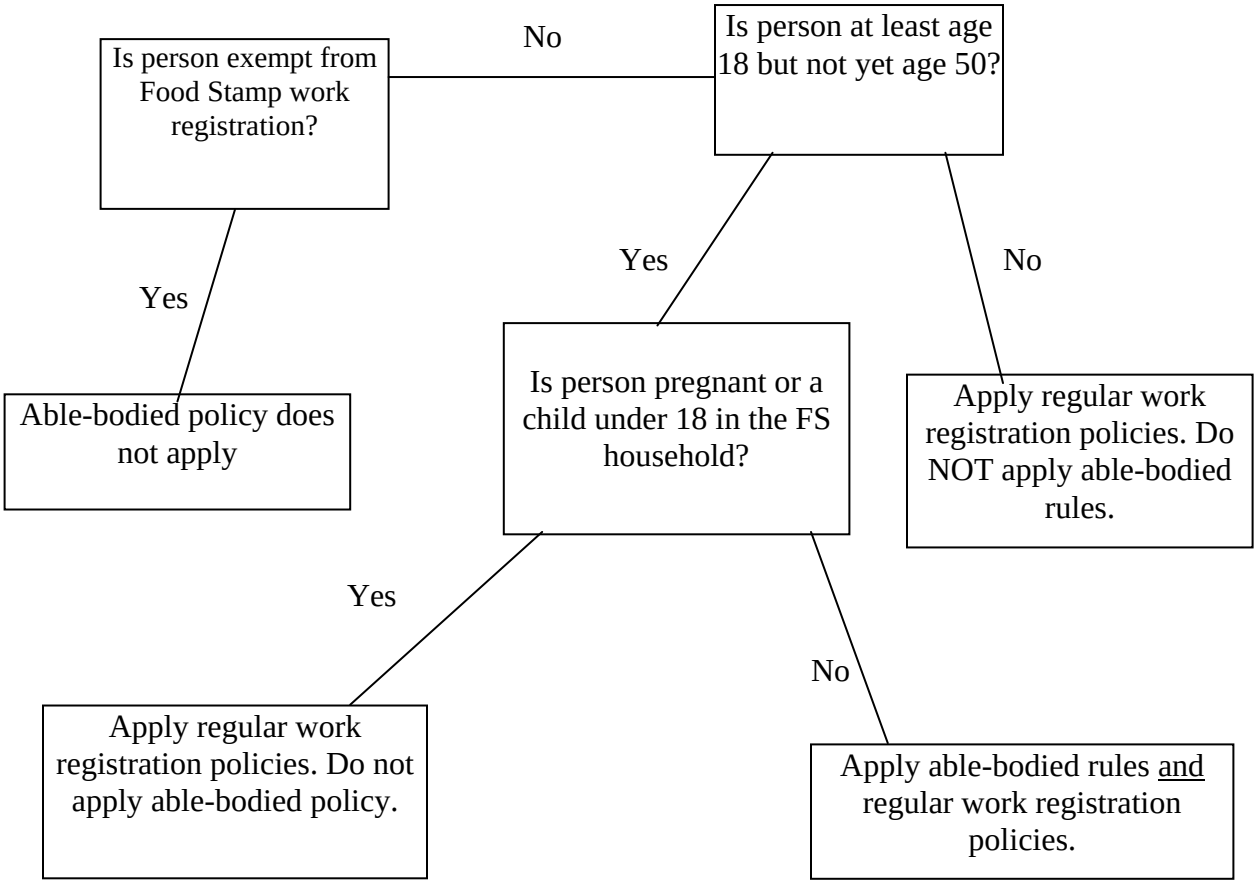
1240-1-9-.05 ENDING TRANSITIONAL FOOD STAMP BENEFITS

(1) Transitional Food Stamp households will be sent an appointment notice for recertification the month before the end of the five-month certification period. Follow normal food stamp policy and procedures to complete the interview and determine eligibility.

(2) If a household does not respond to the appointment letter, the TFS certification will expire and the case will be automatically closed.

CHARTS

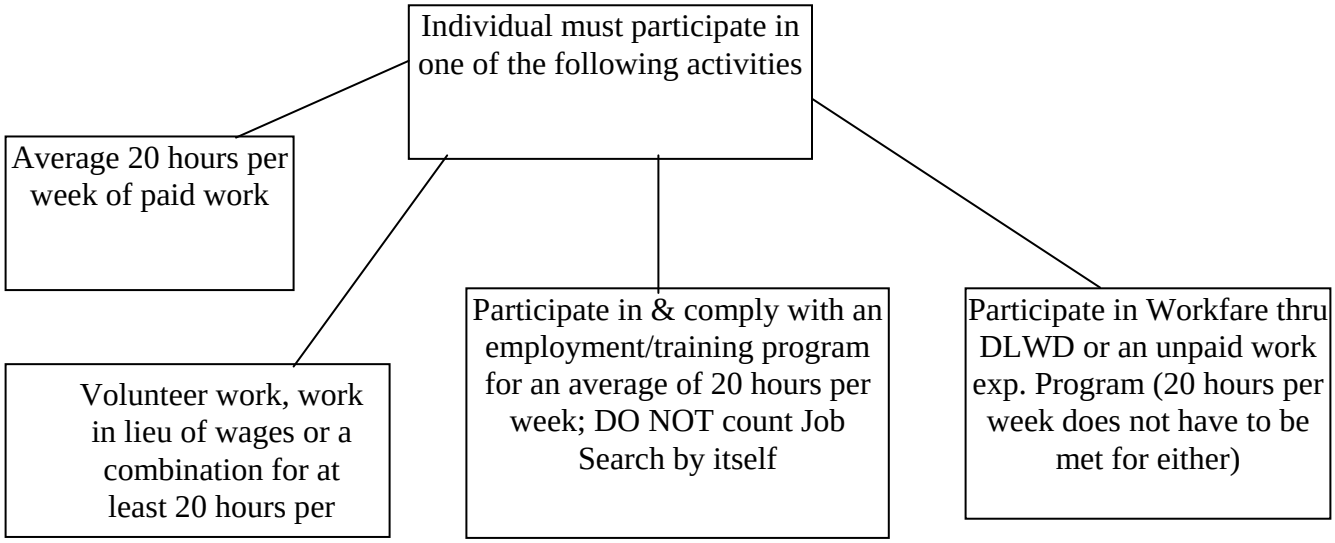
Able-Bodied Adults Without Dependent Children Food Stamp Flow Chart



Exemptions to the able-bodied without dependent work requirements

1. Age – under age 18 or age 50 or older (age 50 is not included in ABAWD)
2. Physically or mentally unfit for employment
3. Child under 18 in the Food Stamp Household (all adults members would be exempted)
4. Pregnant
5. Otherwise exempt from the Food Stamp work registration work requirement:
   - Person under 16 or over 59
   - Person physically or mentally unfit for employment
   - Member subject to & complying with any work/training program – FF
   - Responsible for care of a dependent child under 6 or an incapacitated person
   - Applied for or receiving unemployment compensation
   - Regular participation in a drug addiction/alcoholic treatment program (participation required)
   - Employed (average 30 hours weekly)
   - Student enrolled at least half-time in any recognized school, training program, or an institution of higher education

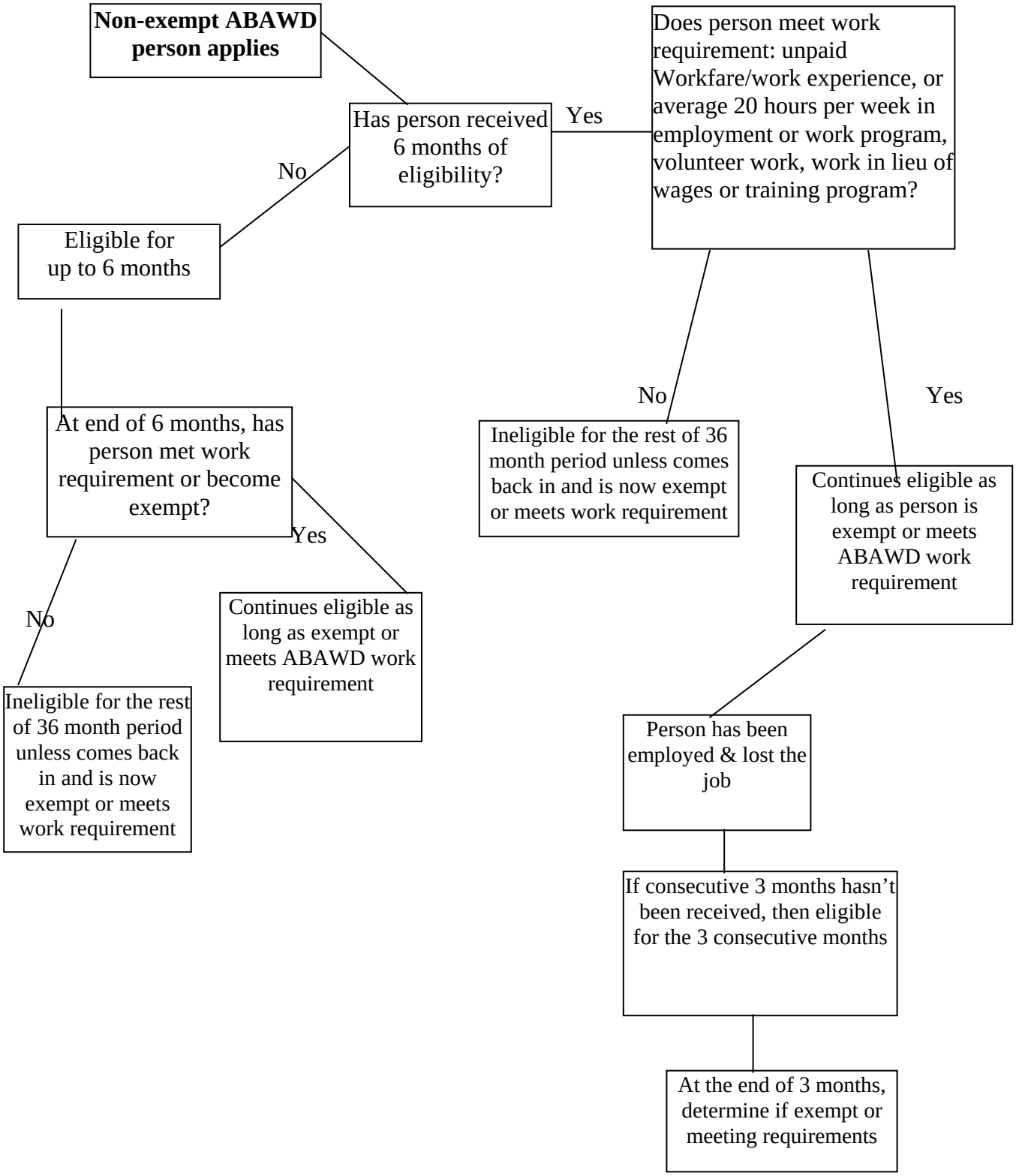
Food Stamp "Able-Bodied" Work Requirements



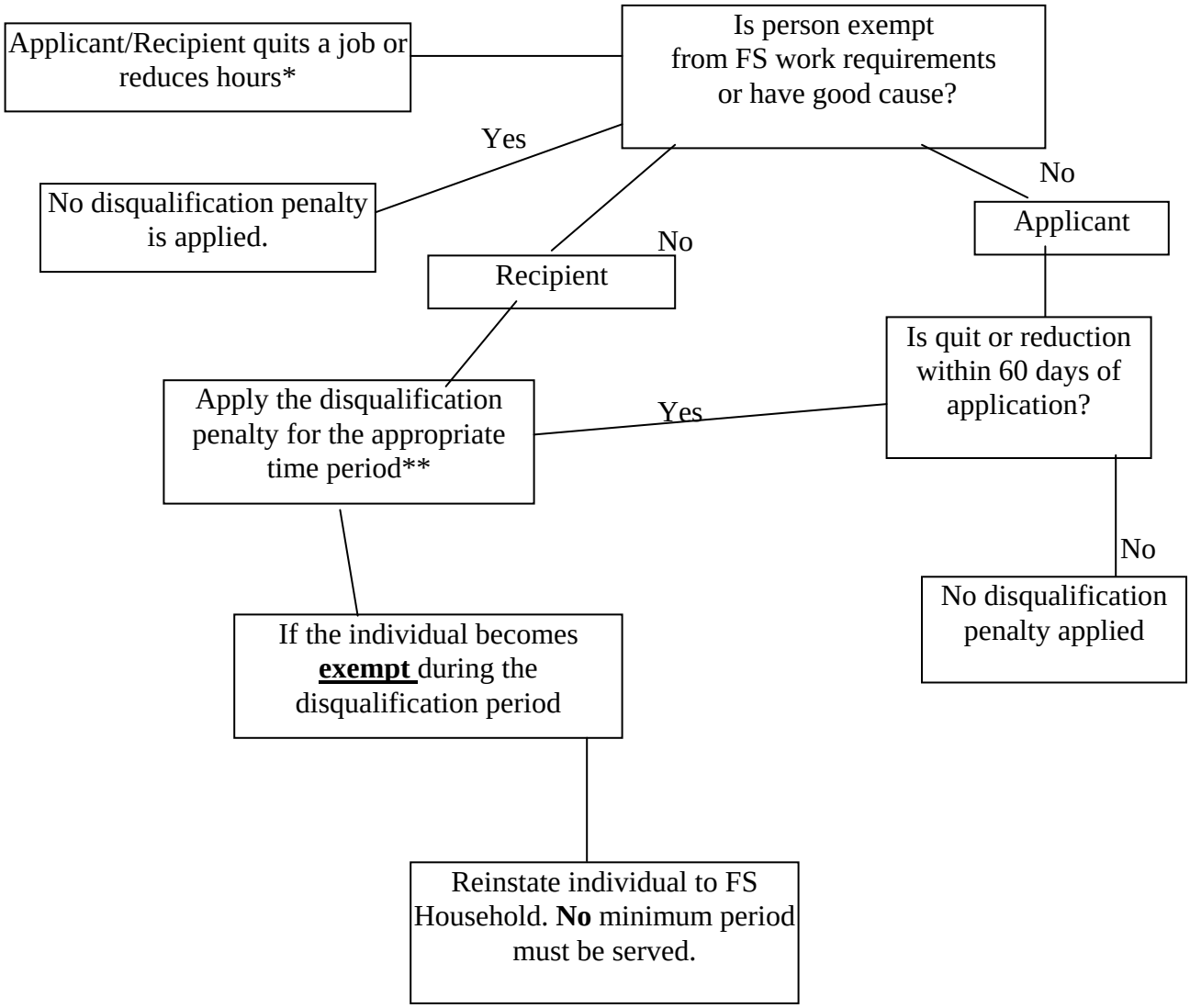
Able-Bodied Time Limits

- No time limits if person is complying with able-bodied work requirements
- 6 months of eligibility within 36 months if not exempt and not complying with able-bodied work requirements. (Control the time period with certification period.) The months do not have to be consecutive.
- Three additional months may be received if the individual has received the original 6 months. These months must run consecutively. This is when the individual has been receiving assistance and subsequently loses employment or stops working or participating in training or work experience program.
- If the ABAWD individual becomes ineligible, the individual's resources are considered available to the remaining household members in their entirety. The income is prorated and only the remaining household's portion is considered. Deductions paid by or billed to the ineligible ABAWD are prorated.
- A month in which the ABAWD individual is exempt does not count as a month of the 6 of 36-months of eligibility.

Treatment of ABAWD Individuals



Food Stamp Voluntary Quit (No Families First Case)

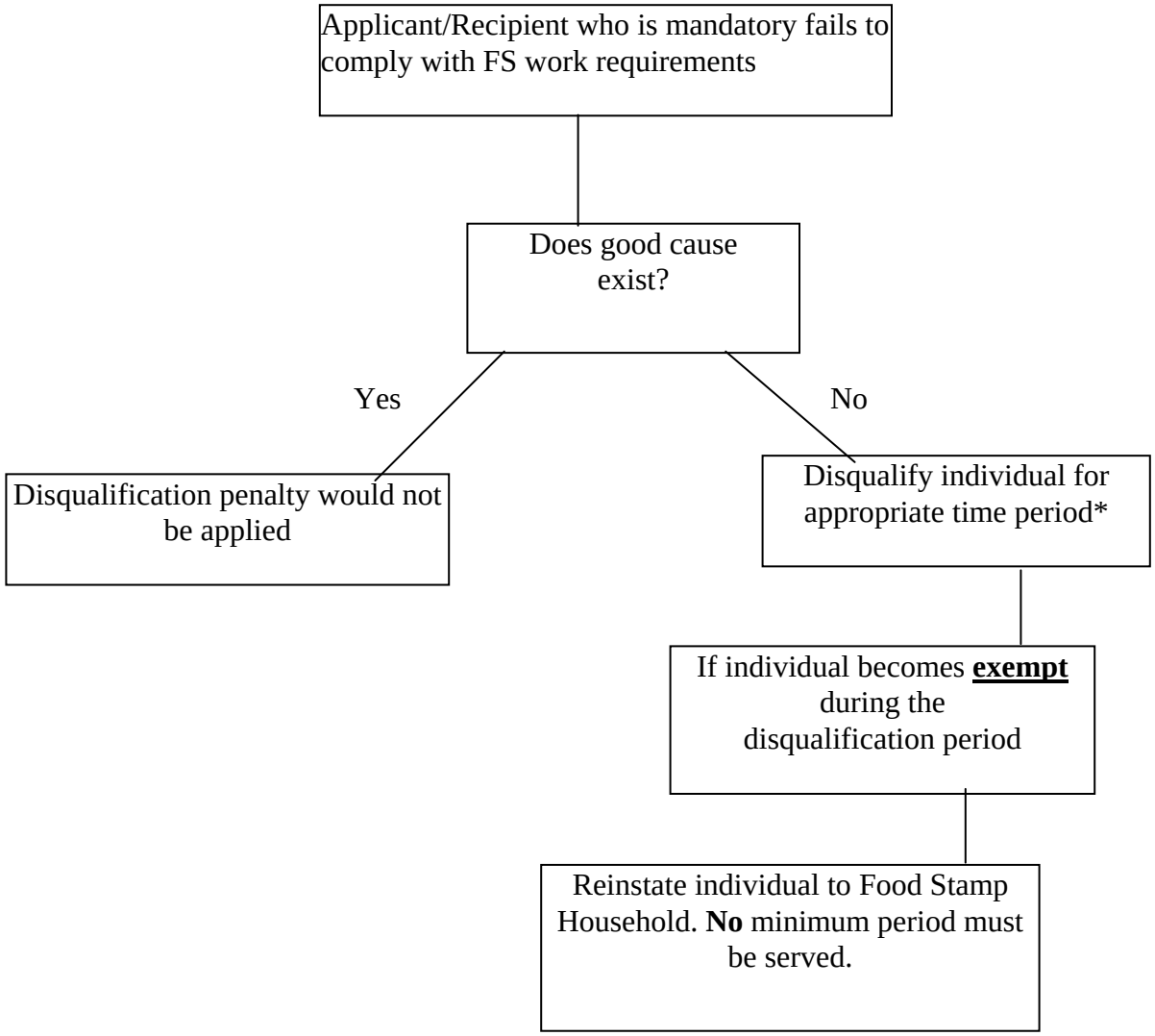


* Quit Job – must have been at least an average of 30 hours per week
Reduces – must have reduced hours to less than 30 hours per week

** First Violation – 1 month
Second Violation – 3 months
Third & Subsequent Violations– 6 months

Section 1240-1-3-.46

Food Stamp Work Requirements (No Families First)



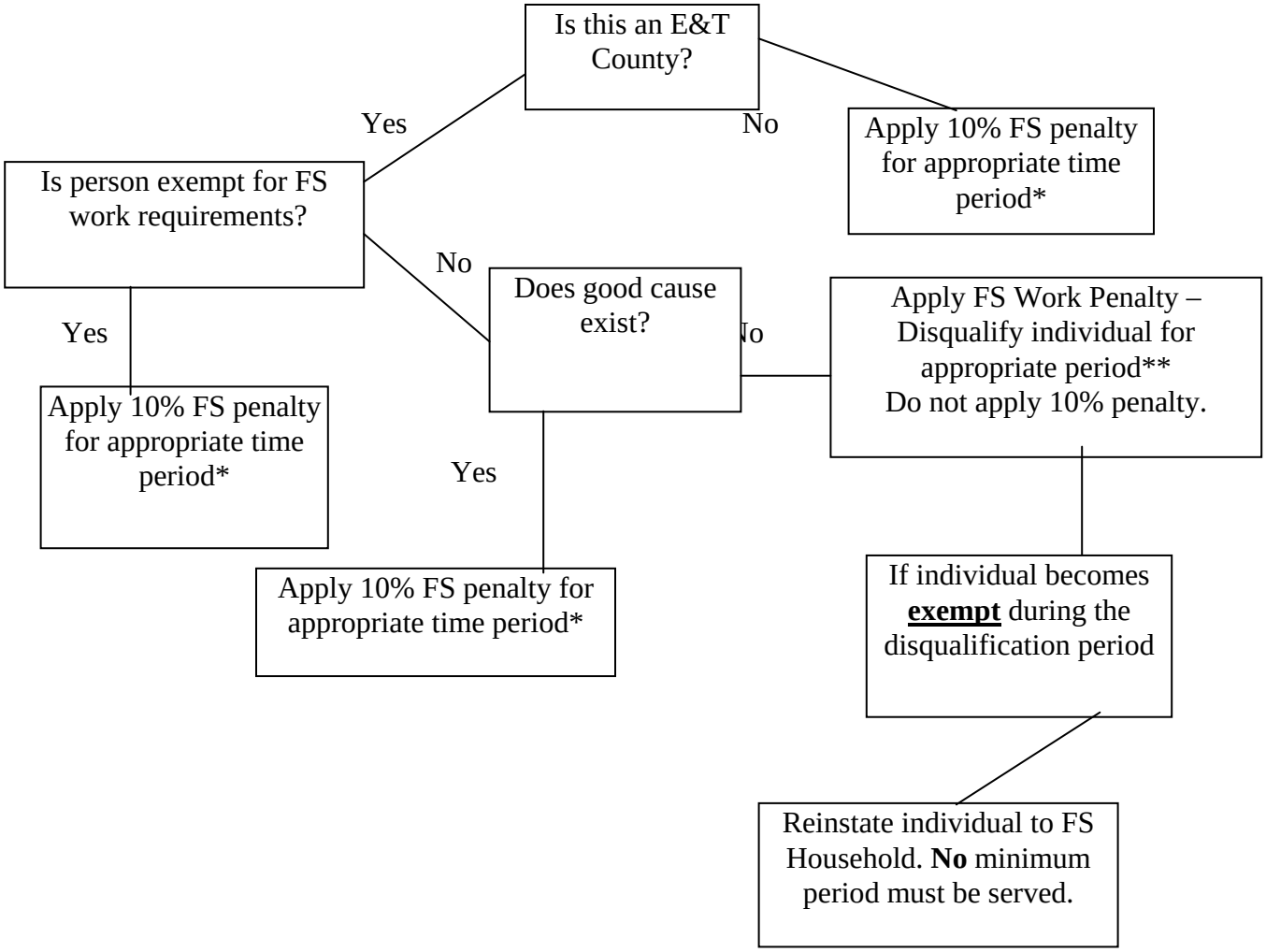
* First Penalty – 1 month or until compliance, whichever is greater

Second Penalty – 3 months or until compliance, whichever is greater

Third & Subsequent Penalties – 6 months or until compliance, whichever is longer

NOTE: Disqualification applies to the individual only.

Applying Food Stamp Sanction When Families First AG Closed Because of Sanction for Non-Compliance with Any FF Work Component



* Penalty stays in place until FF sanction is lifted or for 3 months if the FF aid group remains closed

NOTE: If FF aid group is closed because of non-compliance with Child Support, or the FF case is sanctioned with school attendance (AG child or unmarried minor parent), immunization/ health check a 10% penalty is applied to Food Stamp case for appropriate time period.

** First Penalty – 1 month or until compliance, whichever is longer

Second Penalty – 3 months or until compliance, whichever is longer

Third & Subsequent Penalties – 6 months or until compliance, whichever is longer

Section 1240-1-3-.45 & 1240-1-4-.14-(2)-(g)

UTILITY EXPENSES CHART (Page 1)

SITUATION	SUA ELIGIBLE	BUA ELIGIBLE
Person resides in a house or apartment and the utility bill is in his/her name.	X	
Person lives in a house or apartment and the utility bill is in another name but the person is responsible for the bill.	X	
Household A lives in a house or apartment with other food stamp households and shares utility costs. Household A is responsible for bills.	X	
Household A lives in a house or apartment with other households and shares utility costs. Household A gives a flat amount to other household toward utility costs.	X	
Household receives energy assistance through LIHEAA, which can be paid to the provider or household.	X	
Household's utilities are paid as a vendor payment.	NA	NA
Household claims only expenses for an unoccupied house.		X
Household's utility expenses include water, sewerage and telephone costs.		X
Household lives in public housing. The household may have individual or central meters. The household is billed for excess only.		X
Household is billed less often than monthly for its heating/cooling but otherwise eligible for the SUA.	X	
A person pays a flat rate to a landlord for utilities.		X
A household is in rental housing and the landlord is billing for actual usage as determined through individual metering.	X	
A household has an out-of-pocket expense above an energy assistance payment (other than LIHEAA).	X	
Individual resides in a regular group home situation. There is no amount specifically shown for utility costs. (Subtract TFP from total amount shown as shelter costs.)	NA	NA

UTILITY EXPENSES CHART (Page 2)

SITUATION	SUA ELIGIBLE	BUA ELIGIBLE
Individual pays his friend $200 a month for room and meals. The individual is applying for FS as a one-person household.	NA	NA
The household resides in an apartment and has utility expenses. The household also has an unoccupied home where repairs are being made. The home also incurs utility expenses. (The household may claim either utility allowance or actual costs but cannot claim both allowances or an allowance and actual. Must choose only one.)	Eligible for	Eligible for
The household resides in an apartment where their only utility expense is for a telephone. (The household would only be eligible for the telephone standard.)	NA	NA
Household A resides in a house. Household A rents out the apartment in the home to Household B. Household B pays a portion of the major utility to Household A. Household B is applying for FS and wants to claim utility expenses.		X
Household A resides in a house. Household B resides in a trailer in the backyard. An electrical line is run from the house to the trailer. The major utility for Household B is from electricity. Household B pays half the utility bill each month. Household B wants to claim a utility expense for FS.		X
Individual resides in an apartment that is individually metered. This is a group home supportive living arrangement. The apartment is shared with two other individuals. The agency receives the utility bill and divides the bill equally among the residents in the apartment.	X	
Individual resides in an apartment that is individually metered. This is a supportive living arrangement. The apartment is shared with three other individuals. The agency receives the utility bill and charges each individual a flat monthly rate.		X
Individual resides in a regular group home situation. The home charges a flat monthly rate toward the utility costs.		X

EXHIBIT A DESTITUTE HOUSEHOLDS

MIGRANT AND SEASONAL FARMWORKER HOUSEHOLDS

	Less than $150 Gross Income	Terminated Source	New Source	Terminated Source New Source
RECEIPT OF INCOME IN MONTH OF APPLICATION	Income received anytime during month	Last payment from source must be received before filing date.	Payments from new source will not exceed $25 in 10 day period from filing date.	Terminated source – Last income from source received prior to filing date New Source – payments from source will not exceed $25 in period 10 days from filing date.
INCOME COUNTED	ALL	ALL	NONE	Terminated source – ALL New Source – NONE
RECEIPT OF INCOME IN 30 DAYS PRIOR TO FILING DATE	N/A	N/A	Income from source does not exceed $25 in 30 days prior to filing date.	Terminated Source – N/A New Source – Income from source does not exceed $25 in 30 days prior to filing date.
RECEIPT OF INCOME ANTICIPATED AFTER FILING DATE	N/A	No income from source for remainder of month of application and the following month.	Within 10 days after filing date – income expected cannot exceed $25. After 10 day period ends – N/A	Terminated source – No income from source for remainder of month of application and the following month. Within 10 days after filing date – income expected cannot exceed $25. After 10 day period ends – N/A

EXHIBIT B DESTITUTE HOUSEHOLDS

PROCESSING STANDARDS FOR EXPEDITED SERVICE

The household's benefits must be received no later than the close of business 7 calendar days following the date of application.

S	**M**	**T**	**W**	**T**	**F**	**S**
5	6	7	8	*9*	10	11
12	13	14	15	*16*	17	18

Benefits received no later than

Household files and application process completed

PROCESSING STANDARDS FOR EXPEDITED SERVICE
WORKER DISCOVERY HOUSEHOLD ELIGIBLE FOR EXPEDITED SERVICE
AFTER FILING DATE

Benefits must be received by the household no later than close of business 7 calendar days following the date of discovery; the processing standard will be calculated from the date of discovery, not the filing date.

S	**M**	**T**	**W**	**T**	**F**	**S**
5	6	7	8	9	10	11
12	13	14	15	16	17	18

Household files

Benefits received by household no later than

Worker discovers household entitled to expedited service case certified

NATIVE ENTITIES WITHIN THE STATE OF ALASKA

(Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs)

(A)

Village of Afognak
Native Village of Akhiok
Akiachak Native Community
Akiak Native Community
Native Village of Akutan
Village of Alakanuk
Alatna Village
Native Village of Aleknagik
Alaaciq Native Village (St. Mary's)
Allakaket Village
Native Village of Ambler
Village of Anaktuvuk Pass
Yupiit of Andreafski
Angoon Community Association
Village of Aniak
Anvik Village
Arctic Village (See Native Village of Venetie Tribal Government)
Native Village of Atka
Asa'carsarmiut Tribe (formerly Native Village of Mountain Village)
Atqasuk Village (Atkasook)
Village of Atmautluak

(B)

Native Village of Barrow Inupiat Traditional Government (formerly Native Village of Barrow)
Beaver Village
Native Village of Belkofski
Village of Bill Moore's Slough
Birch Creek Village
Native Village of Brevig Mission
Native Village of Buckland

(C)

Native Village of Cantwell
Native Village of Chanega (aka Chenega)
Chalkyitsik Village
Village of Chefornak
Chevak Native Village
Chickaloon Native Village
Native Village of Chignik
Native Village of Chignik Lagoon
Chignik Lake Village
Chilkat Indian Village (Kluckwan)
Chilkoot Indian Association (Haines)

Chinik Eskimo Community (Golovin)
Native Village of Chistochina
Native Village of Chitina
Native Village of Chuatbaluk (Russian Mission, Kuskokwim)
Chuloonawick Native Village
Circle Native Community
Village of Clark's Point
Native Village of Council
Graig Community Association
Village of Crooked Creek
Curyung Trial Council (formerly Native Village of Dillingham)

(D)
Native Village of Deering
Native Village of Diomede (aka Inalik)
Village of Dot Lake
Douglas Indian Association

(E)
Native Village of Eagle
Native Village of Eek
Egegik Village
Eklutna Native Village
Native Village of Ekuk
Ekwok Village
Native Village of Elim
Emmonak Village
Evansville Village (aka Bettles Field)
Native Village of Eyak (Cordova)

(F)
Native Village of False Pass
Native Village of Fort Yokon

(G)
Native Village of Gakona
Galena Village (aka Loudon Village)
Native Village of Gambell
Native Village of Georgetown
Native Village of Goodnews Bay
Organized Village of Grayling (aka Holikachuk)
Gulkana Village

(H)
Native Village of Hamilton
Healy Lake Village
Holy Cross Village

Hoonah Indian Association
Native Village of Hooper Bay
Hughes Village
Huslia Village
Hydaburg Cooperative Association

(I)

Igiugig Village
Village of Iliamna
Inupiat Community of the Arctic Slope
Iqurmuit Traditional Council (formerly Native Village of Russian Mission)
Ivanoff Bay Village

(K)

Kaguyak Village
Organized Village of Kake
Kaktovik Village (aka Barter Island)
Village of Kalskag
Village of Kaltag
Native Village of Kanatak
Native Village of Karluk
Organized Village of Kasaan
Native Village of Kasigluk
Kenaitze Indian Tribe
Ketchikan Indian Corporation
Native Village of Kiana
Agdaagux Tribe of King Cove
King Island Native Community
Native Village of Kipnuk
Native Village of Kivalina
Klawock Cooperative Association
Native Village of Kluti Kaah (aka Cooper Center)
Knik Tribe
Native Village of Kobuk
Kokhanok Village
New Koliganek Village Council (formerly Koliganek Village)
Native Village of Kongiganak
Village of Kotlik
Native Village of Kotzebue
Native Village of Koyuk
Koyukuk Native Village
Organized Village of Kwethluk
Native Village of Kwigillingok
Native Village of Kwinhagak (aka Quinhagak)

(L)

Native Village of Larsen Bay
Levelock Village
Lesnoi Village (aka Woody Island)
Lime Village
Village of Lower Kalskag

(M)
Manley Hot Springs Village
Manakotak Village
Native Village of Marshall (aka Fortuna Ledge)
Native Village of Mary's Igloo
McGrath Native Village
Native Village of Mekoryuk
Mentasta Traditional Council(formerly Mentasta Lake Village)
Metlakatla Indian Community, Annette Island Reserve
Native Village of Minto

(N)
Naknek Native Village
Native Village of Nanwalek (aka English Bay)
Native Village of Napaimute
Native Village of Napakiak
Native Village of Napaskiak
Native Village of Nelson Lagon
Nenana Native Association
New Stuyahok Village
Newhalen Village
Newtok Village
Native Village of Nightmute
Nikalai Village
Native Village of Nikolski
Ninilchik Village
Native Village of Noatak
Nome Eskimo Community
Nondalton Village
Noorvik Native Community
Northway Village
Native Village of Nuiqsut (aka Nooiksut)
Nulato Village
Native Village of Nunapitchuk

(O)
Village of Ohogamiut
Village of Old Harbor
Orutsararmuit Native Village (aka Bethel)
Oscarville Traditional Village
Native Village of Ouzinkie

(P)

Native Village of Paimiut
Pauloff Harbor Village
Pedro Bay Village
Native Village of Perryville
Petersburg Indian Association
Native Village of Pilot Point
Pilot Station Traditional Village
Native Village of Pitka's Point
Platinum Traditional Village
Native Village Of Point Hope
Native Village of Point Lay
Native Village of Port Graham
Native Village of Port Heiden
Native Village of Port Lions
Portage Creek Village (aka Ohgsenakale)
Pribilof Islands Aleut Communities of St. Paul and St. George Islands

(Q)

Qagan Toyagungin Tribe of Sand Point Village

(R)

Rampart Village
Village of Red Devil
Native Village of Ruby

(S)

Village of Salamatoff
Organized Village of Saxman
Native Village of Savoonga
St. George (See Pribilof Islands Aleut Communities of St. Paul & St. George)
Native Village of Saint Michael
St. Paul (See Pribilof Islands Aleut Communities of St. Paul & St. George)
Native Village of Scammon Bay
Native Village of Selawik
Seldovia Village Tribe
Shageluk Native Village
Native Village of Shaktoolik
Native Village of Sheldon's Point
Native Village of Shishmaref
Native Village of Shungnak
Sitka Tribe of Alaska
Skagway Village
Village of Sleetmute
Village of Solomon
South Naknek Village

Stebbins Community Association
Native Village of Stevens
Village of Stony River

(T)
Takotna Village
Native Village of Tanacross
Native Village of Tanana
Native Village of Tatitlek
Native Village of Tazlina
Telida Village
Native Council of Teller
Native Council of Tetlin
Central Council of the Tlingit & Haida Indian Tribes
Traditional Village of Togiak
Native Village of Toksook Bay
Tuluksak Native Community
Native Village of Tuntutuliak
Native Village of Tununak
Twin Hills Village
Native Village of Tyonek

(U)
Ugashik Village
Umkumiute Native Village
Native Village of Unalakleet
Qawalangin Tribe of Unalaska
Native Village of Unga

(V)
Village of Venetie (see Native Village of Venetie Tribal Government
Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)

(W)
Village of Wainwright
Native Village of Wales
Native Village of White Mountain
Wrangell Cooperative Association

(Y)
Yakutat Tlingit Tribe

INDIAN ENTITIES

(Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs)

(A)

Absentee-Shawaee Tribe of Indians of Oklahoma
Agua Caliente Band of the Agua Caliente Indian Reservation, California
Ak Chin Indian Community of Papago Indians of the Maricopa, Ak Chin Reservation, Az.
Alabama-Coushatta Tribes of Texas
Albama-Quassarte Tribal Town of the Creek Nation of Oklahoma
Alturas Indian Rancheria of Pit River Indians of California
Apache Tribe of Oklahoma
Arapahoe Tribe of the Wind River Reservation, Wyoming
Aroostook Band of Micmac, Indians of Maine
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California

(B)

Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Res., Wis.
Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan
Bear River Band of the Rohnerville Rancheria of California
Berry Creek Rancheria of Maidu Indians of California
Big Lagoon Rancheria of Smith River Indians of California
Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California
Big Sandy Rancheria of Mono Indians of California
Big Valley Rancheria of Pomo and Pit River Indians of California
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
Blue Lake Rancheria of California
Bridgeport Paiute Indian Colony of California
Buena Vista Tancheria of Me-Wuk Indians of California
Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon

(C)

Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
Caddo Indian Tribe of Oklahoma
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
Cahto Indian Tribe of the Laytonville Rancheria, California
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
Captan Grande Band of Diegueno Mission Indians of California Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation , California
Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California
Catawba Indian Nation (aka Catawbe Tribe of South Carolina)
Cayuga Nation of New York
Cedarville Rancheria of Northern Paiute Indians of California
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California

Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
Cherokee Nation of Oklahoma
Cheyenne-Arapaho Tribes of Oklahoma
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
Chickasaw Nation, Oklahoma
Chicken Ranch Rancheria of Me-Wuk Indians of California
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
Chitimacha Tribe of Louisiana
Choctaw Nation of Oklahoma
Citizen Potswstomi Nation, Oklahoma
Cloverdale Rancheria of Pomo Indians of California
Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
Cocopah Tribe of Arizona
Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho
Cold Springs Rancheria of Mono Indians of California
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona & California
Comanche Indian Tribe, Oklahoma
Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
Confederated Tribes of the Chehalis Reservation, Washington
Confederated Tribes of the Colville Reservation, Washington
Confederated Tribes of the Coos, Lower Umpqua of Siuslaw Indians of Oregon
Confederated Tribes of the Goshute Reservation, Nevada and Utah
Confederated Tribes of the Grande Ronde Community of Oregon
Confederated Tribes of the Siletz Reservation, Oregon
Confederated Tribes of the Umatilla Reservation, Oregon
Confederated Tribes of the Warm Springs Reservation, Oregon
Confederated Tribes in Bands of the Yakama Indian Nation of the Yakama Reservation, Washington
Coquille Tribe of Oregon
Cortina Rancheria of Wintun Indians of California
Coushatta Tribe of Louisiana
Cow Creek Band of Umpqua Indians of Oregon
Coyote Valley Band of Pomo Indians of California
Crow Tribe of Montana
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California

(D)

Death Valley Timbi-Sha Shoshone Band of California
Delaware Tribe of Indians, Oklahoma
Delaware Tribe of Western Oklahoma
Dry Creek Rancheria of Pomo Indians of California
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada

(E)

Eastern Band of Cherokee Indians of North Carolina
Eastern Shawnee Tribe of Oklahoma
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California

Elk Valley Rancheria of California
Ely Shoshone Tribe of Nevada
Enterprise Rancheria of Maidu Indians of California

(F)
Flandreau Santee Sioux Tribe of South Dakota
Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Fort Independence Indian Community of Piaute Indians of the Fort Independence Reservation, California
Fort McDermitt Piaute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada
Fort McDowell Mohave-Apachee Indian Community of the Fort McDowell Indian Reservation, Arizona
Fort Mojave Indian Tribe of Arizona, California and Nevada
Fort Sill Apache Tribe of Oklahoma

(G)
Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation of Arizona
Grand Traverse Band of Ottawa and Chippewa Indians of Michigan
Greenville Rancheria of Maidu Indians of California
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
Guidiville Rancheria of California

(H)
Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan
Havasupai Tribe of the Havasupai Reservation, Arizonia
Ho-Chunk Nation of Wisconsin (formerly known as the Wisconsin Winnebago Tribe)
Hoh Indian Tribe of the Hoh Indian Reservation, Washington
Hoopa Valley Tribe of the Hoopa Valley Reservation, California
Hopi Tribe of Arizona
Hopland Band of Pomo Indians of the Hopland Rancheria, California
Houlton Band of Maliseet Indians of Maine
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
Huron Potawatomi, Inc., Michigan

(I)
Inaja Band of Diegueno Mission Indians of the Inaja Cosmit Reservation, California
Ione Band of Miwok Indians of California
Iowa Tribe of Kansas and Nebraska
Iowa Tribe of Oklahoma

(J)
Jackson Rancheria of Me-Wuk Indians of California
Jamestown S’Klallam Tribe, Washington
Jamul Indian Village of California
Jena Band of Choctaw Indians, Louisana
Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico

(K)

Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
Kalispel Indian Community of the Kalispel Reservation, Washington
Karuk Tribe of California
Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
Kaw Nation, Oklahoma
Keweenaw Bay Indian Community of L'Anse and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation, Michigan
Kialegee Tribal Town of the Creek Indian Nation of Oklahoma
Kickapoo Tribe of Indians of the Kickapoo Indian Reservation in Kansas
Kickapoo Tribe of Oklahoma
Kickapoo Traditional Tribe of Texas
Kiowa Indian Tribe of Oklahoma
Klamath Indian Tribe of Oregon
Kootenai Tribe of Idaho

(L)

La Joilla Band of Luiseno Mission Indians of the La Joilla Reservation, California
La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
La Courte Oreilles Band of Lake Superior Chippewa Indians of the La Courte Oreilles Reservation of Wisconsin
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Fllambeau Reservation of Wisconsin
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
Las Vegas Tribe of Paiute Indians of Michigan
Little River Band of Ottawa Indians of Michigan
Little Traverse Bay Bands of Odawa Indians of Michigan
Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation, California
Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington
Lower Sioux Indian Community of Missesota Mdewakanton Sioux Indians of the Lower Sioux Reservation of Minnesota
Lummi Tribe of the Lummi Reservation, Washington
Lytton Rancheria of California

(M)

Makah Indian Tribe of the Makah Indian Reservation, Washington
Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California
Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
Mashantucket Pequot Tribe of Connecticut
Mechoopda Indian Tribe of Chico Rancheria, California
Menominee Indian Tribe of Wisconsin
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
Miami Tribe of Oklahoma
Miccosukee Tribe of Indians of Florida

Middletown Rancheria of Pomo Indians of California
Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grande Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
Mississippi Band of Choctaw Indians, Mississippi
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
Mohegan Indian Tribe of Connecticut
Mooretown Rancheria of Maidu Indians of California
Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California
Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington
Msucogee (Creek) Nation, Oklahoma

(N)
Narragansett Indian Tribe of Rhode Island
Navajo Nation of Arizona, New Mexico and Utah
Nez Perce Tribe of Idaho
Nisqually Indian Tribe of the Nisqually Reservation, Washington
Nooksack Indian Tribe of Washington
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
Northfork Rancheria of Mono Indians of California
Northwestern Band of Shoshoni Nation of Utah (Washakie)

(O)
Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
Omaha Tribe of Nebraska
Oneida Nation of New York
Oneida Tribe of Wisconsin
Onondaga Nation of New York
Osage Nation of Oklahoma
Ottawa Tribe of Oklahoma
Otoe-Missouri Tribe of Indians, Oklahoma

(P)
Paiute Indian Tribe of Utah
Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, Nevada
Paiute-Shoshone Indians of the Fallon Reservation and Colony, Nevada
Pala Band of Luiseno Mission Indians of Pala Reservation, California
Pascua Yaqui Tribe of Arizona
Paskenta Band of Nomlaki Indians of California
Passamaquoddy Tribe of Maine
Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
Pawnee Indian Tribe of Oklahoma
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
Penobscot Tribe of Maine
Peoria Tribe of Indians of Oklahoma
Picayune Rancheria of Pomo Indians of California
Pinoleville Rancheria of Pomo Indians of California

Pit River Tribe of California (includes Big Bend, Lookout, Montgomery Creek & Roaring Creek Rancherias & XL Ranch)
Poarch Band of Creek Indians of Alabama
Pokagon Band of Potawatomi Indians of Michigan
Ponca Tribe of Indians of Oklahoma
Ponca Tribe of Nebraska
Port Gamble Indian Community of the Port Gamble Reservation, Washington Potter Valley Rancheria of Pomo Indians of California
Prairie Band of Potawatomi Indians, Kansas
Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota
Pueblo of Acoma, New Mexico
Pueblo of Cochiti, New Mexico
Pueblo of Jemez, New Mexico
Pueblo of Isleta, New Mexico
Pueblo of Laguna, New Mexico
Pueblo of Namble, New Mexico
Pueblo of Picuris, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of San Felipe, New Mexico
Pueblo of San Juan, New Mexico
Pueblo of San Ildefonso, New Mexico
Pueblo of Sandia, New Mexico
Pueblo of Santa Ana, New Mexico
Pueblo of Santa Clara, New Mexico
Pueblo of Santo Domingo, New Mexico
Pueblo of Taos, New Mexico
Pueblo of Tesuque, New Mexico
Pueblo of Zia, New Mexico
Puyallup Tribe of the Puyallup Reservation, Washington
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada

(Q)

Quapaw Tribe of Oklahoma
Quartz Valley Indian Community of the Quartz Valley Reservation of California
Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
Quileute Tribe of the Quileute Reservation, Washington
Quinault Tribe of the Quinault Reservation, Washington

(R)

Ramona Band or Village of Cahuilla Mission Indians of California
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota
Redding Rancheria of California
Redwood Valley Rancheria of Pomo Indians of California
Reno-Sparks Indians Colony, Nevada
Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California

Robinson Rancheria of Pomo Indians of California
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Round Valley Indian Tribes of the Round Valley Reservation, California (formerly known as the Covelo Indian Community)
Rumsey Indian Rancheria of Wintun Indains of California

(S)

Sac & Fox Tribe of the Mississippi in Iowa
Sac & Fox Nation of Missouri in Kansas in Nebraska
Sac & Fox Nation, Oklahoma
Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
Samish Indian Tribe, Washington
San Carlos Apache Tribe of the San Carlos Reservation, Arizona
San Juan Southern Paiute Tribe of Arizona
San Manual Band of Serrano Mission Indians of the San Manual Reservation, California
San Pasqual Band of Diegueno Mission Indians of California
Santa Rosa Indian Community of the Santa Rosa Rancheria, California
Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation, California
Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California
Santee Sioux Tribe of the Santee Reservation of Nebraska
Sauk-Suiattle Indian Tribe of Washington
Sault Ste. Marie Tribe of Chippewa Indians of Michigan
Scotts Valley Band of Pomo Indians of Claifornia
Seminole Nation of Oklahoma
Seminole Tribe of Florida, Dania, Big Cypress & Brighton Reservation
Seneca Nation of New York
Seneca-Cayuga Tribe of California
Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake)
Sheep Ranch Rancheria of Me-Wuk Indians of California
Sherwood Valley Rancheria of Pomo Indians of California
Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington
Shoshone Tribe of the Wind River Reservation, Wyoming
Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota
Skokomish Indian Tribe of the Skokomish Reservation, Washington
Skull Valley Band of Goshute Indians of Utah
Smith River Rancheria of California
Soboba Band of Luiseno Mission Indians of the Soboba Reservation, California
Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe)
Spokane Tribe of the Spokane Reservation, Washington
Squaxin Island Tribe of the Squaxin Island Reservation, Washington

St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation
St. Regis Band of Mohawk Indians of New York
Standing Rock Sioux Tribe of North & South Dakota
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
Stillaguamish Tribe of Washington
Summit Lake Paiute Tribe of Nevada
Suquamish Indian Tribe of the Port Madison Reservation, Washington
Susanville Indian Rancheria of Paiute, Maidu, Pit River & Washoe Indians of California
Swinomish Indians of the Swinomish Reservation, Wahington
Sycuan Band of Diegueno Mission Indians of California

(T)

Table Bluff Rancheria of Wiyot Indians of California
Table Mountain Rancheria of California
Te-Moak Tribe of Western Shoshone Indians of Nevada
Thlopthlocco Tribal Town of the Creek Nation of Oklahoma
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
Tohono O'Odham Nation of Arizona
Tonawanda Band of Seneca Indians of New York
Tonkawa Tribe of Indians of Oklahoma
Tonto Apache Tribe of Arizona
Torres-Martinez Band of Cahuilla Mission Indians of California
Tule River Indian Tribe of the Tule River Reservation, California
Tulalip Tribes of the Tulalip Reservation, Washington
Tunica-Biloxi Indian Tribe of Louisiana
Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
Turtle Mountain Band of Chippewa Indians of North Dakota
Tuscarora Nation of New York
Twenty-Nine Palms Band of Luiseno Mission Indians of California

(U)

United Auburn Indian Community of the Auburn Rancheria of California
United Keetoowah Band of Cherokee Indians of Oklahoma
Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California
Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota
Upper Skagit Indian Tribe of Washington
Ute Indians Tribe of the Uintah & Oury Reservation, Utah
Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California

(W)

Walker River Paiute Tribe of the Walker River Reservation, Nevada
Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts
Washoe Tribe of Nevada & California (Carson Colony, Dresslerville & Washoe Ranches)
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
Winnebago Tribe of Nebraska

Winnemucca Indian Colony of Nevada
Wyandotte Tribe of Oklahoma

(Y)
Yankton Sioux Tribe of South Dakota
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
Yomba Shoshone Tribe of the Yomba Reservation, Nevada
Ysleta Del Sur Pueblo of Texas
Yurok Tribe of the Yurok Reservation, California

(Z)
Zuni Tribe of the Zuni Reservation, New Mexico

ALIEN DEFINITIONS:

Refugees – Admitted based on a "well-founded fear of persecution" in their home country. They often arrive with nothing but the clothes on their back and usually lack friends or relatives in the United States. (under section 207 of INA)

Asylees – Are also granted legal residence based upon fear of persecution. Unlike refugees, asylees are already in the United States when they apply for legal status; in many cases, they had to flee their home country hurriedly to save their lives and could not arrange for refugees status first. (under section 208 of INA)

Persons granted withholding of deportation – Must prove there is a clear probability they will be persecuted if sent to their homeland --- an even stricter standard requiring them to show still more serious danger than applicants for refugee or asylum status must meet. (under section 243(h) of INA)

Amerasians - These individuals are children whose fathers are U.S. citizens who were in certain Southeast Asian countries during U.S. involvement in the military conflict in that region of the world. Amerasians do not have sponsors and have lawful permanent resident (LPR) status under immigration law.

Jay Treaty Indians - Received protection from the SSI and Medicaid immigration restrictions because they may not be able to prove U.S. citizenship. These individuals are allowed to move across the Canadian or Mexican borders with the U.S. and stay in either country without having any relationship with the INS or other immigration authorities. Because Native Americans may consider themselves members of Indian Nations rather than U.S. citizens, their children may have difficulty establishing that they are entitled to U.S. citizenship based on their parents' citizenship in this country, particularly after their parents have died.

Citizenship by Naturalization – Receives citizenship through naturalization and receives certificate from INS. This can be accomplished by:

- deriving citizenship through parental naturalization, or
- acquiring citizenship at birth abroad through a United States parent(s), or
- acquiring citizenship through application by U.S. citizen adoptive parent(s) and who have, pursuant to section 341 of the Act, applied for a certificate of citizenship.

Veteran's Spouse or Dependent Child – The veteran may be a United States citizen or an alien as discussed in the Family Assistance Manual, Volume I.

Unmarried Dependent Child of a Veteran –

- biological, or legally adopted child of the veteran, or the biological or legally adopted child of his or her spouse, and
- not married, and
- dependent on the veteran (can be claimed on taxes), and

- under age of 18, or
- under age 22 and a student regularly attending school, or
- a disabled child age 18 or older if the child was disabled and dependent on member prior to 18th birthday.

HMONG/HIGHLAND LAOTIANS TRIBAL MEMBER

1. Lawfully residing in the U.S.
2. Tribal Member of the tribe at the time that tribe rendered assistance to United States personnel by taking part in a military or rescue operation during Vietnam Era (8/5/64 – 5/7/75)

Spouse – Must be married to Tribal Member

Unremarried Surviving Spouse – Lawfully residing in US does not apply to the deceased Tribal Member
Martial status established
Marriage ended by death not divorce
Never remarried

Unmarried Dependent Child – A child of a deceased Tribal Member MUST have been dependent upon Tribal Member parent at the time of the parent's death
Be unmarried
Dependent upon the Tribal Member parent
Meet the age requirement

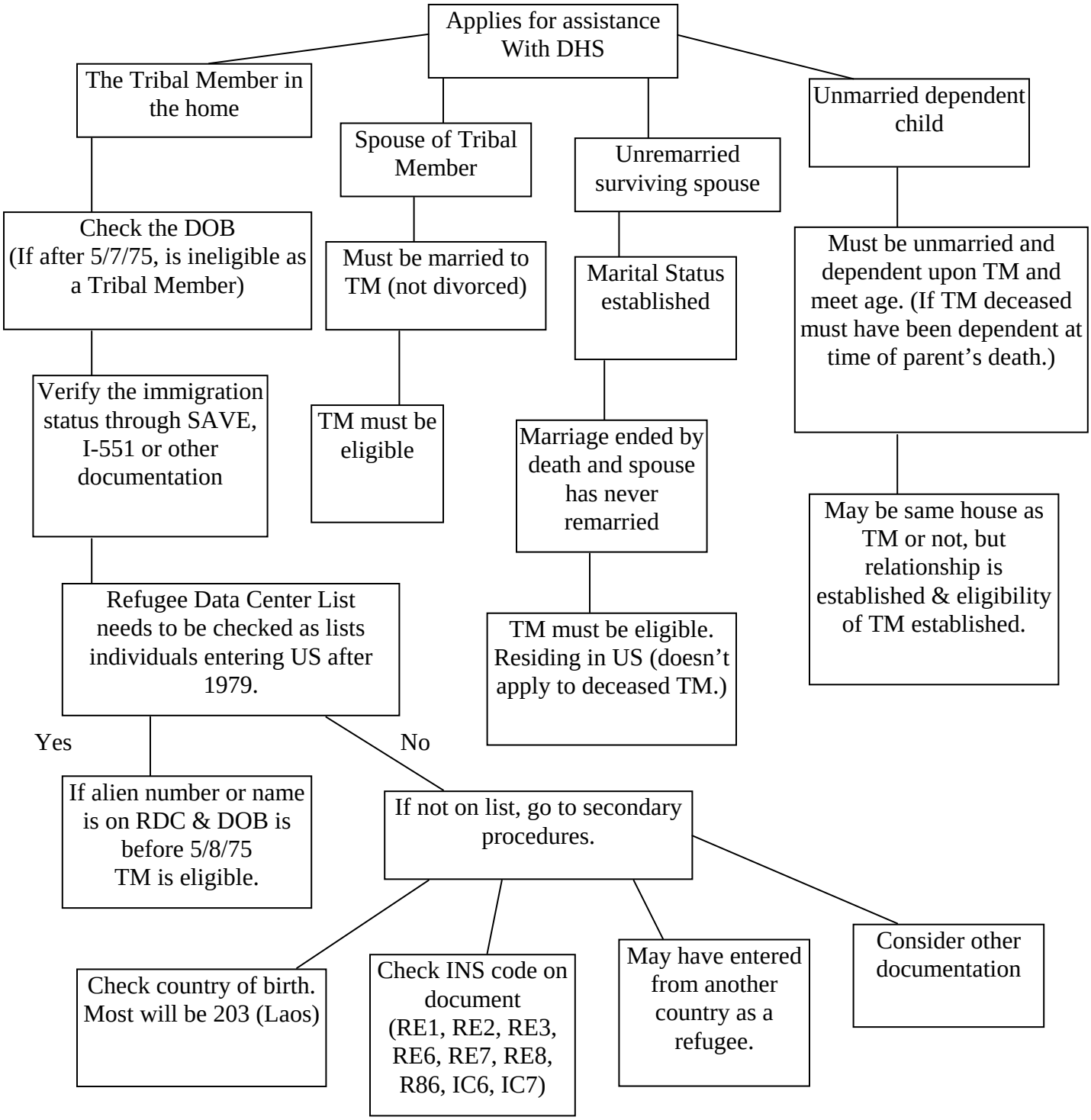
Counties:

203 – Laos	263 – Thailand	245 – China
260 – Philippines	201 – Cambodia	
266 – Vietnam	248 – Indonesia	

INS Codes as Refugees:

RE1	RE2	RE3	RE6
RE7	RE8	R86	IC6
IC7			

Hmong or Highland Refugees



KOSOVAR FOOD STAMP ELIGIBILITY

The Kosovars coming to the United States as refugees may be eligible for food stamps for 7 years after they enter this country. They may apply for lawful permanent resident status after 1 year under the same rules that apply to other refugees.

Refugees must meet the same food stamp eligibility criteria as citizens:

- To get food stamps a household must file an application at the local welfare office, be interviewed, and provide verification of certain household information.
- Eligibility for food stamps is on a household basis, i.e., everyone who purchases and prepares meals together is considered to be one household.
- If an institution provides a household with the majority of its meals, the household is ineligible.
- Boarders are only eligible if the household that provides the board receives food stamps and wants them included as members.
- Households must meet certain income and resource tests. Most payments, including refugee assistance payments, are counted as income.
- Only those members who are citizens or meet certain alien criteria (such as refugees for the first 7 years after they enter this country) are eligible.
- An applicant must provide a Social Security number for each member of the household or apply for one.
- Any able-bodied adult who is not working, or caring for a child, must register for and accept suitable employment.
- An able-bodied adult without dependents (ABAWDs) who is not working can normally only get food stamps for 3 months. However, 29 States currently have waivers to the ABAWD provision, and States may exempt up to 15 percent of those otherwise subject to the ABAWD provisions without waivers (Tennessee uses this exemption to add two additional months of eligibility).
- Students attending an institution of higher education are ineligible with certain exceptions.

The living situations of the Kosovars may vary. This will result in different treatment.

- If they are living on military bases and the majority of their meals are provided to them, they would be ineligible as residents of an institution.
- Any person who lives alone and purchases and prepare his/her own meals may be eligible as a one-person household.
- A person who lives with friends or relatives already in this country, but purchases and prepares food separately, may be a separate household, except that spouses and children under 22 must be included in the same household.
- If the person lives with others and they purchase and prepare together, the eligibility of the entire household would be determined and all the income and resources of all household members would be taken into account in determining if the household is eligible for food stamps.

EXAMPLES OF ALIEN VERIFICATION

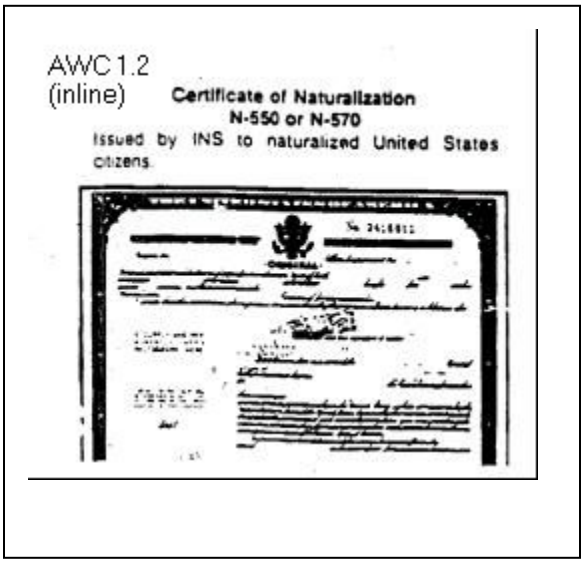
CERTIFICATE OF UNITED STATES CITIZENSHIP
N-560 OR N-561

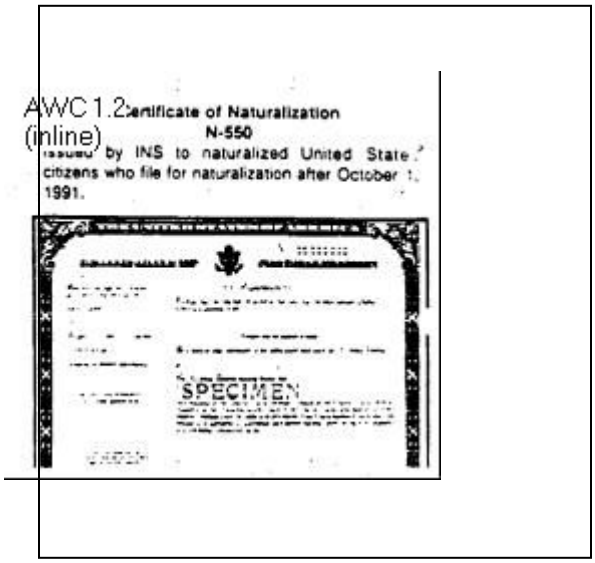
Issued by INS to individuals who:

1. **derived citizenship through parental naturalization.**
2. **acquired citizenship at birth abroad through a United States parent or parents.**
3. **acquired citizenship through application by United States citizen adoptive parent(s); and who, pursuant to section 341 of the Act. have applied for a certificate of citizenship.**

Watermark

The watermark design of the Department of Justice seal and the letters "USA" become visible when the document is held up to a strong light.





AWC 1.2
(shape)

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
103 SOUTH GAY STREET, RM 702
BALTIMORE, MD 21202

In the Matter of:
TEST

Case No.: A50-000-000

Docket: BALTIMORE, MARYLAND

RESPONDENT

IN DEPORTATION PROCEEDINGS
REMOVAL

DETERMINATION OF THE IMMIGRATION JUDGE

Motion having been made for a determination, pursuant to section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that the respondent is prima facie eligible for (suspension of deportation pursuant to section 244(a)(3))(cancellation of removal under section 240A(b)(2) of the INA), it is hereby determined that:

------ The respondent has demonstrated a prima facie case for (suspension of deportation pursuant to section 244(a)(3) of the Immigration and Nationality Act (as in effect prior to April 1, 1997))(cancellation or removal pursuant to section 240A(b)(2) of the INA). This determination shall be valid until _____.

------- The respondent has failed to demonstrate a prima facie case for (suspension of deportation pursuant to section 244(a)(3) of the Immigration and Nationality Act (as in effe prior to April 1, 1997)) (cancellation or removal pursuant to section 240A(b)(2) of t INA) the reasons indicated in the attached decision.

_____
Bruce M. Barrett
Immigration Judge
Date: April 1, 1997

CERTIFICATE OF SE E

THIS DOCUMENT WAS SERVED BY:
TO:
DATE: _____ BY: COURT STAFF _____

draft

Exhibit

Order Granting Withholding of Deportation

The documents used by immigration judges to grant withholding of deportation vary. An example is shown below.

AWC 1.2
(inline)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
Los Angeles, California

In the Matter of:

File: A29-259-000

MARIA GUADALUPE

Respondent

In Deportation Proceedings

SUMMARY OF THE ORAL DECISION AND ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 10/22/97. If the proceedings should be appealed, the Oral Decision and Order will be transcribed and will become the official decision in this matter.

___ Respondent's application for voluntary departure was denied and he/she was ordered deported to _____ or _____.

___ Respondent's application for voluntary departure was granted to _____, with an alternate order of deportation to _____ or _____.

X Respondent's application for asylum/withholding of deportation was granted/denied.

___ Respondent's application for suspension of deportation was granted/denied.

___ Respondent's application for section 212(c) waiver was granted/denied.

___ Respondent's application for _____ was granted/denied.

X Proceedings were terminated.

___ Other: _____

X Service/Respondent waived appeal.

___ Service/Respondent reserved appeal until _____.

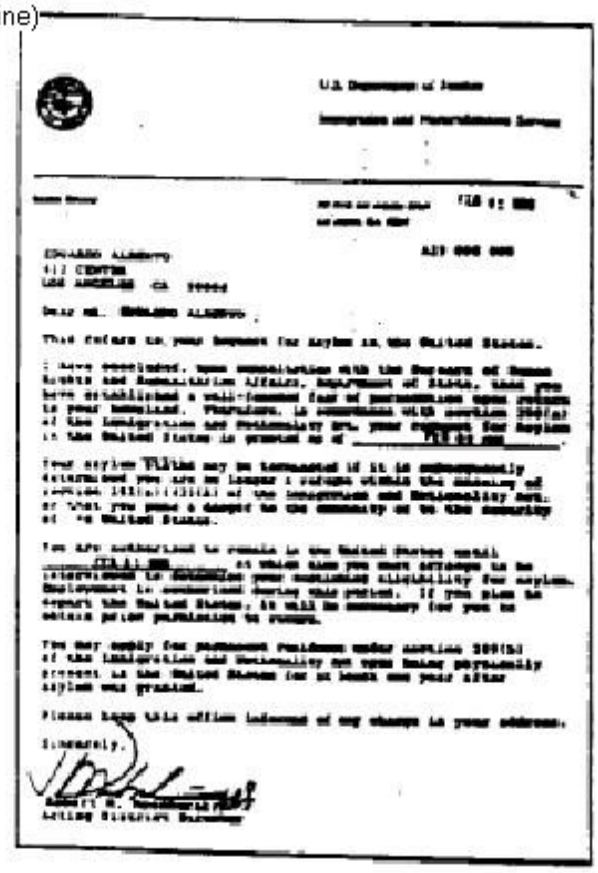
NOTE: It is ordered that if no appeal is filed, the decision is to be implemented by the District Director of the Immigration and Naturalization Service.

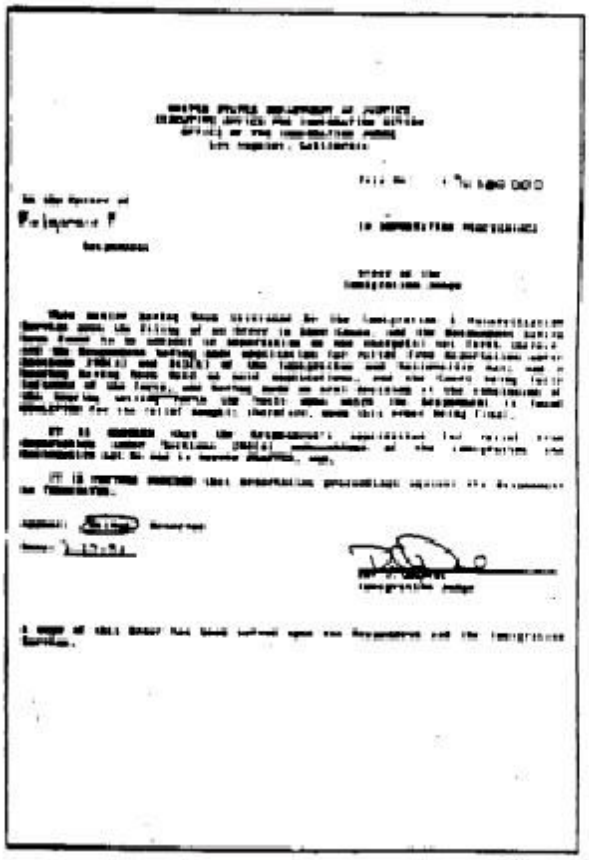
Exhibit

Decision Granting Asylum

Below are examples of documents issued to aliens granted asylum. Not all are the same.

AWC 1.2
(inline)





AWC 1.2
(inline)

IMMIGRATION COURT
1200 MAIN STREET, SUITE 700
DALLAS, TX 75202

In the Matter of

Case A75-363-808

CHEED, HAMZA GOOH
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Mar 24, 1998. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

[ ] The respondent was ordered removed from the United States to
[ ] Respondent's application for voluntary departure was denied and respondent was ordered removed to
alternative to
[ ] Respondent's application for voluntary departure was granted until upon posting a bond in the amount of $ _____
with an alternate order of removal to
[X] Respondent's application for asylum was (X)granted ( )denied ( )withdrawn.
[X] Respondent's application for withholding of removal was (X)granted ( )denied ( )withdrawn.
[ ] Respondent's application for cancellation of removal under section 240A(a) was ( )granted ( )denied ( )withdrawn.
[ ] Respondent's application for cancellation of removal was ( ) granted under section 240A(b)(1) ( ) granted under section 240A(b)(2) ( ) denied ( ) withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
[ ] Respondent's application for a waiver under section _____ of the INA was ( )granted ( )denied ( )withdrawn or ( )other.
[ ] Respondent's application for adjustment of status under section _____ of the INA was ( )granted ( )denied ( )withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
[ ] Respondent's status was rescinded under section 246.
[ ] Respondent is admitted to the United States as a _____ until _____.
[ ] As a condition of admission, respondent is to post a $ _____ bond.
[ ] Respondent knowingly filed a frivolous asylum application after proper notice.
[ ] Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
[ ] Proceedings were terminated.
[ ] Other: _____

Date: Mar 24, 1998
Appeal: WAIVED Appeal Due By: Feb 17, 1998

DAVID AYALA
Immigration Judge

BTB

AWC 1.2
(inline)Department of Justice
Immigration and Naturalization Service

SAVE

OMB #1115-0122
Document Verification Request

Section A - *to be completed by the submitting agency.*

To: Immigration and Naturalization Service

6. Verification Number

7. ☐ Photocopy of Document Attached.
(If printed on both sides, attach a copy of the front and of the back.)
☐ Other Information Attached *(Specify documents).*

From: Typed or Stamped Name and Address of Submitting Agency

Attn: Status Verifier
(INS may use above address with a #30 window envelope.)

1. Alien Registration or I-94 Number
2. Applicant's Name *(Last, First, Middle)*
3. Nationality
4. Date of Birth *(Month/Day/Year)*
5. Social Security Number

8. *(Benefit)*	*(Your Case Number)*
☐ AFDC	
☐ Education Grant/Loans/Workstudy	
☐ Food Stamp	
☐ Housing Assistance	
☐ Medicaid/Medical Assistance	
☐ Unemployment Insurance	
☐ Employment Authorization	
☐ Other *(specify)*	

9. Name of Submitting Official
10. Title of Submitting Official
11. Date
12. Telephone Number

Section B - *to be completed by INS*

INS RESPONSE: From the documents or information submitted and/or a review of our records we find that:

1. ☐ This document appears valid and relates to a **Lawful Permanent Resident alien** of the United States.
2. ☐ This document appears valid and relates to a **Conditional Resident alien** of the United States.
3. ☐ This document appears valid and relates to an alien **authorized employment** as indicated below:
   a. ☐ Full-Time
   b. ☐ Part-Time
   c. ☐ No Expiration (Indefinite)
   d. ☐ Expires on *(specify Month/Day/Year, below)*
4. ☐ This document appears valid and relates to an alien who has an application pending for *(specify INS benefit below)*
5. ☐ This document relates to an alien having been **granted asylum/refugee** status in the United States.
6. ☐ This document appears valid and relates to an alien **paroled** into the United States pursuant to Section 212 of the I&N Act.
7. ☐ This document appears valid and relates to an alien who is a **Cuban/Haitian entrant**.
8. ☐ This document appears valid and relates to an alien who is a **conditional entrant**.
9. ☐ This document appears valid and relates to an alien who is a **nonimmigrant** *(specify type or class below)*
10. ☐ This document appears valid and relates to an alien **not authorized employment** in the United States.
11. ☐ Continue to process as legal alien. INS is searching indices for further information.
12. ☐ This document is **not valid** because it appears to be *(check all that apply)*
    a. ☐ Expired
    b. ☐ Altered
    c. ☐ Counterfeit

INS Stamp

51.

AWC 1.2
(inline)

Comments

13. ☐ No determination can be made from the information submitted. Please obtain a copy of the **original** alien registration documentation and resubmit.
14. ☐ No determination can be made without seeing **both** sides of the document submitted *(please resubmit request)*.
15. ☐ Copy of document is not readable *(please resubmit request)*.

"PRUCOL"

For Purposes Of Determining If Alien Is Permanently Residing Under Color Of Law Only!

16. ☐ **INS actively pursues the expulsion of an alien in this class/category.**
17. ☐ **INS is not actively pursuing the expulsion of an alien in this class/category, at this time.**

18. ☐ **Other**

Instructions

- **Submit copies of both *front and back* of alien's original documentation.**
- **Make certain a *complete return address* has been entered in the "From" portion of the form.**
- The Alien Registration Number ("A" Number) is the letter "A" followed by a series of (7) or (8) digits. Also in this block may be recorded the number found on Form I-94. (Check the front and back of the I-94 document and if the "A" Number appears, record that number when requesting information instead of the longer admission number as the "A" Number refers to the most integral record available.)
- If Form G-845 is submitted without copies of applicant's original documentation, it will be returned to the submitting agency without any action taken.
- Address this verification request to the local office of the Immigration and Naturalization Service.

AWC 1.2
(inline)

U.S. Department of Justice
Immigration and Naturalization Service

AUTHORIZATION FOR PAROLE OF AN ALIEN
INTO THE UNITED STATES

NP222750A 02

Name of Alien (First) (Middle) (Last)	Date
ANYA BORISOVNA BERESTETSKAYA	02 NOV 96
	File Number A71381457

Date of Birth (Month) (Day) (Year)	Place of Birth (City or town) (State or province)	(Country)
08-16-33	DNEPRODZERZHINSK	UKRAINE

U.S. Address (Apt. number and/or in care of) (Number and street) (City or town) (State) (ZIP Code)
C/O: RABINOVICH, BORIS SAMUILOVICH, 1460 CHERRY RD, MEMPHIS, TN, 38117

Presentation of the attached duplicate of this document will authorize a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act for bringing an alien who does not have a visa.

Presentation of the original of this document prior to INDEFINITELY will authorize an immigration officer at a port of entry in the United States to permit the named bearer, whose photograph appears hereon, to enter the United States:

XX ☐ as an alien paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act.

☐

Sec 4

Remarks:

PAROLE INDEFINETELY IN THE PUBLIC INTEREST.

Anne Aries Lorsano
(Signature of Immigration Officer)

MOSCOW, USSR
(Authorizing Office)

ARRIVAL STAMP

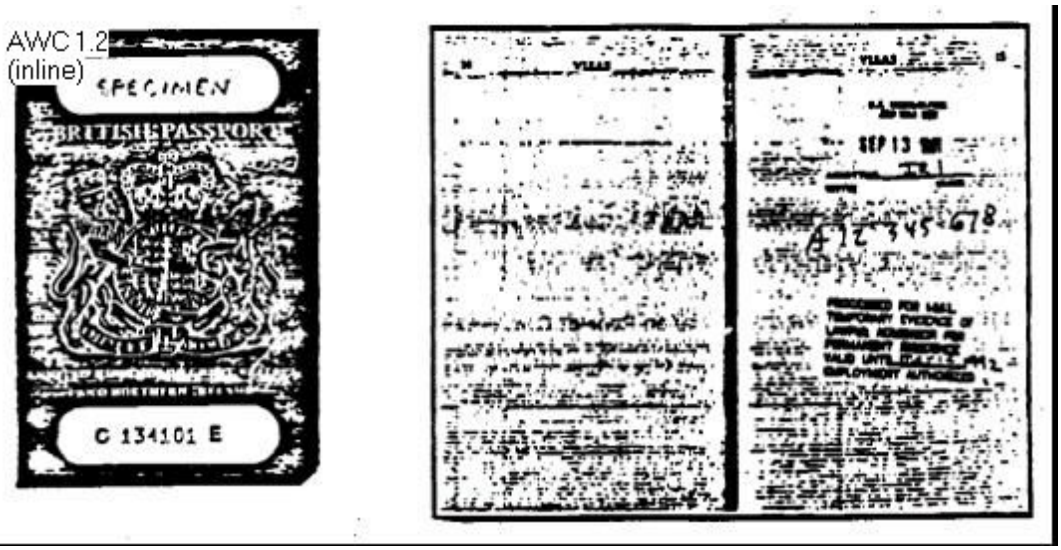
PAROLED UNTIL INDEFINITELY
PURPOSE Public INTEREST
MSM 1/17/97 8
Port (Date) (Officer)

57

Dr 1 of 2

Unexpired Foreign Passport with I-551 Stamp

AWC 1.2 (inline)

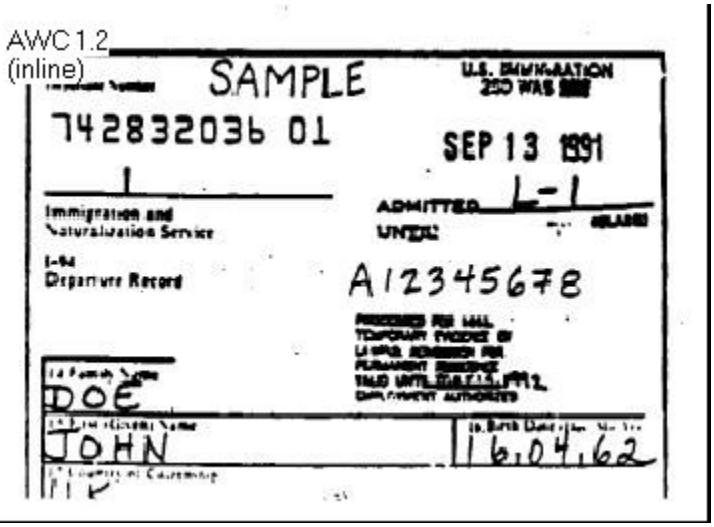


A I-551 stamp may be present in a foreign passport, with a handwritten “Valid Until” date.

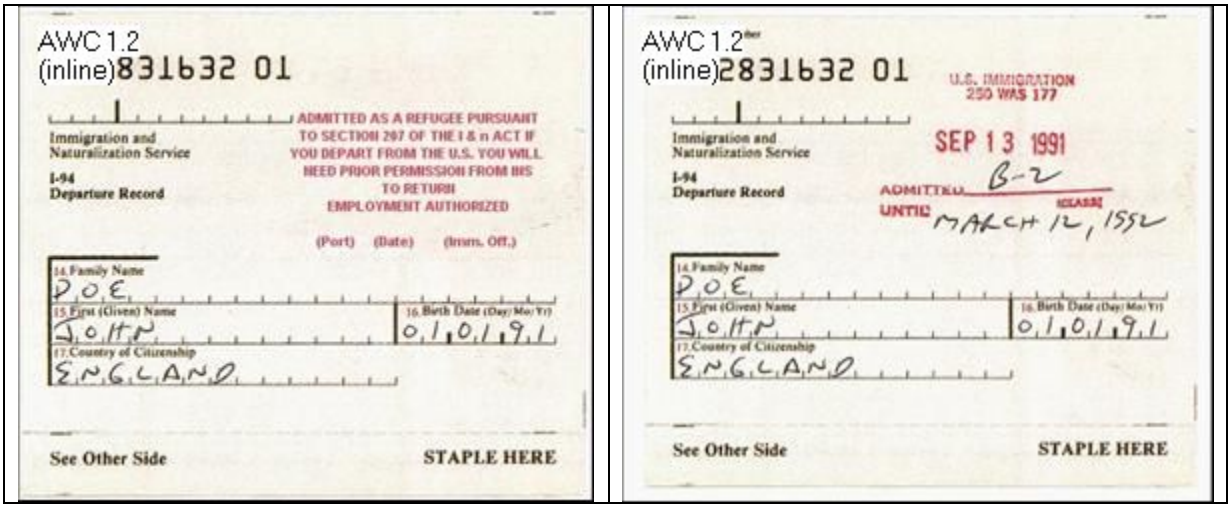
I-94 Arrival/Departure Record

Arrival-departure record issued by INS to nonimmigrant aliens

AWC 1.2 (inline)



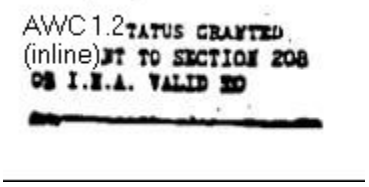
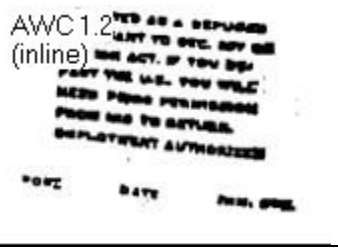
Attachment F



I-94 Arrival/Departure Record

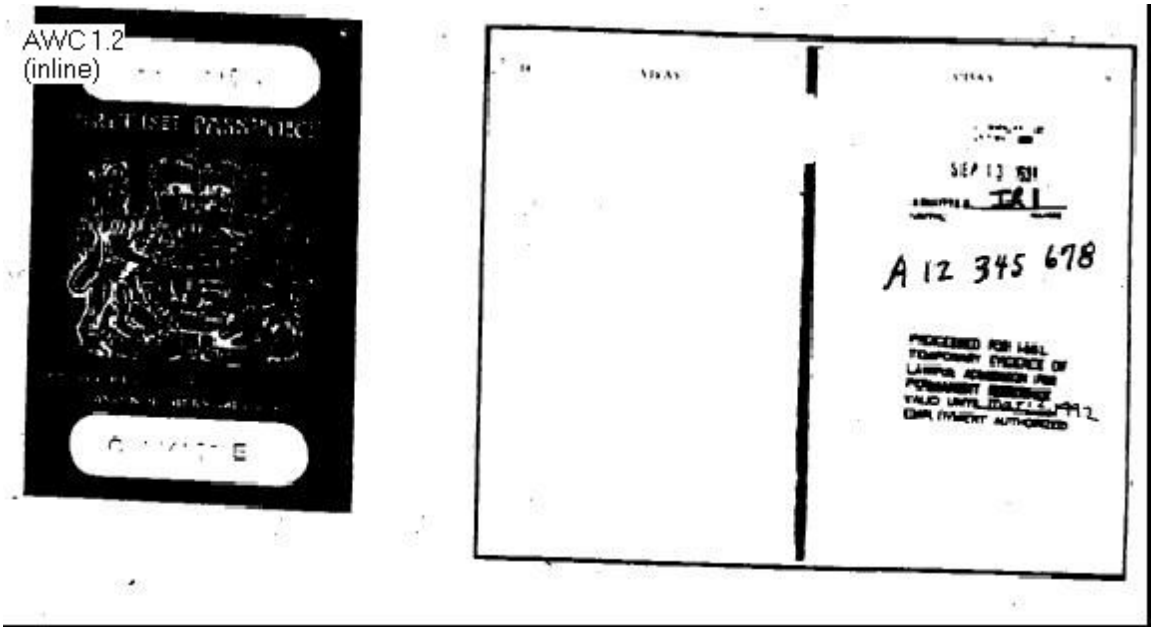
Proof of entry is signified by US Immigration stamp. Date of entry is stamped. ***Non-immigrant visa classification*** **(letter or letter and number)**
is printed or stamped on "Admitted" line. Valid status expires on date enumerated at "Until" section of stamp.

Refugees and asylees **each receive a separate INS stamp. Asylum seekers have "valid to" date, while refugees have date of admission.**

Asylum stamp:	Refugee stamp:
	

Attachment F

Unexpired Foreign Passort with I-551 Stamp



Exhibit

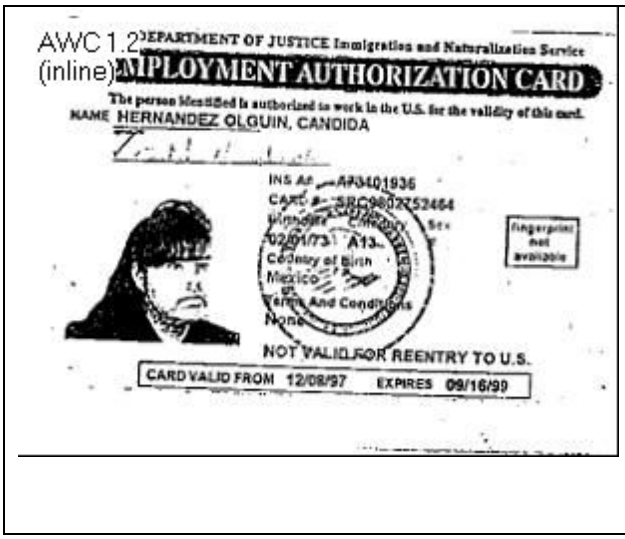
Unexpired Foreign Passport with I-551 Stamp

A I-551 stamp may be present in a foreign passport, with a handwritten
“Valid Until” date.

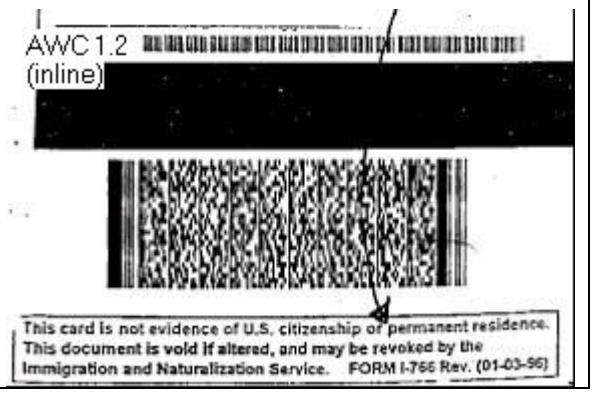
A proof of entry and inspection stamp will also be present in the passport, similar to the stamp for an I-94. Date of entry is stamped. Immigrant visa classification (letter and number) is printed or stamped on “Admitted” line. Valid status expires on date enumerated at “until” section of I-551 stamp (mentioned above).

The alien number may be printed beginning with letter A.

I-551



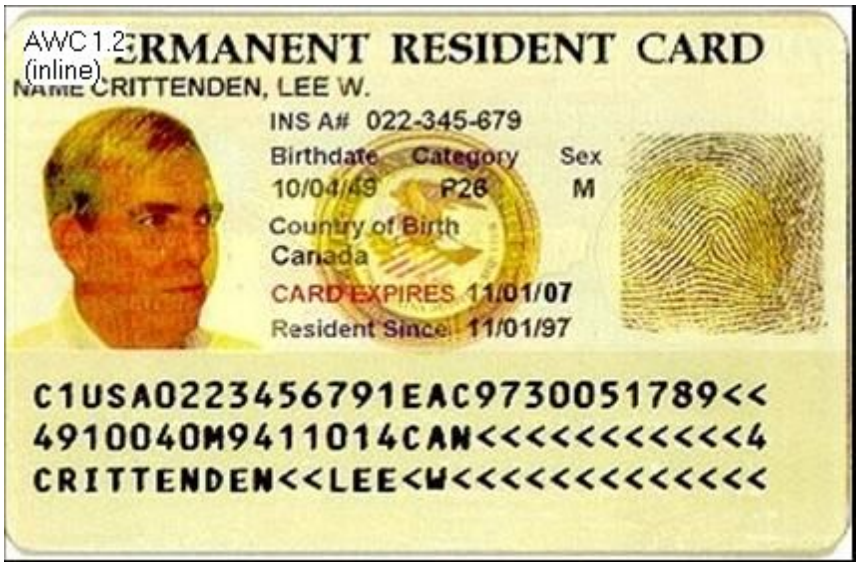
Legal resident….but not verification for eligibility



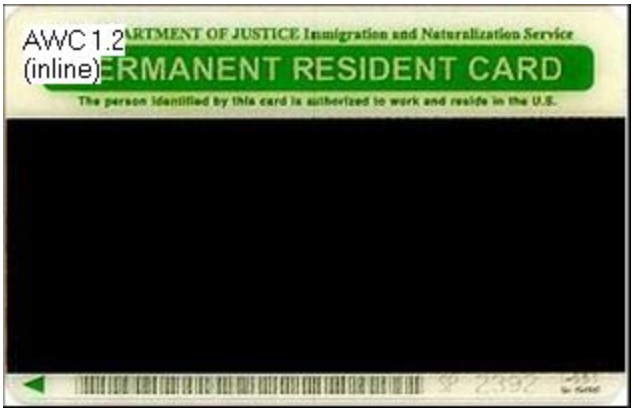
Attachment A

I-551 “PERMANENT RESIDENT CARD” (5-1-97 REVISION)

FRONT OFF-WHITE BACKGROUND. PHOTO AREA PARTIALLY COVERED WITH HOLOGRAM OF THE STATUE OF LIBERTY. THREE LINES OF MACHINE READABLE PRINTING AT BOTTOM.



BACK GREEN HEADER BAR. OPTICAL MEMORY STRIPE. GREEN ARROW AND BAR CODE AT BOTTOM OF CARD.



BEARER MAY LIVE AND WORK IN THE U.S.

Attachment B

"PINK" I-551 "RESIDENT ALIEN" CARD

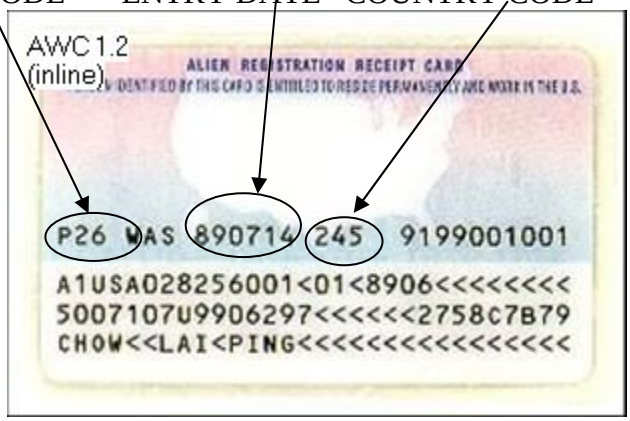
FRONT PINK BACKGROUND (BLUE HEADER BAR).
BLUE I.N.S. SEAL OVERLAPS PHOTO AREA.
REPEATING "I-551" BECOMES VISIBLE WHEN CARD IS TILTED UNDER NORMAL LIGHT

January 1992

August 1989

BACK COLOR GRADUALLY CHANGES FROM PINK TO BLUE, WITH MAP OF U.S. IN WHITE.
THREE LINES OF MACHINE READABLE PRINTING AT BOTTOM ON WHITE BACKGROUND.

INS CODE ENTRY DATE COUNTRY CODE

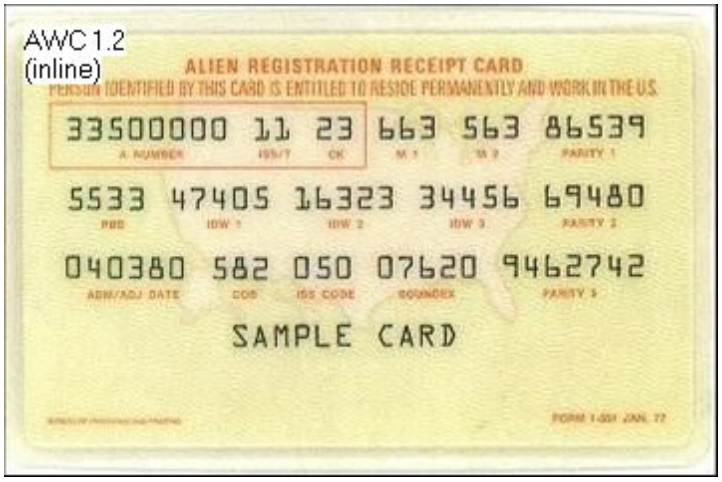


BEARER MAY LIVE AND WORK IN THE U.S.

"WHITE" I-551 "RESIDENT ALIEN" CARD

<u>FRONT</u> WHITE BACKGROUND (BLUE HEADER BAR). SALMON LINES COVER THE PHOTO IN AN UNBROKEN PATTERN. PRINTING "DETAIL" IN EAGLES IS EXCELLENT.

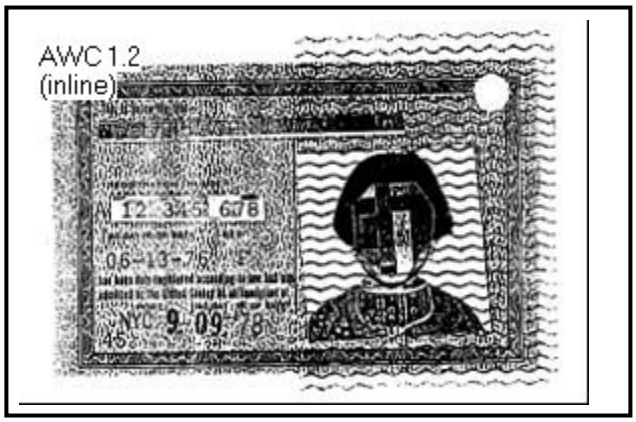
<u>BACK</u> PALE GREENISH BACKGROUND, MAP OF U.S. IN WHITE. THREE LINES OF MACHINE READABLE CODES.



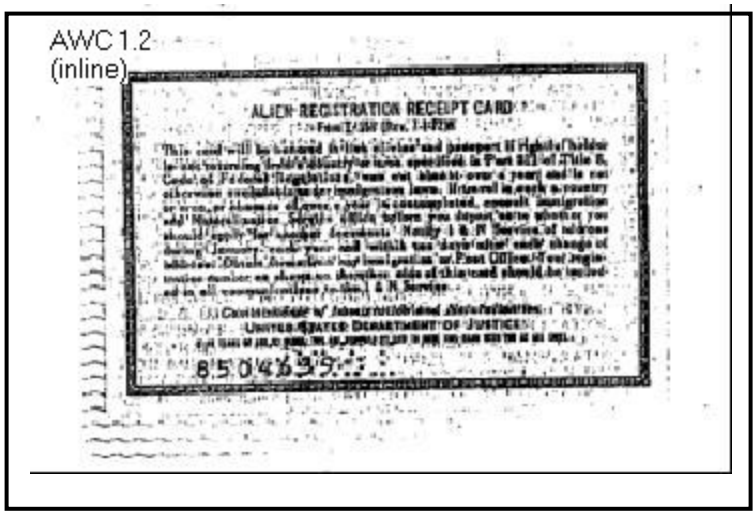
BEARER <u>MAY LIVE AND WORK</u> IN THE U.S.

"BLUE" I-151 (7-1-72 REVISION)
ALIEN REGISTRATION RECEIPT CARD

FRONT WHITE DOTS ON BLUISH BACKGROUND. GREEN WAVY LINE OVER PHOTO AND "I&NS" PERFORATED THROUGH PHOTO.



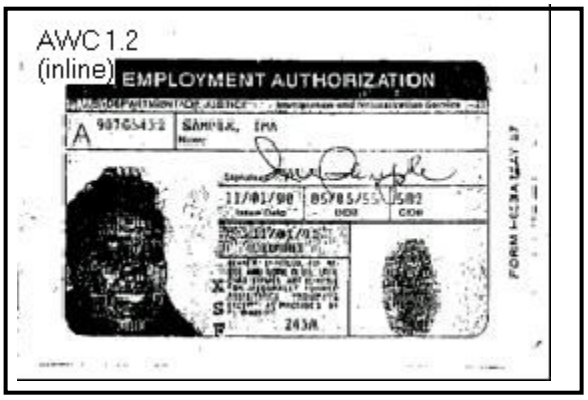
BACK LIGHT BLUE BACKGROUND, DARK BLUE PRINTING AND RED SERIAL NUMBER. QUALITY OF PRINTING IS ALWAYS EXCELLENT.



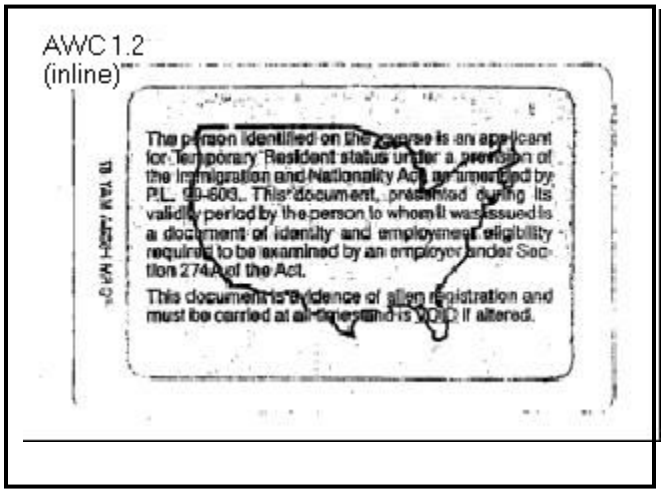
BEARER MAY LIVE AND WORK IN THE U.S.

"RED" I-688A "EMPLOYMENT AUTHORIZATION"

<u>FRONT</u> WHITE BACKGROUND, RED HEADER BAR. GOLD I.N.S. SEAL BECOMES VISIBLE WHEN TILTED UNDER NORMAL LIGHT.



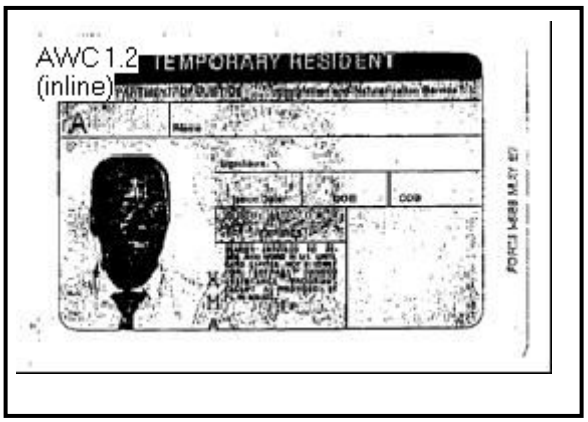
<u>BACK</u> RED OUTLINE OF THE U.S. THE WORD "VOID" IS CAPITALIZED AND UNDERLINED.



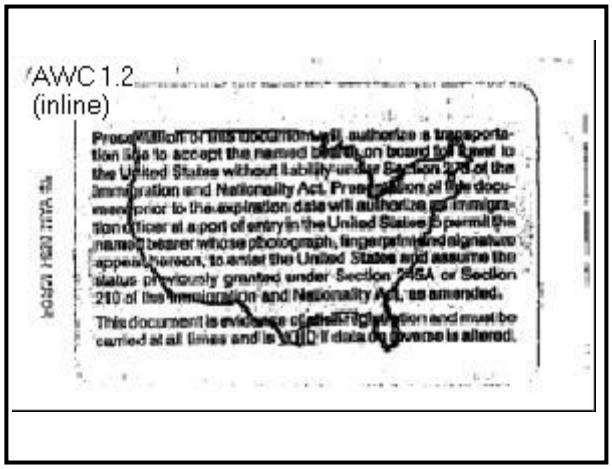
BEARER <u>MAY TEMPORARILY LIVE AND WORK</u> IN THE U.S.
UNTIL THE EXPIRATION DATE CITED ON THE CARD.

"GREEN" I-688 "TEMPORARY RESIDENT"

<u>FRONT</u> WHITE BACKGROUND, GREEN HEADER BAR. GOLD I.N.S. SEAL BECOMES VISIBLE WHEN TILTED UNDER NORMAL LIGHT.



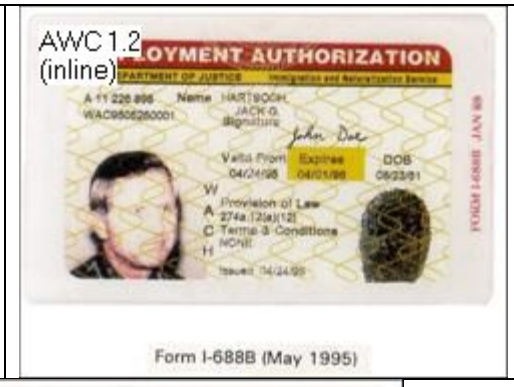
<u>BACK</u> GREEN OUTLINE OF THE U.S. THE WORD "VOID" IS CAPITALIZED AND UNDERLINED.



BEARER <u>MAY TEMPORARILY LIVE AND WORK</u> IN THE U.S.
UNTIL THE EXPIRATION DATE CITED ON THE CARD.

"RED" I-688B "EMPLOYMENT AUTHORIZATION"

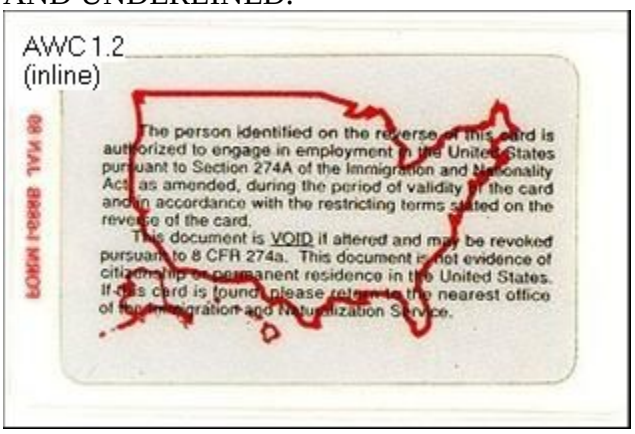
<u>FRONT</u> WHITE BACKGROUND, RED HEADER BAR AND YELLOW INTERLOCKING WAVY LINES. GOLD I.N.S. SEAL BECOMES VISIBLE WHEN TILTED UNDER NORMAL LIGHT.



Form I-688B (May 1995)

Form I-688B (August 1995)

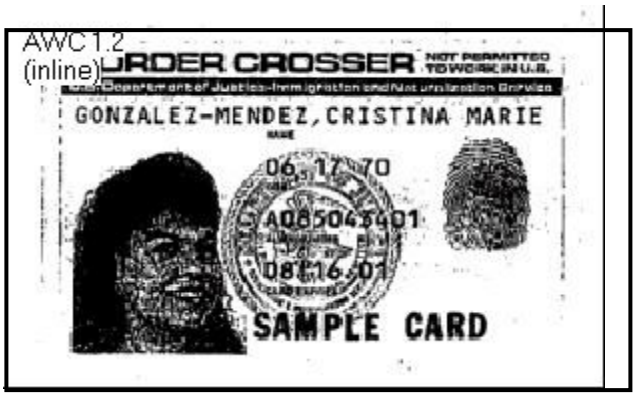
<u>BACK</u> RED OUTLINE OF THE U.S., ALASKA AND HAWAII. THE WORD "VOID" IS CAPITALIZED AND UNDERLINED.



BEARER <u>MAY WORK</u> IN THE U.S. UNDER THE TERMS AND CONDITIONS CITED ON THE CARD.

"BEIGE" I-586 "BORDER CROSSER"

FRONT BEIGE WAVY LINE BACKGROUND, GREENISH STRIP AND I.N.S. SEAL. BEIGE WAVY LINES COVER PHOTO IN AN UNBROKEN PATTERN.



BACK COLOR GRADUALLY CHANGES FROM ORANGE TO GREEN, MAPE OF THE U.S. IN WHITE. THREE LINES OF MACHINE READABLE PRINTING AT BOTTOM ON WHITE BACKGROUND.

BEARER MAY *NOT* LIVE OR WORK IN THE U.S.

"RED" I-766 "Employment Authorization"

FRONT WHITE BACKGROUND, RED HEADER BAR.
STATUE OF LIBERTY, USA, AND IMMIGRATION AND NATURALIZATION SERVICE SYMBOLS BECOME VISIBLE WHEN TILTED UNDER NORMAL LIGHT. EXPIRATION DATE IS AT BOTTOM. RIGHT CORNER. NON-IMMIGRATION CATEGORY LISTED OVER JUSTICE SEAL BY A LETTER AND NUMBER ABBREVIATION OF THE 274A.12 IMMIGRATION LAW CITATION.

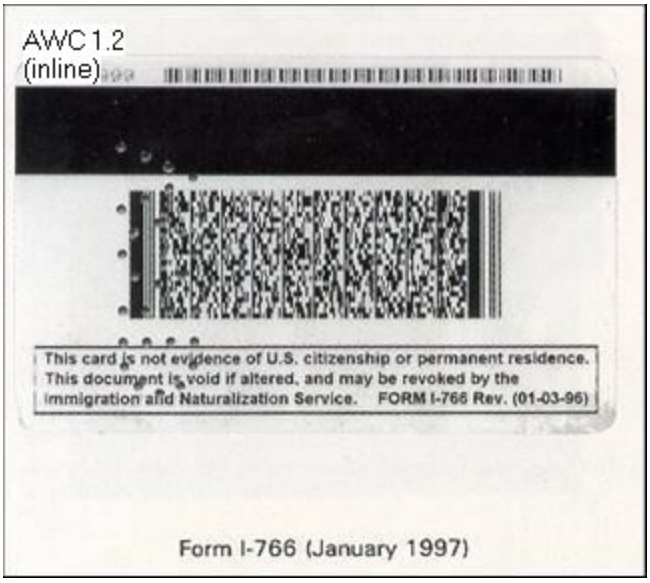
AWC 1.2 (inline)

In 1997, INS began issuing a new Employment Authorization Document, Form I-766. The new card is a credit card type of document. The front of the card contains a photo, fingerprint and signature of the rightful holder. The reverse contains a standard bar code, magnetic strip and a two-dimensional bar code which will contain unique card, biographic and biometric data.

AWC 1.2 (inline)

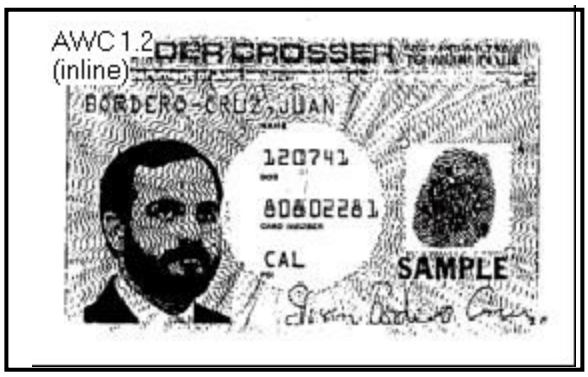
BACK WHITE BACKGROUND, BLACK MAGNETIC STRIP AND BAR CODE.

AWC 1.2 (inline)



"BLUE" I-586 "BORDER CROSSER"

<u>FRONT</u> BLUE WAVY LINE BACKGROUND, YELLOW (BUTTERSCOTCH) STRIP AND I.N.S. SEAL. BLUE LINES COVER PHOTO IN AN UNBROKEN PATTERN.



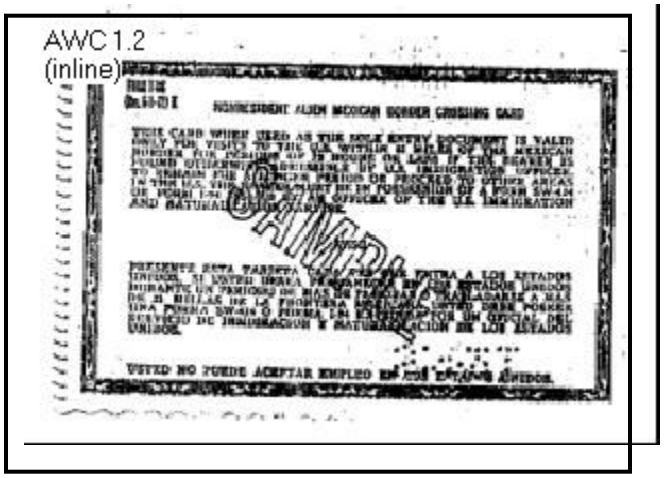
<u>BACK</u> ORANGE BACKGROUND, PINK OUTLINE OF THE UNITED STATES.

BEARER <u>MAY *NOT* LIVE AND WORK</u> IN THE U.S.

"BEIGE" I-186 "BORDER CROSSER"

FRONT BEIGE BACKGROUND, RED SERIAL NUMBER AND GREEN WAVY LINES OVER THE PHOTOGRAPH.

BACK BEIGE BACKGROUND, BLACK TEXT AND RED BORDER. PRINTING DETAIL IN BORDER IS EXCELLENT QUALITY.



BEARER MAY *NOT* LIVE AND WORK IN THE U.S.