



Administrative Policies and Procedures: 24.00

Subject Rights and Responsibilities of SNAP Applicants/Participants

Approved by

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Authority

7 U.S.C. § 2011 et seq.

The Age Discrimination Act, 9 U.S.C. § 70142 U.S.C. § 6101; 29 U.S.C. § 701;

Title VI of the Civil Rights Act of 1964, 42 U.S.C. sec. 2000d.

Application

All TDHS Employees and Contractors

Policy Statement

The Tennessee Department of Human Services (TDHS) is required to meet federal and state guidelines regarding the rights and responsibilities for both the state agency and the applicant/participant's right to apply and receive Supplemental Nutrition Assistance Program (SNAP) benefits and adhere to the procedures for determining eligibility and addressing any issues which may arise.

Purpose

This policy was developed to provide an explanation of the rights and responsibilities associated with applying and receiving SNAP benefits along with the procedures for filing a complaint if deemed necessary.

Procedures

A. Right to Apply

1. Any person wishing to apply for SNAP shall have the opportunity without delay. Refer to "Households Eligible for Expedited Service" under Chapter 29, Expedited Households of the current SNAP Manual.
2. Information about the programs of assistance administered by TDHS shall be provided to any person requesting the information.
3. Applications must be filed in the TDHS Office in the county of the applicant's residence. This can be done by utilizing the paper or online version of our [Application for Assistance, HS-0169](#). The application must be filed by the applicant themselves, her/his authorized representative, or designated agent, or someone acting responsibly for her/him.

4. An applicant may be assisted by any individual of her/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 anything of value, either directly or indirectly, for providing such assistance to a person requesting aid.
5. Eligibility is not required of a person prior to her/his filing an application.
6. The right to file an application shall not be denied to any person even though it is apparent to the eligibility counselor that eligibility for SNAP benefits does not exist. A full determination must be completed before an eligibility decision can be made.

**B. Assistance Groups
(AG) and Households
(HH)**

1. SNAP benefits may be provided to an individual or to a group of people.
2. The people applying for or receiving SNAP are referred to as a HH.
3. SNAP applicants and/or benefit recipients have been abbreviated as HH (households) throughout this policy.

C. Nondiscrimination

1. TDHS employees, at all administrative levels, shall not discriminate against any applicant or participant, in any program aspect, for reasons of age, race, color, sex, handicap, religious creed, national origin, political beliefs, or reprisal or retaliation for prior civil rights activity in any program conducted or funded by United States Department of Agriculture (USDA).
2. Discrimination in any aspect of program administration is prohibited and enforcement may be brought under any applicable federal law.
3. All TDHS employees must complete all required trainings, including but not limited to Civil Rights Law training and Interpreter Services training, at least once every state fiscal year.
4. County offices and other sub-recipients that provide SNAP services must post the non-discrimination statement (NDS) in a prominent place within its offices.
5. Staff shall refer to the [USDA Nondiscrimination Statement](#).

**D. Filing an
Applicant/Participant
Complaint**

1. Individuals who believe that they have been subjected to discrimination for reasons of age, race, color, sex, disability, religious creed, national origin, or political beliefs, may file a program complaint of discrimination online at: http://www.ascr.usda.gov/complaint_filing_cust.html, or submit a written complaint via mail to: United State Department of Agriculture (USDA), Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; via fax to (202) 690-7442; or via email at program.intake@usda.gov.
2. Persons with disabilities who require alternative means for communication should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).
3. Staff members should explain the Food and Nutrition Services (FNS) complaint system to each individual who expresses an interest in filing a discrimination complaint and advise the individual of his/her right to file either in the federal or the state system or in both systems.

FNS Discrimination Requirements - The complaint must contain the following information in order to facilitate the investigation:

- a. The name, address, and telephone number or other means of

- contacting the person alleging discrimination;
 - b. The location and name of the organization or office, which is accused of discriminatory practices;
 - c. The nature of the incident or action or the aspect of program administration that led the person to allege discrimination;
 - d. The reason for the alleged discrimination (age, race, color, etc.);
 - e. The names and titles (if appropriate), and the addresses of persons who may have knowledge of the alleged discriminatory acts; and
 - f. The dates, or date on which the alleged discriminatory action occurred.
4. Staff shall reference the [Administrative Policies and Procedures: 1.01 Civil Rights Complaints](#) for the State Requirements for Discrimination Complaints in SNAP.

E. Filing a Program Complaint

1. Federal Level Responsibility – Persons or agencies desiring program information or wishing to file a complaint may contact the FNS Regional Office at this address:

United States Department of Agriculture
Southeast Regional Office, Food and Nutrition Services
61 Forsyth Street, SW Suite 8T36
Atlanta, GA 30303-3427

2. State Level Responsibility
- a. TDHS will provide a fair hearing to any person or HH aggrieved by any action, which affects their eligibility, level of benefit, or participation in the Family Assistance Programs.
 - b. TDHS will allow informal complaints.
 - c. Persons or agencies desiring program information or wishing to file a complaint may contact any or all of the following:
 - i. The Field Management Director of the local county office of TDHS. Telephone number and address may be found in the telephone directory for the town designated as county seat.
 - ii. The Family Assistance Service Center
TDHS
Citizen’s Plaza Building
400 Deaderick Street
Nashville, Tennessee 37243
1(866)311-4287 (toll free number)
 - iii. Family Assistance Director of Operations
TDHS
Citizen’s Plaza Building
400 Deaderick Street
Nashville, Tennessee 37243
 - iv. Commissioner
TDHS
Citizen’s Plaza Building

400 Deaderick Street
Nashville, Tennessee 37243

F. Availability of Information

1. Public Information
 - a. SNAP Policy is available for use by TDHS staff and the general public. The policy is accessible via internet at <http://www.tn.gov/humanservices/topic/supplemental-nutrition-assistance-program-snap> on the SNAP web page under Reports and Information.
 - b. Copies of the SNAP Policy may be requested by public custodians, at their own expense, who:
 - i. request the policy for use by the public;
 - ii. are centrally located and publicly accessible to a substantial number of the recipient population; and
 - iii. agree to accept responsibility for filing all amendments and changes forwarded to them by TDHS.
 - c. Other groups, agencies or individuals serving a substantial recipient population who wish to copy the policy, agree to file all amendments and changes forwarded to them by TDHS, and who commit themselves to using the policy for informational purposes (i.e. not attempting to determine an individual's eligibility for assistance or determining appropriate action for TDHS) may do so at the discretion of the Commissioner or his/her designee at their own expense.
 - d. Upon request, specific policy materials necessary for an applicant/recipient, or his/her representative, to determine whether a fair hearing should be requested, or to prepare for a hearing will be made available to the applicant/recipient, and/or his/her representative without charge.
 - e. Copies of portions of the manual will be made available electronically to students, researchers, and other agencies upon request.
 - f. Regulations, plans of operation, and federal procedures which affect the public shall be maintained in the local and state offices. In addition, copies of the aforementioned may be obtained by writing or contacting the Superintendent of Documents, United States Government Publishing Office, Washington, D.C. 20401, or by calling toll free, (866) 512-1800 or on the internet at <http://www.gpo.gov>.
 - g. TDHS will provide other printed materials, such as brochures, pamphlets, leaflets, etc. that clearly describe basic financial and nonfinancial eligibility criteria, the application process, and participants' rights and responsibilities. This written information shall be made available to local Social Security offices, Department of Labor and Workforce Development offices, and other agencies and organizations assisting in the State Outreach Program.
2. Family Assistance Service Center
 - a. TDHS will operate a Family Assistance toll-free help line service, which will provide the following:
 - i. Information about program requirements and procedures;

- ii. Information about complaint and fair hearing procedures;
 - iii. Completing the necessary complaint forms;
 - iv. Telephone numbers and addresses of the local county TDHS offices; and
 - v. Application forms and informational pamphlets, upon request.
- b. The Family Assistance Service Center number (1-866-311-4287) will be posted in all TDHS offices and will be included on printed material. News media throughout the state will be provided the number to publicize.

G. Uses of SNAP Benefits

1. SNAP benefits are designed for use by participants to purchase eligible foods, including seeds and plants, for home consumption and use. Other persons may be designated by the HH to purchase food. HHs are not required to have cooking facilities or access to cooking facilities to participate in the program.
2. Although benefits were originally intended for use by eligible HHs to purchase food for home consumption, certain HHs have been authorized to use their benefits to obtain prepared meals or to facilitate their obtaining food. These authorized special uses are:
 - a. Communal Dining
 - i. Eligible HH members, 60 years of age or over, or Social Security (SSI) recipients, homeless, and their spouses, may use benefits issued to them to purchase meals prepared especially for them at communal dining facilities authorized by FNS for that purpose.
 - ii. Communal dining facilities include senior citizen centers, apartment buildings occupied primarily by elderly people or SSI HHs, public or private non-profit establishments (eating or otherwise) that feed elderly persons or SSI recipients, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It shall also include private establishments that contract with an appropriate state or local agency to offer meals at concessional prices to elderly persons, homeless, or SSI recipients.
 - b. Meals-On-Wheels
 - i. Eligible HH members 60 years of age or over, or members who are housebound, feeble, have a physical disability, or otherwise disabled to the extent that they are unable to adequately prepare all their meals, and their spouses may use all or any part of the benefits issued to them to purchase meals from a non-profit meal delivery service authorized by FNS.
 - ii. Meal delivery service means a political sub-division, a private non-profit organization, or a private establishment with which the state or local agency has contracted for the preparation and delivery of meals at a concessional price to the people listed above and which is authorized by FNS.
 - c. Addicts and Alcoholics in Treatment Programs
 - i. Members of eligible HHs who are narcotic addicts or alcoholics, and who are participating regularly in a drug or alcoholic treatment and rehabilitation program, may use all or part of the benefits issued to

- them during the course of such programs to purchase meals prepared for them by a private non-profit organization or institution.
- ii. Such institution or organization must be approved by the Tennessee Department of Mental Health and Substance Abuse Services or by FNS if the center wishes to redeem benefits as a retailer. Refer to the Drug and Alcoholic Treatment Centers under Chapter 44 Special Living Arrangements of the 2017 SNAP Manual.

d. Group Living Arrangement

- i. 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 and Substance Abuse Services.
- ii. To be eligible for SNAP benefits, a resident of such a group living arrangement must be blind or disabled and receiving benefit under Title II or Title XVI of the Social Security Act. Refer to the Group Living Arrangement under the Chapter 44 Special Living Arrangements of the 2017 SNAP Manual.

H. SNAP Benefits as Income

- 1. The benefit allotment provided any eligible HH shall not be considered income or resources in SNAP for any purpose under federal, state, or local laws, including but not limited to laws on taxation.
- 2. Tennessee has opted to exclude SNAP benefits as income when making Temporary Assistance for Needy Families (TANF) eligibility determinations.

I. No Aid Reduction Because of SNAP Participation

No participating state or political subdivision shall decrease any assistance otherwise provided an individual(s) because of the receipt of benefits for SNAP purposes.

Forms

[Application for Assistance, HS-0169](#)

Collateral Documents

[History of the Supplemental Nutrition Assistance Program \(SNAP\) 24.12-17.00](#)

[Supplemental Nutrition Assistance Program Manual, July 2017, Chapter 44 Special Living Arrangements](#)

[USDA Nondiscrimination Statement](#)

Additional Resources

None

Retention of Records

Pending

Glossary

Term	Definition
<i>Application or Application Form</i>	An application is a form prescribed by TDHS and/or approved by FNS containing prescribed information which is submitted to the County Office of the TDHS by a person requesting assistance, or by the person's legally appointed guardian, designated agent or authorized representative. For SNAP purposes, an initial application is the first month for which the HH applies for participation, following any period during which the HH was not certified for participation in SNAP.
<i>Applicant</i>	<ol style="list-style-type: none"> 1. An applicant is a person who has submitted a completed and signed document prescribed by DHS requesting SNAP, and/or a form approved by FNS containing at least a legible name, address and a signature to request SNAP for the HH of which he/she is a member. 2. An authorized representative or designated agent may actually file the application provided they have been authorized to do so by the head of the HH, spouse, or other responsible HH member.
<i>Assistance Group (AG)</i>	An assistance group is an individual or group of individual whose income, resources, needs, and/or expenses are considered together in the eligibility determination for an assistance category.
<i>Authorized Representative</i>	An authorized representative is the person designated by the head of the HH, spouse, or other responsible HH member for making application for SNAP including participation in the interview. 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 SNAP, receiving and/or spending the coupons.
<i>Communal Dining Establishment</i>	For SNAP purposes, a communal dining establishment is a private establishment that is authorized by FNS to purchase and prepare meals for individuals sixty (60) years of age or over, or SSI recipients, and/or homeless.
<i>Complaint</i>	A complaint is an expression of dissatisfaction by an applicant or recipient with action taken, or the failure to take action, by the local office or a Service Center of the Tennessee Department of Human Services. A complaint as an expression of dissatisfaction is one that is not yet lodged in a request for a fair hearing and that retains the possibility that it can be resolved in a conference.
<i>Complainant</i>	A complainant is an applicant or recipient, or individual acting in behalf of the applicant or recipient, who initiates expressed dissatisfaction with action taken by TDHS staff in relation to assistance for which the client has applied or which he is receiving and it does not need to be on a prescribed form.
<i>Drug Addiction and Alcoholic Treatment and Rehabilitation Center</i>	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 SNAP Program benefits with an authorized representative employed by the treatment program acting as the

authorized representative for all applicant households.

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 SNAP laws and regulations as it affects their situations.

Food and Nutrition Service (FNS)

The division of the United States Department of Agriculture which supervises the SNAP Program at the federal level.

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 and Substance Abuse Services. To be eligible for SNAP 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.

Household (HH)

A HH 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.

For SNAP 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 HH.

Income

A recurring gain or benefit measured in money amounts.

Program

May refer to either SNAP conducted under the Food Stamp Act and regulations. If not specifically designated, "program" must be read as pertaining to either program depending on the context of the material.

SSI Recipient

Recipient(s) of monthly cash payments under the authority of Title XVI of the Social Security Act, as amended, to the aged, blind, and disabled, or Federally administered mandatory supplemental payments.

State Agency

The agency of State Government which has the responsibility for the administration of SNAP. In Tennessee, this is the Tennessee Department of Human Services.

United States Department of Agriculture (USDA)

The agency of the Federal Government authorized by the United States Congress to administer SNAP.

Acronyms

Abbreviation

Expansion

FNS

Food and Nutrition Service

HH

Household

NDS Non-Discrimination Statement

SNAP Supplemental Nutrition Assistance Program

TDHS Tennessee Department of Human Services

USDA United States Department of Agriculture

Supersedes Policy 24.00 Rights and Responsibilities of SNAP Applicants/Participants,
Effective 12/15/2017