Supplemental Nutrition Assistance Program (SNAP) Policy Manual

Effective Date: October 2016
Approved by: _Charles Bryson, Assistant Commissioner
Supersedes: April 2016

Tennessee Department of Human Services

Supplemental Nutrition Assistance Program

Citizen's Plaza Building

400 Deaderick Street

Nashville, Tennessee 37243

Table of Contents

CHAPTER 1: Introduction and Right to Apply 16
A. Introduction 16
B. Purpose of SNAP 16
C. Legal Basis of Administration of SNAP 16
D. Right to Apply 17
E. Assistance Groups 17
CHAPTER 2: Household Concept 18
A. Household Concept Definitions 18
B. Household Composition Policy 18
C. Purchasing and Preparing Meals 18
D. Separate Household Status 19
E. Designating Head of Household 20
F. Absent Wage Earner 21
G. Individuals Receiving Foster Care Board Payments 21
H. Non-Household Members 21
I. Individuals Who Cannot Be Considered Non-Household Members 25
J. Treatment of Income, Resources, and Deductible Expenses of Non-Household Members 25
K. Excluded Household Members 26
L. Treatment of Excluded Household Members in Determining Financial Eligibility 27
M. Boarders 31
N. Residents of Institutions 32
O. Authorized Representative 32
P. Verification 36
CHAPTER 3 - Categorical Eligibility for SNAP 37
A. Defining Who is Categorically Eligible (CE) 37
B. Exceptions to Categorical Eligibility 37
C. Determining Eligibility for CE Households 38
D. Verification Procedures for CE Households 38
E. Determining Benefit Levels for CE Households 39
F. Processing Applications for Potential CE Households 39

G. Termination of Families First or SSI Benefits 40
CHAPTER 4: Student Status and Educational Income 41
A. Student Status 41
B. Student Eligibility Criteria 41
C. Ineligible Students 43
D. Changes in Student Status 43
E. Procedures for Establishing Student Status 44
F. Treatment of Educational Income 45
G. Treatment of Resources 46
H. Acceptable Forms of Verification 46
CHAPTER 5: Residence 48
A. Residency Requirement 48
B. Definition of Resident 48
C. Termination of Residence 48
D. Reporting Addresses 48
E. Verification 49
CHAPTER 6: Citizenship and Alien Status Requirement 51
A. Eligibility Requirements 51
B. Verification of United States Citizenship 51
C. Method of Verification of United States Citizenship 51
D. Promptness of Case Action- Questionable Citizenship 52
E. Eligible Aliens – General Requirements 52
F. Description of Eligible Aliens 52
G. Determination of Qualified Alien Status 53
H. Qualified Aliens/Unlimited Eligibility Period 55
I. Victims of a Severe Form of Trafficking 56
J. Battered Immigrants 57
K. Eligibility of Sponsored Aliens 58
L. Exceptions to Counting Sponsor's Income and Resources 59
M. Ineligible Aliens 60
N. Verification of Alien Status 61

CHAPTER 7: Enumeration 64
A. Social Security Enumeration Requirements 64
B. Enumeration 64
C. Mandatory Verification 65
D. Enumeration Procedures 65
E. Enumeration Requirements 66
F. Good Cause for Failure to Comply 67
G. Failure to Obtain a Social Security Number 67
H. Refusal to Provide or Apply for a Social Security Number 68
I. Social Security Number Cannot Be Verified By Social Security 68
J. Recording and Documentation 68
CHAPTER 8: Age and School Attendance 69
A. Age Requirements 69
B. School Attendance 69
Administrative Policies and Procedures: 24.00 70
(Replaces Chapters 9 and 10) 70
Policy Statement 70
Purpose 70
Procedures 70
Forms 80
Collateral Documents 80
Retention of Records 80
Supersedes 80
Glossary 80
CHAPTER 11: Failure to Comply with Work Requirements 82
A. Non-Compliance by a Household Member 82
B. Non-Compliance with Work Requirements in Families First 82
C. Determining Good Cause 83
D. Disqualification 83
E. Ending the Disqualification 84
CHAPTER 12: Voluntary Quit 85

A. Voluntary Quit Determination 85
B. The Voluntary Quit Provision Does Not Apply to an Individual When… 85
C. The Voluntary Quit Provision Applies When… 85
D. Good Cause 86
E. Federal, State, or Local Government Employees 87
F. Verification of Voluntary Quit/Reduction in Hours and Good Cause Determination 87
G. Implementing a Voluntary Quit/Reduction of Work Hours Disqualification 87
H. Ending the Disqualification 88
CHAPTER 13: Financial Eligibility Requirements 90
A. Consideration of Resources and Income 90
B. Categorically Eligible Households 90
C. Mixed Households 90
CHAPTER 14: Resources 91
A. Resource Eligibility Standards 91
B. Application of Resource Limits 91
C. Verification 91
CHAPTER 15: Exempt Resources 92
A. Home and Lot 92
B. Household Good and Personal Effects 92
C. Insurance Policies 92
D. Exempt Vehicles 92
E. Burial Policies, Burial Agreements, and Burial Plots 92
F. Pension Funds 93
G. Income Producing Property 93
H. Inaccessible Resources 94
I. Resources Excluded By Law 96
J. Resources of Non-Household Members 98
K. Agent Orange Settlement Payments 99
L. Allowances Paid to Children of Vietnam Veterans Born with Spina Bifida 99
M. Individual Development Account (IDA) 99
N. “Dedicated Accounts” for SSI Children 99

O. Earmarked Resources 99
P. Prorated Income 100
Q. Indian Lands 100
R. Livestock and Poultry 100
S. Handling of Excluded Funds 100
T. Educational Accounts (Effective 10-1-08) 100
CHAPTER 16: Countable Resources 102
A. Countable Liquid Resources 102
B. Countable Non-Liquid Resources 103
CHAPTER 17: Documentation 104
A. Verification of a Resource 104
B. Actions on Cases Receiving Lump Sum Payments 104
CHAPTER 18: Special Resource Situation 105
A. Jointly Owned Resources (Real or Personal Property) 105
B. Victims Compensation Awards 106
C. Establishing Ownership of Property through Legal Title 106
D. Treatment of Vehicles 106
CHAPTER 19: Transfer of Resources 107
A. Transfers Resulting in Disqualification 107
B. Transfers Not Resulting in Disqualification 107
C. Period of Disqualification 107
D. Disqualifying a Household 108
CHAPTER 20: Income 109
A. Income Eligibility Standards 109
B. Definition of Income 109
C. Earned Income 109
D. Unearned Income 110
E. Unemployment Compensation and Workmen's Compensation 111
F. Strike Benefits 111
G. Vacation, Sick, Longevity and Bonus Pay as Unearned Income 111
H. Certain Rental Income 111

I. Interest Payments, Dividends, and Royalties Income 111
J. Assistance Payments 112
K. Pensions and Benefits 112
L. Support and Alimony 113
M. Contributions 113
N. Monies Received From Trust Funds 113
O. Income of Excluded or Ineligible Members 114
P. Foster Care Payments and/or Guardianship Payments 114
Q. Severance Pay 115
CHAPTER 21: Payments/Benefits Excluded in Eligibility Determination 116
A. Relocation Assistance Payments 116
B. Funds Held in Trust for Members of Indian Tribes 116
C. Payments Received Under the Alaska Native Claims Settlement Act 116
D. Receipts distributed to members of certain Indian tribes 116
E. Benefits Received From Programs under the Older Americans Act of 1965 116
F. The Value of Supplemental Food Assistance Received Under the Child Nutrition Act of 1966 ... 116
G. Payments for Support Services and Reimbursements of Out-of-Pocket Expenses 117
H. Payments under the Domestic Volunteer Service Act of 1973 117
I. Workforce Investment Act (WIA) Income 117
J. Experimental Housing Allowance Program Payments 117
K. Nazi Persecution Payments 117
L. Educational Loans, Grants, Scholarships, Fellowships, & Veteran's Educational Benefits 118
M. Energy Assistance Payments 118
N. Agent Orange Settlement Payments 118
O. Earned Income Tax Credit (EITC) 118
P. Compensation Received Under Crime Act of 1984 118
Q. Earnings of Children 118
R. Cost of Producing Self-Employment Income 119
S. Irregular Income 119
T. Loans 119
U. Income of Non-Household Members 120

V. Non-Recurring Lump Sum Payments 120
W. Recoupments 120
X. Reimbursements 121
Y. Support Payments 122
Z. Vendor Payments 122
AA. Pass Accounts 123
BB. AmeriCorps 123
CC. Allowances Paid to Children of Vietnam Veterans 123
DD. SSI Lump Sum Installment Payments 123
EE. YouthBuild Program Payments 124
FF. Non-Cash Items 124
GG. Payments under Title I 124
HH. Disaster Income 124
II. Military Combat Pay 125
JJ. Filipino Veteran's Equity Compensation Payments 125
KK. Income Included in Eligibility Determination 125
LL. Achieving a Better Life Experience (ABLE) accounts 126
CHAPTER 22: Treatment of Income 127
A. Determination of Available Income 127
B. Projecting Income 127
C. Converting Income to Monthly Amounts 129
D. Rounding Truncating Procedures 131
E. Income at Application 131
F. Anticipated Changes and Benefit Amount 133
G. Income at Recertification 133
H. Consideration of Income Belonging to Particular Individuals 134
CHAPTER 23: Deductions from Income 136
A. Limitations on Deductions 136
B. Types of Expenses Not Allowed As Deductions 136
C. Billed Expenses Deducted in Month Due 136
D. Fluctuating Expenses 136

E. Anticipating Expenses 137
F. Types of Expenses Allowed As Deductions 137
G. Earned Income Deduction 137
H. Standard Deduction 137
I. Excess Medical Deduction 138
J. Dependent Care 138
K. Shelter Costs 138
L. Child Support Payment Deduction 144
M. Deduction for a Representative Payee 145
N. Types of Expenses Allowed for Excluded Household Members 145
CHAPTER 24: Treatment of Earned and Unearned Income 146
A. Treatment of Unearned Income 146
B. Treatment of Earned Income 146
C. Policies Regarding Determination of Net Income 147
CHAPTER 25: What is a Medical Deduction? 148
A. Definitions 148
B. Criteria for Determining Who is Eligible for a Medical Deduction 150
C. Consideration of Medical Expenses 151
D. Reimbursements 152
E. Repayment Plans for Medical Plans 153
F. One-time Expenses 155
G. Recurring Medical Expenses 157
H. Changes 158
CHAPTER 26: Treatment of Income – Budgeting 162
A. Net Monthly Income 162
B. Prorating Initial Month's Benefit 163
C. Treatment of Income from Self-Employment 165
D. Determining Self-Employment Income 165
E. Special Income Consideration 165
F. Cost of Producing Self-Employment Income 166
G. Determining Monthly Income When Averaged 167

H. Determining Monthly Income When Anticipated 168
I. Households with Boarders 169
CHAPTER 27: Treatment of Income- Income of Resident Farm Laborers, Migrant Households, School Employees and Other Contractual Employees 171
A. Resident Farm Laborers 171
B. Migrant Farm Laborers 171
C. School Employees 172
CHAPTER 28: Treatment of Income – Standards 174
A. SNAP Gross Monthly Income Standard 174
B. Net Monthly Income Standard 174
C. Basis of Coupon Issuance – Value of Thrifty Food Plan 174
D. SNAP Deductions 174
E. SNAP Utility Allowance 175
F. SNAP Standard Telephone Allowance 175
G. Homeless Household Shelter Standard 175
H. Information for Computing SNAP Allotments 175
CHAPTER 29: Expedited Households 177
A. Households Eligible for Expedited Service 177
B. Prescreening 177
C. Monitoring 178
D. Processing Standards 178
E. Late Determinations 179
F. Determining Income for Expedited Service Household 179
G. Expedited Procedures for Households Applying through the 15th of the Month 180
H. Expedited Procedures for Households Applying After the 15th of the Month 180
I. When Expedited Procedures Apply 181
J. Verification for Expedited Service 181
K. Certification Periods 183
Chapter 30: Destitute Migrant or Seasonal Farmworker Households 186
A. Definitions of Destitute Migrant or Seasonal Farmworker Households 186
B. Source of Income Defined 186

C. Terminated Income Source 186
D. New Source 187
E. Both Sources 187
CHAPTER 31: Periods of Eligibility 188
A. Establishing Certification Periods 188
B. Determining Length of Certification Periods for SNAP Households 188
CHAPTER 32: Transitional SNAP benefits 192
A. Eligibility Requirements 192
B. Determining the Transitional SNAP Benefit 192
C. Changes 193
D. Recertification for Regular SNAP Benefits 194
E. Ending Transitional SNAP Benefits 194
CHAPTER 33: Rights and Responsibilities 195
A. Introduction 195
B. Nondiscrimination 195
C. Availability of Information 197
D. Uses for SNAP Benefits 199
E. SNAP Benefits as Income 200
F. No Aid Reduction Because of SNAP Participation 200
G. Complaint Procedures for Program Matters 200
CHAPTER 34: General Administrative Procedures 202
A. Management of Case Records 202
B. Confidentiality of Case Records 202
C. Information Considered Confidential 202
D. Exceptions to Confidential Information 203
E. Release of Information to the Applicant/Recipient or His Representative 203
F. Release of Information to Persons Other Than the Recipient or Someone Acting on his Behalf 204
G. Applications by Department Employees, Their Relatives or Other Individuals Who are Known to the Employee 205
CHAPTER 35: Application process 206
A. Voluntary Withdrawal 206

B. Promptness 206
C. Filing an Application 206
D. Prescreening 207
E. Disposition of Application 208
F. Approval or Denial of Application 208
G. Procedures for Determining Eligibility 209
H. Actions Based on Eligibility 209
I. Providing Notices of Eligibility 212
J. Actions Based on Ineligibility and Delayed Eligibility 212
CHAPTER 36: SSI/SNAP Joint Application Process 213
A. SSI Households 213
B. Responsibilities of SSA 213
C. Responsibilities of the Department (DHS) 215
D. Verification of Procedures 215
E. Assigning Certification Periods 216
F. SSI Households Applying at the County Office 216
G. Restoration of Lost Benefits 216
H. Work Registration Requirements 217
I. Mass Changes 217
J. Categorical Eligibility 217
CHAPTER 37: Interviewing for Eligibility 218
A. Introduction 218
B. Purpose of Interviewing 218
C. Mandatory Interviewing 218
D. Scheduling Interviews 219
E. Single Interview 219
F. Waiver of Office Interview 219
G. General Intake Information 220
H. Failure/Refusal to Cooperate in Eligibility Process 222
CHAPTER 38: Verification Procedures 225
A. Introduction 225

B. Verification Process 226
C. Verification at Initial Application 229
D. Status of Application Awaiting Verification 235
E. Verification of Reported Changes 235
F. Verification at Recertification 235
G. Contacting and Using Other Sources of Verification 235
CHAPTER 39: Timeliness Standards 237
A. Introduction 237
B. General Standard 237
C. Action When SNAP Determination Precedes Families First Determination 237
D. Opportunity to Participate 238
E. Providing Notices to Households – Notices of Eligibility 238
F. Notice for Special Cases 239
G. Time Limit for Providing Notice of Denial 240
H. Denial of Applications When A/R Fails to Keep an Appointment 240
I. Failure to Meet Timeliness Standard 240
CHAPTER 40: Authorization of Allotments 246
A. Introduction 246
B. Method of Delivery 246
C. Designation of an Authorized Representative 246
CHAPTER 41: Continuing Responsibilities 249
A. Recertification 249
B. Notice of Expiration of Certification 249
C. Notice of Recertification 249
D. County Office Failure to Act on Timely Certification Application 250
E. Loss of Right to Uninterrupted Benefits 250
F. Good Cause for Failure to Timely Reapply 251
G. Changes During the SNAP Certification 251
H. Household Responsibilities 251
I. Households Subject to Simplified Reporting 252
J. Applicant Household's Responsibilities 253

K. How Changes Are Reported 253
L. Failure to Report 253
M. Providing the Change Report Form 253
N. Worker's Responsibilities 254
O. When a Change Results in Increased Benefits 254
P. Changes Resulting in Increased Benefits through a Supplement 255
Q. Changes Which Reduce Benefits 256
R. Mass Changes 256
S. Changes Affecting SNAP Households Receiving Families First 257
T. Notice of Adverse Action 258
U. When a SNAP Household Moves from One County to Another 260
V. Simplified Reporting Cases 261
W. Non-Simplified Reporting Cases 262
X. When a SNAP Household Moves Out of the State 263
Y. Change of Address (Within the county) 263
Z. Procedures for Closing a Case 263
AA. Replacement of Food Destroyed in a Household Misfortune or Disaster 264
CHAPTER 42: Over Issuances and Claims 266
A. Establishing Claims against Households 266
B. Instances When Claims shall not be established 267
C. Calculating the Amount of a Claim 267
D. Intentional Program Violations 268
E. Administrative Disqualification Hearing 271
F. Waived Administrative Disqualification Hearing 271
G. Court Referrals 271
H. Pre-Trial Diversion 271
I. Collecting Claims against Households 272
J. Restoration of Lost Benefits 279
CHAPTER 43: Complaints, Appeals, and Fair Hearings – Procedures 284
A. Introduction 284
B. Definitions 284

C. Complaints 286
D. Appeals 288
E. Procedures for Processing Appeals 292
CHAPTER 44: Special Living Arrangements 298
A. Drug and Alcoholic Treatment Centers 298
B. Group Living Arrangements 304
C. Shelters for Battered Persons and Children 310
D. Shelters for the Homeless 313
E. Homeless Meal Provider 315
CHAPTER 45: Strikers 316
A. Persons Who Would Be Considered Strikers 316
B. Persons not considered to be Strikers 316
C. Household Eligibility 316
D. Treatment of Income/Resources 317
E. Work Registration 317
GLOSSARY 318

Supplemental Nutrition Assistance Program (SNAP)

CHAPTER 1: Introduction and Right to Apply

A. Introduction

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 Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp program.

The manual content details the eligibility policies which govern SNAP. 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.

This manual provides the caseworker with standard policy for:

- certification procedures;
- 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;
- a description of special coverage groups which differ from the usual in either eligibility policy or procedure;
- 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.

B. Purpose of SNAP

SNAP is designated to promote the general welfare and to safeguard the health and well-being of the Nation's population by raising the levels of nutrition among low-income households.

Section 2 of the Food Stamp Act of 1977 states, in part: “Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households". To alleviate such hunger and malnutrition, a Food Stamp Program is herein authorized which will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power to all eligible households who apply for participation.”

C. Legal Basis of Administration of SNAP

SNAP is authorized by the Food Stamp Act of 1977 (Title XIII, P.L. 95-113). Regulations issued pursuant to the Act are contained in 7 CFR Parts 270-282. The Tennessee Department of Human Services is empowered by Tennessee Code Annotated, Section 14-2204 to comply with

any requirement that may be imposed, or opportunity presented, by federal law or regulation for the provision of SNAP benefits to Tennessee's SNAP applicants and recipients.

The provisions of Title 18 of the United States Code, "Crime and Criminal Procedure" relative to counterfeiting, misuse and alteration of obligations of the United States are applicable to any instrument used to issue SNAP benefits. Any unauthorized issuance, use, transfer, acquisition, alteration, possession, or presentation of benefits may subject any individual, partnership, corporation, or other legal entity to prosecution under Sections 15(b) and (c) of the Food Stamp Act or under any other Federal, State, or local law, regulation or ordinance. Penalties for obtaining and/or redeeming benefits without authority are contained in Tennessee Code Annotated 14-27-114.

D. Right to Apply

1. Any person wishing to do so shall have the opportunity to apply for SNAP without delay. (Refer to Chapter 29 under "A. Households Eligible for Expedited Service").
2. Information about the programs of assistance administered by the Department of Human Services (DHS) 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 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 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 worker that eligibility for SNAP benefits does not exist.

E. Assistance Groups

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

CHAPTER 2: Household Concept

SNAP uses the concept of a household to determine eligibility for benefits.

A. Household Concept Definitions

(a) Household

(b) Sibling

(c) Spouse-Spouse Relationship

(d) Head of Household

(e) Parent-Child Relationship

(f) Parental Control

(g) Absent Wage Earner

B. Household Composition Policy

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

C. 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 intent 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 SNAP 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 SNAP at the time of the separation nor is her aunt a SNAP participant.

Mrs. Smith states that even though she is living with her aunt, she intends to purchase and prepare her food separately from her aunt. Consider Mrs. Smith and her child as a separate household based on these circumstances.

D. 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 Not Eligible for Separate Household Status
   - A spouse of a member of the household;
   - Children under 22 who are living with their parents; or
   - Children under 18 who are living with someone acting as a parent (parental control).
2. Persons Eligible for Separate Household Status
   - Siblings (not under parental control) who live together and who purchase and prepare separately;
   - Children 22 and over who live with their parents and purchase and prepare separately;
   - Individuals other than parents and siblings who share living quarters with a SNAP household, but who do not purchase and prepare meals with that household;
   - 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
   - An elderly and disabled individual (and spouse of that individual) living with others when:

     a. the elderly and disabled individual is unable to purchase and prepare his/her own meals with others; and

     b. 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 both 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.

GUIDES*: Bulletin No. 31, FA-06-24*

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 household status is determined, consider only the applying household's circumstances (income, resources, expenses) when determining the allotment amount.

A. Calculate the gross income of the others as if they were applying for SNAP.
B. Do not include the income of the elderly and disabled person and that person's spouse in this calculation.

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

Gross Monthly Income Eligibility Standards for Determining Separate Household Status for the Elderly and Disabled

No. of Persons in Household	1	2	3	4	5	6	7	8
165% of Poverty	1605	2163	2722	3280	3838	4396	4955	5513

For each additional person +559

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 "Criteria for Determining who is eligible for a medical deduction" ,cannot purchase and prepare his/her own food.

E. 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.

F. 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.

- 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.

G. Individuals Receiving Foster Care Board Payments

The SNAP household has the option to include or exclude individuals and their income for whom foster care board payments are made for SNAP purposes. The foster care individuals may be included (as household members) or excluded from consideration (as boarders), but cannot participate as separate SNAP households. (Refer to Foster Care Payment and/or Guardianship Payment).

H. 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.

1. Roomers:

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

2. 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 SNAP as a separate household, if otherwise eligible.

3. 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.

a. Definition of a Student

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

- is at least age 18, but under age 50; and
- is physically and mentally fit; and
- 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.

- Do not consider any of the following individuals as students:
  a. individuals age 17 or under, or individuals age 50 or over;
  b. physically or mentally disabled individuals;
  c. persons attending high school;
  d. persons participating in on-the-job training programs;
  e. persons not attending school at least half-time; or
  f. persons enrolled full time in schools or training programs which are not institutions of higher education.

b. Student Eligibility Criteria

To be eligible to participate in SNAP a student must meet at least one of the following criteria:

(1) actually be working an average of 20 hours each week or an average of 80 hours per month.

- If self-employed, actually be working an average of 20 hours per week or an average of 80 hours per month or receiving monthly earnings of at least equal to the Federal minimum wage multiplied by 80 hours;

- Students paid or subsidized by Workforce Investment Act (WIA) for class hours are not considered employed during that time. Such class attendance does not meet the average of 20 hours a week or average of 80 hours per month work requirement.

(2) be participating in a State or 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;

Federal Wording: Be participating in a State or federally financed work study program during the regular school year. - To qualify under this provision, the student must be approved for work study at the time of application for SNAP, the work study must be approved for the school term, and the student must anticipate actually working during that time. The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.

(3) 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.

(4) 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 that 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.

(5) be receiving FF Cash Assistance in his/her own behalf;
(6) be assigned to or placed in an institution of higher education through a program under the Workforce Investment Act;
(7) If the individual is 50 or above, they do not have to meet the student criteria when attending institutions of higher education;
(8) Students enrolled in institutions of higher education as a result of participation in an Employment and Training Program through FF Cash Assistance or SNAP;
(9) Full-time students who are single parents responsible for the care of children under 12 regardless of the availability of adequate child care; or
(10) program under section 236 of the Trade Act of 1974.

c. 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:

- graduates;
- is suspended;
- is expelled;
- drops out; or
- does not intend to register for the next normal school term, not counting summer school.

d. Eligibility during Non-Enrollment Periods

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 other household member.

e. Work Registration

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

f. Certification Procedures for Remaining Household Members

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

g. 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 SNAP. 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.

GUIDE: *Bulletin 28, FA-10-16*

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

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

J. 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 SNAP 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.

K. Excluded Household Members

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 SNAP benefits of $500 or more (eff. 11/1/96);
6. a. individuals who have been convicted of a first violation by a Federal, State or local court of trading coupons for a controlled substance are disqualified for 24months. (eff. 11/1/96);
   b. 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 provide proof of one of the following in regards to the most recent drug-related conviction:

a. is currently participating in a substance abuse treatment program approved by DHS; or
b. 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
c. has satisfactorily completed a substance abuse program approved by DHS; or
d. a treatment provider licensed by the Department of Mental Health and Substance 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 Mental Health and Substance Abuse Services. A listing of such programs may be found on the Department of Health's webpage under the Substance Abuse Treatment Provider Directory.

Other treatment programs not covered in this definition may be considered on a case-by-case basis by contacting the SNAP Policy Unit in the state office.

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 SNAP Policy Unit.

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). For Class E felony policy in Memo FA-09-24.

GUIDE: *Family Assistance Treatment of Income*

L. Treatment of Excluded Household Members in Determining Financial Eligibility

1. Ineligible Alien, Questionable Citizenship and Enumeration Disqualification

a. Resources - Count the entire amount of the excluded individual's resources as available to the remaining household members.

. b. 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:

a. subtract the allowable exclusions from the excluded member's income;

b. 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.

2. Deductible Expenses

a. 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.

b. 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.

c. 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.

3. Reduction/Termination of Benefits within the Certification Period

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

a. Using the information available in the case, determine the eligibility or ineligibility of the remaining HH members;

b. Provide the HH with a Notice of Adverse Action informing the HH of the following:

- the reason for the exclusion;
- the eligibility and benefit level of the remaining HH members; and
- the actions the HH must take to end the exclusion.

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

a. 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 the HH to the $3250 resource limit, the resource limit applied to the remaining HH member will be $2250.

b. Income - Count the entire amount of the disqualified member's countable

earned and/or unearned income as available to the remaining HH members.

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

- allowable earned income deduction;
- the standard deduction;
- medical deduction, if applicable;
- dependent care deduction, if applicable; and
- excess shelter deduction

d. Computation of the SNAP Budget

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

e. Reduction/Termination of Benefits within the Certification Period

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

(1) use the information in the case and determine the eligibility or ineligibility of the remaining HH members;
(2) 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
(3) 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.

. **Convicted of trafficking in SNAP of $500 or more**

First or 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 in Chapter 2 under K. Excluded Household Members or determined to be a fleeing felon or a probation/parole violator.

1. Length of Penalty

Determined to be a fleeing felon or a probation/parole violator (These individuals are disqualified for the duration of time they are considered fleeing or in violation)

First violation of a finding by a federal, state or local court of trading of benefits for a controlled substance (These individuals are disqualified for a period of 24 months)

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 in Chapter 2 K. Excluded Household Members" (These individuals are permanently disqualified from receiving SNAP).

2. Resources and Income

The individual's resources and income are counted in full to the remaining SNAP household members. No amount is prorated to the ineligible individual.

3. Deductions

The individual is not counted in computing the allotment amount. The entire household's allowable earned income, standard income, medical, dependent care, child support, and excess shelter deductions shall continue to apply to the remaining household members.

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.

   a. Length of Penalty - The individual is disqualified from receiving from receiving SNAP benefits for ten years.

   b. Resources and Income - The income and resources of the disqualified individual are counted in full to the remaining SNAP household members. No pro rata share is given to the disqualified individual.

   c. 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)

   a. Length of Time - Refer to Chapter 10 under "Eligibility" for more information—

   b. Resources and Income - Count the entire amount of the excluded individual's resources as available to the remaining household members. Income should be prorated and all but ineligible members' share is counted as income for the remaining household members.

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

DESK GUIDE: *Bulletin No. 37, FA-11-26*

M. Boarders

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:

   a. 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.

   b. 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.

   c. 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:

a. 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.

b. 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.

Ineligible as Separate Households

Boarders are ineligible to participate in SNAP 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.

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.

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.

N. Residents of Institutions

1. 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 SNAP benefits.

2. Only the following residents of institutions are eligible to participate in SNAP:

   a. Narcotic addicts or alcoholics who reside at a drug or alcoholic treatment center in order to participate in a treatment program (Refer to Chapter 44, Special Living Arrangements under "Drug Alcoholic Treatment Centers").

   b. 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. (Refer to Chapter 44, Special Living Arrangements, under "Group Living Arrangements").

3. Residents of shelters for battered women and children (Refer to Chapter 44, Special Living Arrangements, "Shelters for Battered Persons and Children").

4. Residents of non-profit shelters that provide meals to the homeless (Refer to Chapter 44, Special Living Arrangements, "Homeless Meal Provider").

O. Authorized Representative

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:

- apply for the household;
- obtain the household's SNAP benefits; and/or
- use the household's SNAP benefits 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.

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 over issuance resulting from incorrect information given by the authorized representative, unless the household is participating in a drug or alcoholic treatment center.

Obtaining the SNAP Benefits

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

This does not 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 SNAP benefits.

3. Procedure

   To request a regular authorized representative for obtaining the household's SNAP benefits, a responsible household member must:

   a. be present at the interview and authorize an individual as the household's authorized representative during the interview; or

   b. 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.

Using the SNAP Benefits

An authorized representative may purchase food items for the household, using its SNAP 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.

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 SNAP benefits.

Disqualification of an Authorized Representative

1. The Caseworker will disqualify an authorized representative when evidence is obtained

that the authorized representative has:

a. knowingly misrepresented the household's circumstances and intentionally provided false information concerning the household; or

b. improperly used the household's SNAP benefits.

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:

a. 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.

b.. Allow the household to designate another individual as its authorized representative if it so desires.

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 SNAP benefits;

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 Chapter 44, Special Living Arrangements, "Homeless Meal Provider").

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.)

P. Verification

Verify the household size (number of persons in the household), when questionable. 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. Example of when it may be questionable: When a child is already active in another case.

GUIDES: *Required Verifications*

CHAPTER 3 - Categorical Eligibility for SNAP

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

A. Defining Who is Categorically Eligible (CE)

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

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

2. Households consisting entirely of individuals eligible for or receiving Family Focused Solutions (FFS). 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 Focused Solutions — it is not necessary for the AG to actually receive FFS services (such as post-employment services). The qualifying factor is that the AG is eligible to receive FFS after the AG is closed for cash assistance.

The SNAP 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.

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

B. Exceptions to Categorical Eligibility

1. Households

Categorical eligibility does not apply to households who:

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

b. 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

c. have an individual that is disqualified because of voluntary quit/work requirements.

d. 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.

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

2. Individuals

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

a. ineligible aliens;
b. ineligible students;
c. individual that is disqualified because of voluntary quit/work requirements; and
d. institutionalized individuals (except those listed Chapter 2 under "Residents of Institutions".

C. Determining Eligibility for CE Households

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

D. Verification Procedures for CE Households

1. Once a household is determined categorically eligible, it is not necessary to verify:

a. resources;
b. social security number;
c. sponsored alien information; and
d. residency

2. All other SNAP verification requirements must be met.

GUIDES: *Bulletin No. 13, FA-13-07*
Basis of Issuance Chart 1

Basis of Issuance Chart 2

E. 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.

1. Determine the household's net income based on normal SNAP policy.

2. Use the BOI chart to determine the allotment for households whose net income is at or below the net income limit for other SNAP households of the same size.

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

   a. Provide a $16 allotment for all such one-and two-person CE households.

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

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

      (2) 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).

F. Processing Applications for Potential CE Households

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

1. Delay the SNAP 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 SNAP application.

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

3. When you become aware that the pending FF or SSI applications were approved after the SNAP application was denied, update the SNAP 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 SNAP application, whichever is later.

G. Termination of Families First or SSI Benefits

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

1. determine the household's continuing eligibility based on the SNAP provisions for non-CE households; and

2. follow the procedures outlined in Chapter 41 under "Changes Affecting SNAP Households Receiving FF" to adjust the SNAP case.

GUIDE: *Families First Sanction*

CHAPTER 4: Student Status and Educational Income

This section covers the definition of a student for SNAP Purposes, student eligibility criteria, and the treatment of educational income and resources.

A. Student Status

Definitions

1. Adequate Child Care
2. Deferred Student Loan
3. English as a Second Language (ESL)
4. Enrollment
5. Institution of Higher Education
6. Institution of Post-Secondary Education
7. Mandatory Fees
8. Physical or Mental Fitness
9. Student
10. Trade or Vocational Technical School

To be eligible for SNAP, 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 SNAP household.

GUIDE: *Am I a Student*

B. Student Eligibility Criteria

Individuals enrolled in school are considered "students" only if they meet the student definition. To be eligible to participate in SNAP a student also must meet at least one of the following Criteria (See Chapter 2 under "Non-Household Members").

1. Employment— an average of 20 hours per week or an average of 80 hours per month

   The student must actually work an average of 20 hours each week or an average of 80 hours per month and be paid for such employment. If self-employed, he/she must work an average of 20 hours each week or an average of 80 hours per month 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 average of 20 hours a week or average of 80 hour per month work requirement.

2. Work-Study

Participation, during the school year, in a state or 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. Federal Wording: Be participating in a State or federally financed work study program during the regular school year.

To qualify under this provision, the student must be approved for work study at the time of application for SNAP, the work study must be approved for the school term, and the student must anticipate actually working during that time. The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.

The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.

3. 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.

4. 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.

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 and mentally able to care for the child. In this situation, adequate child care is available.

5. Receipt of TANF Payments

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

6. Workforce Investment Act

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

7. Employment Career Services

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

8. 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.

9. Employment and Training Program

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

10. Trade Act of 1974

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

GUIDE: *Bulletin 28, FA-10-16*

C. Ineligible Students

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

GUIDE: *SNAP Student Status Guide*

D. Changes in Student Status

1. Students who meet the student definition of student eligibility criteria during the regular school year remain eligible during the summer months.

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

3. 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 HH member.

   Example: Timothy Cratchitt, a freshman at Carlyle University, was awarded college work study for the school year September, 2008—May, 2009. He received SNAP during this time because he met one of the student eligibility criteria. Tim will not attend summer school in June, 2009. However, Tim will retain his eligible student status because he was an eligible student for the academic year 2008—2009 and is planning to return to school in the fall. He would continue to be subject to student eligibility criteria.

   Example: Tim Cratchitt returned to Carlyle University in September, 2009, 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 SNAP was denied because he no longer met any of the student eligibility criteria.

   Example: In December, 2009, Tim Cratchitt reapplied for SNAP 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 SNAP.

GUIDES: *Change Report Form*
Important Notice about Reporting Changes

E. Procedures for Establishing Student Status

1. 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.

2. Verify school enrollment—if questionable

   This must be done through the appropriate school office. Be sure to verify full time or part time status. (Refer to Chapter 4 under "Acceptable Forms of Verification".)

3. 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 SNAP eligibility. (Refer to Chapter 4 under "Acceptable Forms of Verification".)

4. Determine if the student meets any one of the student eligibility criteria. If the student meets at least one of the eligibility criteria, include the person as a household member.

5. Exempt an eligible student from work registration requirements.

6. If the individual meets the student definition, but does not meet at least one of the eligibility criteria, he/she is an ineligible student. Treat the student as a non-household member.

   a. 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.

   b. Standard Utility Allowance

      When a SNAP 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.

   c. 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.

F. 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.

GUIDE: *Family Assistance Treatment of Income*

G. 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.

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.

H. Acceptable Forms of Verification

1. School Enrollment

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

   - school records
   - statement from Financial Aid Office
   - class schedules; or
   - receipt for tuition and fees

2. Disability

   The following are examples of acceptable sources to verify disability:

   - Bendex, SDX, or award letter to prove receipt of temporary or permanent disability benefits from either a governmental or private source;
   - a statement from a physician or licensed/certified psychologist; or
   - 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.

CHAPTER 5: Residence

A. Residency Requirement

1. As a condition of eligibility to receive benefits in SNAP, 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 persons are residents of a shelter for battered persons and children and were members of a household containing the person who had subjected them to abuse. (Refer to Chapter 44 under "Shelters for Battered Persons and Children").

   There is no durational residency requirement in SNAP.

GUIDE: *Bulletin No. 05, FA-13-02*

B. 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 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.

C. Termination of Residence

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

SNAP recipients may transfer from county to county within the state and remain eligible for benefits without interruption. (Refer to Chapter 41 under "When a SNAP Household Moves from County to County").

D. 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.

GUIDES: *Change Report Form*
County to County Transfers
Changes Required Verifications

E. 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 farm worker 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 SNAP 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.

GUIDES: *Required Verifications*

CHAPTER 6: Citizenship and Alien Status Requirement

A. 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 SNAP. The eligibility requirements for SNAP for aliens are located in Chapter 6 under "F. Description of Eligible Aliens".

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.

GUIDES: *Alien Status Desk Guide*

B. 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.

GUIDES: *Alien Status Desk Guide*
Alien Scenarios
Alien Interview Process

C. 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 Bureau of Citizenship and Immigration Services (BCIS), such as Identification Cards for use of Resident Citizens in the United States, or United States passports.

GUIDES: *Alien Status Desk Guide*
Alien Scenarios
Alien Interview Process

D. 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 SNAP 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 Chapter 2 under "Treatment of Excluded Household Members in Determining Financial Eligibility", until citizenship is verified.

GUIDES: *Alien Status Desk Guide*
Alien Scenarios
Alien Interview Process

E. Eligible Aliens – General Requirements

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

GUIDES: *Alien Status Desk Guide*
Alien Scenarios
Alien Interview Process

F. Description of Eligible Aliens

1. 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:

   a. a United States citizen

b. a naturalized citizen
c. a United States non-citizen national
d. an otherwise eligible Indian who:

(1) 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

(2) 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 SNAP, determine if the tribe, band, etc., is one recognized by the BIA.

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

f. 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);

g. the spouse, or an unmarried dependent child, of such an individual; or

h. the un-remarried surviving spouse of such an individual who is deceased.

GUIDES: *Alien Status Desk Guide*
Alien Scenarios
Alien Interview Process

G. Determination of Qualified Alien Status

A determination that an applicant is a qualified alien is the first step in determining if the individual is SNAP 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.

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).

7. Iraqis and family members were granted special immigrant status through the Consolidated Appropriations Act of 2008. The effective date of eligibility is based on the date the special immigrant status is granted not when the household applied. The Defense Appropriations Act (P.L. 111-118) Section 8120 has stated that these immigrants will be treated like regular refugees with the same period of eligibility.

8. Afghanis and family members were granted special immigrant status through the Consolidated Appropriations Act of 2008. The effective date of eligibility is based on the date the special immigrant status is granted not when the household applied. The Defense Appropriations Act (P.L. 111-118) Section 8120 has stated that these immigrants will be treated like regular refugees with the same period of eligibility.

Note: Individuals initially admitted on the basis of items B - H above continue to be eligible for SNAP 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 SNAP. An example of this is an immigrant initially granted asylum in January 2009 whose status is adjusted by the BCIS to lawfully admitted for permanent residency (LPR) in January 2010. As an LPR, this immigrant does not meet criteria to qualify for SNAP; however, he still remains SNAP 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.

GUIDES: *Alien Status Desk Guide*
Bulletin No. 5, FA-10-03
Alien Scenarios

H. 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), SNAP, 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:

   a. 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.

   b. Military personnel who die during active duty service are veterans.

c. 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.

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

H. is the spouse or unmarried dependent of an individual described in items F and G 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.)

1. The marriage lasted for at least one year.

2. 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.

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

GUIDES: *Alien Status Desk Guide*
Alien Scenarios
Alien Interview Process

I. 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 SNAP to the same extent as refugees. Trafficking Victims Protection Act defines the severe forms of trafficking in persons as:

1. sex trafficking which is induced by force, fraud or coercion or the person has not reached 18; or

2. 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 SNAP 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.

GUIDES: *Alien Status Desk Guide*
Bulletin No. 35, FA-07-16
Alien Scenarios
Alien Interview Process

J. 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. (Refer to 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. A Form I-130 filed by the spouse or the child's parent;
    b. A Form I-130 petition as a widow(er) of a U.S. citizen;
    c. An approved self-petition under the Violence against Women Act (including those filed by a parent); or
    d. 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:

    a. 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.

    b. 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.

    c. 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 SNAP. (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. (Refer to Qualified Aliens — Unlimited Eligibility Period for eligibility such as five-year residency or be an LPR with 40 quarters).

GUIDES: *Alien Status Desk Guide*
Alien Scenarios
Alien Interview Process

K. Eligibility of Sponsored Aliens

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.

GUIDES: *Alien Status Desk Guide*
Bulletin No. 11, FA-09-09
Alien Scenarios
Alien Interview Process

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 SNAP 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.

L. 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; or

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. To determine if a sponsored alien is indigent, take 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, he/she is exempt from sponsor deeming. Only count the actual amount of cash support provided from the sponsor and others beginning on the date of such determination and ending 12 months after, regardless of any information that may be obtained from SAVE on the sponsor within the household's certification period. 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; or

4. The sponsor lives in the same SNAP 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 SNAP in another household; or

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

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)

GUIDE: *Bulletin 11, FA-09-09*

M. Ineligible Aliens

All aliens other than those listed in Chapter 6 under "F. Description of Eligible Aliens" are ineligible for SNAP. 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 Chapter 2 under "Treatment of Excluded Household Members in Determining Financial Eligibility" for SNAP.

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, SNAP Policy Section. In the referral, the caseworker must document the reason for the referral, along with the alien's name and address.

GUIDES: *Alien Status Desk Guide*
Alien Scenarios
Alien Interview Process

N. 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 SNAP benefits is in this country illegally, the Department will report that information to the Immigration and Naturalization Service. (Refer to Chapter 6 under "Ineligible Aliens").

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; or

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

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

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

      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; or

   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; or

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

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.

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).

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

Form G-845S is used to contact the BCIS 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.

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

2. Copy the verification used to establish satisfactory immigration status.

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

4. Submit the verification and form to USCIS at the address below:

   U.S. Citizenship and Immigration Services (USCIS)
   10 Fountain Plaza, 3rd Floor
   Buffalo, N.Y. 14202-2200
   Attn: Immigration Status Verification Unit

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

D. 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 http://www.uscis.gov/forms. 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)

GUIDES: *Alien Status Desk Guide*
Bulletin No. 41, FA-09-20

CHAPTER 7: Enumeration

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 SNAP.

A. Social Security Enumeration Requirements

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 SNAP applicants/recipients. The SSN will be used by this Department only in administration of the Families First/SNAP programs.

GUIDE: *Required Verifications*

B. Enumeration

Enumeration is looked at:

1. As a condition of eligibility to receive SNAP, each applicant/recipient included in the household must:

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

    b. if an individual's SSN number is unknown or one has not been issued to him/her, apply for an SSN prior to approval/certification by completing Social Security form SS-5.

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

2. Informing Requirement

    a. 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:

(1) This is a Federal law and regulation.
(2) 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.
(3) The Social Security number will be used in the administration of SNAP. At this time, the Social Security number will be used as a means of identification in securing information essential to the determination of eligibility.

b. 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 SNAP.

C. 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 programs or printouts is an acceptable method of verifying a SSN.

D. Enumeration Procedures

1. Complete an Application for Social Security Number (SS-5) 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.

2. Review the SS-5 with the individual for correctness.
3. 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.

4. Complete an Enumeration Transmittal Sheet and copy for each SS-5.
5. File the copy of the SS-5, copies of evidence, and the Enumeration Transmittal Sheet and document on AEIIA.
6. 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.
7. 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.

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

E. Enumeration Requirements

1. Individuals 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 SNAP household's Social Security card or any official document from the Social Security Administration containing the SSN shall be sufficient for SNAP 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.

2. 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 to be eligible for benefits until Social Security completes a review to verify the number.

3. Individuals without Social Security Numbers

   The enumeration requirement for SNAP 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.

4. Individuals 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.

   a. Complete an SS-5 through section 14.

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

b. Complete an Enumeration Transmittal Sheet and copy for each SS-5 and staple the original Transmittal Sheet to the back of the SS-5.
c. Inform the individual of what evidence is required to complete the enumeration process.
d. File the copy of the Transmittal Sheet in a central file and document in running record (CLRC).
e. 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 SNAP 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.

F. Good Cause for Failure to Comply

The SNAP regulations state that a household member who cannot comply with the enumeration requirement within the application processing timeframe may participate in SNAP 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.

G. 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.

H. 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 Chapter 2 under "Treatment of Excluded Household Members in Determining Financial Eligibility". 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.

I. 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 over issuance 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.

J. 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 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.

CHAPTER 8: Age and School Attendance

This chapter covers age and school attendance requirements.

A. Age Requirements

1. There is no requirement regarding age for SNAP 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 (which is not all inclusive) for SNAP 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.

GUIDE: *Required Verifications*

B. School Attendance

1. There is no eligibility requirement regarding school attendance for SNAP 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 student between the ages of 18 and 50 must meet the criteria in Chapter 2 under "Non-household Members".
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 Chapter 21 under "Earnings of Children".

State of Tennessee
Department of Human Services

Administrative Policies and Procedures: 24.00

(Replaces Chapters 9 and 10)

Subject	**SNAP Work Requirements**	
Approved by	Charles Bryson, Assistant Commissioner (Interim)	**Approval Date: 10/212016** **Effective Date: 10/21/2016**
Authority	7 CFR 273.7; 7 CFR 273.24	
Application	All DHS employees and Contractors	

Policy Statement

Adults receiving Supplemental Nutrition Assistance Program (SNAP) are required to either meet a specific work requirement or meet the criteria for an exemption.

Purpose

The purpose of this policy is to identify SNAP beneficiaries who have to register for work, who have work requirements, who are exempt from work registration and work requirements, and the procedures when a customer doesn't comply.

Procedures

A. Work Registration

1. Each household member who is not otherwise exempt from work registration requirements must register for employment prior to certification for SNAP and once a year thereafter.
2. Persons losing their exemption due to a change that is required to be reported by the household must register for work as a condition of continued eligibility for SNAP.
3. Registration is accomplished when a SNAP application is signed. The adult who signs the application registers for work all adults in the SNAP unit who are required to register for work.

B. Work Registration Requirements

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

1. Explain to the household:

a. the statement on the application concerning Employment & Training (E & T);

b. the work requirements;

c. the rights and responsibilities of the registrants; and

d. the consequences of failure to comply.

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

a. the review date for SNAP Employment &Training Program;

b. the work registration date and referral date for the individual along with the type of verification; and

c. de-registration information when the individual became employed, sanctioned, ineligible, exempt, or is no longer in the case.

C. Exemptions from Work Registration

Individuals are exempt from work registration if they meet the criteria for any of the categories below: (Note these are federal exemptions. They are exempt from both E&T and Abled Bodied Adults Without Dependents (ABAWD)).

1. Individuals younger than age 16 or age 60 or older are exempt. (Code 04/05) If a child becomes age 16 within the certification period, he/she will be required to fulfill the work registration requirements at recertification, unless the child qualifies for another exemption.

2. Age 16 or 17 (code 06)

   A person age 16 or 17 is exempt from work registration if the individual:

   a. is not the head of the household; or

   b. is attending school; or

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

3. Physically or mentally unfit for employment. (Code 07/20)

   Individuals who are either physically or mentally unfit for employment are exempt. Verification of Unfitness: Acceptable verification includes, but is not limited to:

   a. a receipt of temporary or permanent disability benefits issued by governmental or private sources (i.e., SSI, SSA disability payments, workmen's compensation, etc.);

   b. a statement from a physician or a licensed or certified psychologist which indicates the length of disability;

   c. an approval for vocational rehabilitation services; or

   d. a verified application for SSI (a federal exemption).

4. Families First Work Registrant (code 09)

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

5. Caretaker (code 10/08)

a. 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.

b. 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, the worker must discuss the responsibility with the applicant and 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. (The care does not have to be provided to a household member. The person can live in another residence.)

6. Applicants or recipients of Unemployment Compensation (Code 13)

a. A person who receives unemployment compensation is exempt. Persons who have applied for unemployment compensation are exempt if they were required to register for work with the local Department of Labor and Workforce Development (DLWD) office as part of the unemployment compensation application process. Verify the exemption with the appropriate DLWD office, if questionable.

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

7. Addicts or Alcoholics (Code 15)

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

b. 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 (Code 16)

Employed/self-employed individuals are exempt as follows:

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

b. persons who are employed/self-employed and receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours or is a youth under age 20 receiving a training wage mandated by the Fair Labor Standards Act of 1989 (Limited to 90 day period): or

1) 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; or

Note: The average should be based on the information used

to compute the budget income.

2) 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. (Code 17); or

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 30 hours a week employment, and the applicant still claims to be self-employed, establish the following:

a) 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

b) 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 (Code 18)

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

b. 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.

c. 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.

D. Barriers to Employment & Training Work Components

Barriers that can exempt you from E&T exist if the customer meets the criteria for any of the categories below: (Note; these are not federal exemptions. They are only barriers to E&T.)

1. Temporary illness or injury- an illness or injury of the individual that is temporary in nature and is obvious or verified; (obvious but unverified use state code 24, verified use federal code 20)

2. Temporary disability- disability is temporary in nature and is obvious or verified; (if verified disability use federal code 07, if obvious but unverified use state code 24)

3. Temporary emergency- may be a family emergency, such as illness or disaster,

or an emergency related to the job; (Code 25)

4. On call – back to job- such as a temporary layoff or plant shutdown for vacation; (Code 26)
5. No access to transportation the individual does not have a reliable vehicle, there is no public transportation available, or the individual does not have the resources to use public transportation or buy gas; (Code 27)
6. Other exemptions approved by State office (Code 31)
    a. Non-Funded E&T County
    b. Homeless, without a fixed residence

       Homeless individuals who do not have a fixed residence are considered to have a barrier that prohibits their participation in E & T Program, however they can still volunteer to participate.
    c. if you are in a voluntary E&T county and the customer does not meet an exemption, a barrier, or does not volunteer to go to DLWD.

E. Caseworkers Responsibilities

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

1. The individual will be appropriately coded on the work program screen (AEIWP).
2. The caseworker will complete a referral to the Department of Labor and Workforce Development (DLWD) for the voluntary and/or mandatory participant at least once every twelve months.
3. Appropriate action and documentation will be completed upon receipt of information from DLWD regarding the participant.
4. The caseworker must deregister an individual from work registration when the individual:
    a. was registered but later the application was actually denied; or
    b. has a work program sanction or fails to comply with a work program requirement; or
    c. obtains a job working 30 hours a week or earnings equal to federal minimum wage times 30; or
    d. leaves assistance; or
    e. becomes exempt.

F. Work Registrant's Responsibilities

Mandatory work registrants must:

1. participate in an employment and training program if assigned to mandatory E&T by the department;
2. respond to a request for supplemental information regarding employment status

or availability for work;

3. report to an employer to whom referred by the DLWD as long as the potential employment meets the suitability requirements —Unsuitable Employment; and
4. accept a bona fide offer of employment unless the employment is unsuitable (See Section G).

G. Unsuitable Employment

Any employment will be considered unsuitable if:

1. 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);or

   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.)

2. 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; or
3. the household member is required to join, resign from, or refrain from joining any legitimate labor organization; or
4. 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; or
5. the risk to health and safety is unreasonable; or
6. the household member is physically or mentally unfit to perform the employment. Document the medical evidence or reliable information from other sources; or
7. 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; or
8. the distance from the registrant's home to the place of employment is unreasonable, such as:
   a. daily commuting exceeds two hours per day, not including the transportation of a child to and from a child care facility;
   b. public and private transportation is unavailable and the distance to the place of employment is too far to walk; or
   c. the cost of transportation to the job site is excessive based on the expected wage. or
9. the working hours or nature of the employment interferes with the household 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
10. 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 SNAP Employment & Training Program.

H. Deregistration

The caseworker must be sure to deregister an individual when appropriate. The individuals should be deregistered when the person:

1. was registered but later the application was actually denied; or
2. has a work program sanction or fails to comply with a work program requirement; or
3. obtains a job working 30 hours a week or earnings equal to federal minimum wage times 30; or
4. leaves assistance; or
5. becomes exempt.

I. Employment & Training Components

Each work registrant will be reviewed. Mandatory work registrants and volunteers may be assigned or exempted from work components. The E & T Program has seven components that will be offered to participants in the funded counties. All counties will not have the same component because the number of participants will vary due to county size.

J. Failure to Comply with Work Components

1. Disqualify the individual for the appropriate period when the individual refuses or fails to comply, without good cause, with any of the following work requirements:
   a. registration for employment at application and every 12 months thereafter; or
   b. accepting an offer of employment; or
   c. providing one department with sufficient information to allow us to determine the employment status or the job availability of the individual; or
   d. voluntarily quits a job or reduces work effort to less than 30 hours per week. (See Chapter 12 for further explanation of Voluntary Quit).
2. When a person in a mandatory SNAP E&T county is exempt from the SNAP work requirement because of participation in a FF work component or unemployment compensation work requirement fails to comply with the FF work requirements, the caseworker must evaluate the individual for SNAP E&T. If the person is not otherwise exempt from the SNAP E&T requirement, then he/she is non-compliant and must be sanctioned.

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

   Note: The SNAP sanctions for E&T non-compliance only apply to mandatory E&T participants. (See Chapter 11)

K. Able-Bodied Adults Without Dependent

Adult SNAP household members without a dependent child must meet special eligibility requirements. The work requirements apply to able-bodied adults who:

Children (ABAWD)

1. Are at least age 18 but not yet 50 years of age.
2. Do not have children under 18 in the SNAP household.
3. Are not otherwise exempt from work registration.

L. ABAWD Exemptions

Able-bodied adults are exempt from the ABAWD work requirement in the following circumstances::

1. Under age 18 or age 50 or above (Code A)
   a. under age 18 (Note: The child does not have to be in school. The month the person turns 18 is not a countable month.); or
   b. age 50 or above (Note: The month the person turns 50 is not a countable month.).
2. Unfit for employment or work programs (Code D)

   unfit based upon the eligibility worker's observations (can be physically or mentally unfit). A doctor's statement is <u>not</u> required if observable and it does not have to be for a specific length of time or a client can be medically certified as physically or mentally unfit for employment by providing a statement from a qualified professional. This should be documented in the running record.
3. Dependent children under 18 in the SNAP household (Code P)

   All adults in the SNAP household are exempt from the ABAWD requirement if there is a child under 18 in SNAP household. The child does not have to be related to the adult being exempted. (The child must be in the same sequence. The adult can claim this exemption even if the child is not eligible for benefits.)
4. Pregnancy (Code Y)

   Pregnancy in any month temporarily exempts the person from this work requirement. This does not have to be verified for SNAP. Do not complete the AEIIM screen unless the details have been verified. AEIIT can still be coded with a Y without verification. Pregnancy needs to be documented in CLRC.
5. Individual working 80 hours per month (Code W)

   Individual working 80 hours per month (20 hours a week average monthly). This can be paid, volunteer, or in-kind.
6. Individual participating in a component through DLWD for 80 hours per month or Workfare (Code E)

   Individual participating in a component through DLWD for 80 hours per month. They must be working with DLWD in order to receive this exemption. A referral is not cause for an exemption (**would still be coded a C until participating).**
7. Individuals are also exempt from ABAWD if they are otherwise federally exempt from the SNAP work registration requirement:

a. person under 16 or over 59 (Code A)

b. person physically or mentally unfit for employment (Code D)

c. member subject to & complying with a Families First work requirement (Code O)

d. responsible for care of a dependent child under 6 (Code P) or

e. an incapacitated person (Code O)

f. applied for or receiving unemployment compensation (Code O)

g. regular participant in a drug addiction or alcoholic treatment program (Code O)

h. employed

1) working 30 hours per week (Code W) or

2) earning minimum wage times 30 hours (Code W)

i. student enrolled at least half-time in any recognized school, training program, or institution of higher education (Code O)

8. In cases where individual exemptions are not appropriate the following county exemptions may be used:

a. Labor Surplus Area (LSA) (Code L)

b. Greater than 10% Unemployment (Code G) (Not in use at this time)

M. ABAWD Eligibility

An able-bodied adult with no dependents, who does not meet an ABAWD exemption, may be eligible to receive three months of SNAP benefits in a 36 month period.

N. Maintaining Eligibility

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

1. Working 80 hours per month or more

   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 (new employment projected hours may be used from date of application): or

2. completing 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; or

3. 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; or

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

5. participating in a Workfare Program through DLWD (hours are based on

allotment).

O. Regaining Eligibility

1. When an individual becomes exempt from the ABAWD 20 hour work requirement (either by a county exemption or personal exemption) or complies with a requirement for 30 days an individual can regain eligibility. The person will remain eligible as long as an exemption exists or requirement is met.
2. An individual that became ABAWD ineligible, that is not otherwise exempt, shall regain eligibility to participate in SNAP if, as determined by the State agency, during any 30 consecutive days, he or she:
    a. worked 80 or more hours; or
    b. participated in and complied with the requirements of a work program for 80 or more hours; or
    c. any combination of work and participation in a work program for a total of 80 hours; or
    d. participated in and complied with a workfare program.

    Note: There is no limit on how many times an individual may regain eligibility and subsequently maintain eligibility by meeting the work requirement.
3. If the individual has used the original three months in the 36 month period, has regained eligibility and subsequently loses employment or stops working or participating in training or a work experience program, the individual is eligible 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.
4. After the individual has received the months of entitled eligibility and is not exempt or meeting the work requirements, he/she is ineligible for SNAP benefits. The able-bodied individual's resources are counted in their entirety to the remaining SNAP household members. The ineligible ABAWD's income is prorated among all SNAP household members and the ineligible ABAWD member's portion is not counted. The ABAWD individual is not counted in computing the utility standard.

P. 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.

Q. Good Cause Determination

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. 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.

R. Non-Compliant ABAWD

When an ABAWD does not follow through with an appointment or no longer wishes to volunteer in an E & T component as a participant:

1. If the individual has no countable months left and has no other exemptions, he/she is ineligible and must be removed.
2. If an individual is ABAWD only with countable months remaining, no E&T penalty would be applied, however the code would need to be updated to reflect current ABAWD status based on the current circumstances.

S. Closure

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

Forms

N/A

Collateral Documents

SNAP Work Requirement Flow Chart

ABAWD Flow Chart

ABAWD Handout

SNAP Work Codes

Timeframes for Filing an Appeal

ABAWD and E&T Exempt Counties Desk Guide

PUN 24.01-16.00 Expansion of Employment & Training Services in Tennessee

Retention of Records

Pending

Supersedes

SNAP Policy Manual, April 2015, Chapters 9 and 10
Bulletin No. 10, FA-10-04
PUN 24.12-15.01 SNAP ABAWD Implementation Process
Bulletin No. 39, FA-08-29

Glossary

Term	Definition

ABAWD	Able-Bodied Adults without Dependent Children
Non-Compliant ABAWD	ABAWD that does not follow through with an appointment or component.

CHAPTER 11: Failure to Comply with Work Requirements

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.

A. 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 Chapter 2 under "K. Excluded Household Members" and Chapter 22 under "Consideration of Income Belonging to Particular Individuals"). The person could refuse any of the listed work components:

- 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.

GUIDES: *SNAP Work Requirements*
Families First Sanctions That Cause A Penalty in SNAP

B. Non-Compliance with Work Requirements in Families First

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

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

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

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

GUIDES: *SNAP Work Requirements*
Families First Sanctions That Cause A Penalty in SNAP

C. Determining Good Cause

When a mandatory SNAP E&T registrant fails to comply with his/her work requirement, the caseworker must determine whether good cause exists. Within 10 days of establishing that good cause does not exist, a notice of adverse action should be sent informing the individual of the penalty for non-compliance. 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:

1. the individual's illness, or illness of another household member which requires the individual's presence;
2. household emergencies;
3. lack of transportation;
4. the household did not receive notification to appear for an interview, provide employment information, etc.; or
5. 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.

The notice of adverse action must contain the specific act of non-compliance the individual committed and the proposed period of disqualification. The individual must also be told that they can re-apply after the disqualification period is over. The notice must be sent even if the disqualification begins after the certification period has expired and the household has not been recertified.

GUIDES: *Bulletin No. 16, FA-09-11*
SNAP Work Requirements
Families First Sanctions That Cause A Penalty in SNAP

D. Disqualification

This should be handled as follows:

1. When an individual who does not have good cause fails to cooperate with the SNAP 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.
2. 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:
   a. First Violation - one month or until compliance, whichever is later.

b. Second Violation - three months or until compliance, whichever is later.
c. Third and Subsequent Violations - six months or until compliance whichever is later.

3. Before applying the appropriate penalty, review the circumstances to determine if good cause exists, using the criteria in Chapter 11 under "Determining Good Cause". If good cause exists the individual continues to be 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.

GUIDES: *SNAP Work Requirements*
Applying for SNAP sanction when Families First closes because of sanction for non-compliance with any FF work component

E. 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.

1. 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.
2. The disqualification will end, regardless of whether the minimum disqualification period has been served, when the individual meets one of the following exemptions found at: Chapter 9 under "Exemptions from Work Registration".

GUIDES: *SNAP Work Requirements*
Applying for SNAP sanction when Families First closes because of sanction for non-compliance with any FF work component

CHAPTER 12: Voluntary Quit

This chapter details the voluntary quit provision for SNAP.

A. Voluntary Quit 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 SNAP, 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.

B. The Voluntary Quit Provision Does Not Apply to an Individual When…

1. 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;

2. 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;

3. an involuntary reduction of work hours is imposed;

4. the individual terminates a self-employment enterprise;

5. the individual resigns from a job at the demand of the employer;

6. 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.

7. it is determined that the individual quit or reduced his/her hours with good cause; or

8. the individual is exempt from the work registration provisions at the time of the quit, which are listed in Chapter 9 under “Exemptions from Work Registration”

C. The Voluntary Quit Provision Applies When…

1. 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.

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

3. 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.

4. For participating households, the quit or reduction occurred while the individual was participating in the program.

D. Good Cause

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

1. The job is determined to be unsuitable, as described in Chapter 9 under “Unsuitable Employment”;

2. 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 of transportation;

3. Discrimination by an employer based on age, sex, race, color, handicap, religious beliefs, national origin, or political beliefs;

4. Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

5. 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;

6. 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;

7. Resignation by a person under age 60 which is recognized by the employer as retirement;

8. 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

9. 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 SNAP between jobs, 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.

E. Federal, State, or Local Government Employees

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.

F. Verification of Voluntary Quit/Reduction in Hours and Good Cause Determination

1. 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:

   a. the previous or current employer;
   b. employee associations;
   c. union representatives;
   d. grievance committees and organizations; and
   e. when documentary evidence cannot be obtained, the caseworker is responsible for obtaining verification from acceptable collateral contact provided by the household.

2. 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.

G. Implementing a Voluntary Quit/Reduction of Work Hours Disqualification

1. 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 SNAP, as follows:

   a. First Violation - one month;

b. Second Violation - three months;
c. 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.

2. 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 SNAP, effective the month following the expiration of the notice of adverse action.

a. First Violation - one month;
b. Second Violation - three months;
c. 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.

3. 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.

H. 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 FF 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 and who is not head of a household or is attending school or enrolled in an employment training program at least half-time.

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

CHAPTER 13: Financial Eligibility Requirements

This chapter describes resource and income factors that the case manager must consider when determining SNAP eligibility and benefit levels.

A. Consideration of Resources and Income

Prior to determining a household's financial eligibility, the non-financial criteria should be considered. If the household is ineligible based on non-financial criteria, the application may be denied for SNAP without a determination of financial eligibility for the program.

GUIDES: Family Assistance Standards
Family Assistance Treatment of Income

B. Categorically Eligible Households

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

- SSI recipients or authorized to receive SSI benefits, and/or
- FF 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.

Refer to Chapter 3 under "Defining Who is Categorically Eligible" for further information.

C. 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 Focused Solutions), and/or SSI. These households are considered mixed CE households.

SNAP 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.

CHAPTER 14: Resources

A. Resource Eligibility Standards

Regardless of household size eligibility exists if the equity value of non-exempt resources, both liquid and non-liquid assets, for the household does not exceed:

1. Households containing an elderly or disabled member

   The resource limit is $3,250 for all SNAP households, regardless of the household size, containing:

   - an elderly or
   - a disabled member.

2. All other households

   The resource limit is $2,250 for all other SNAP households.

GUIDES: *Bulletin No. 37, FA-11-26*
Family Assistance Standards
Required Verifications

B. Application of Resource Limits

The household must 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.

C. 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 if it is questionable.

GUIDES: *Required Verifications*

CHAPTER 15: 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:

A. Home and Lot

The home, its outbuildings, and surrounding property which is not separated from the home by intervening property owned by others are 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 is uninhabitable caused by casualty or natural disaster 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.

B. Household Good and Personal Effects

The value of household goods and personal effects are exempt.

C. Insurance Policies

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

D. Exempt Vehicles

See Chapter "Treatment of vehicles" regarding exempt vehicles.

E. Burial Policies, Burial Agreements, and Burial Plots

Burial policies, burial agreements, and burial plots 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.

GUIDE: *Bulletin No. 39, FA-08-29*

F. 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 traditionally 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]

GUIDE: *Bulletin No. 39, FA-08-29*

G. Income Producing Property

1. Definitions

   a. 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
   b. property such as farm land which is essential to the employment or the self-employment of a household member
   c. 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 some time 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.
   d. 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
   e. 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;

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

2. Determining If Property Is Income Producing

a. 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.

b. 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.

c. 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.

GUIDE: *Family Assistance Treatment of Income*

H. 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:

1. security deposits on rental property or utilities;
2. property in probate;
3. jointly owned resources determined to be inaccessible;
4. 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.)
5. a resource which is unlikely to produce any significant amount of funds for the support of the HH 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 HH's interest is relatively slight or because the costs of selling the HH's interest would be relatively great is also considered inaccessible.

Note: Significant return is any return, after estimating costs of sale or disposition, and taking into account the ownership interest of the household, that the State agency determines are more than $1,500. Significant amount of funds is an amount more than $1,500.

Exceptions: Financial instruments such as stocks, bonds and negotiable financial instruments. Resources that are inaccessible, such as those listed below, are excluded.

1. 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:

   a. 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
   b. 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
   c. the funds held in irrevocable trusts are either:

      - 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
      - established from non-household funds by a non-household member; and

   d. the trustee administering funds is either:

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

2.. 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.

3. 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.

I. Resources Excluded By Law

Mixed SNAP 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. SNAP 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 SNAP.

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

1. Relocation Assistance Payments

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

   a. payments to person displaced as a result of the acquisition of real property;
   b. 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
   c. replacement housing payments to displaced persons are eligible for a homeowner's payment.

2. 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.

3. Payments for Certain Indian Tribes Payments

   These payments are derived from certain sub marginal lands of the United States which are held in trust for certain Indian tribes.

4. Workforce Investment Act

   Payments received from the Workforce Investment Act (WIA).

5. Payments from Disposition of Funds of Ottawa Indians

   Payments made to the Grand River Band of Ottawa Indians under P.L. 94-540.

6. 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.

7. 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.

8. 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.

9. Payments of Relocation Assistance to Members of the Navajo and Hopi Tribes under P.L. 93-531.

10. Benefits from Food Program

Do not count the following benefits from the food programs:

a. WIC (special supplemental food program for Women, Infants, and Children);
b. value of SNAP;
c. value of school lunches or other school food programs.

11. 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 SNAP participant at the time of receipt and continues to participate (with breaks of a month or less).

12. Nazi Persecution Payments

Payments made to individuals because of their status as victims of Nazi persecution are to be excluded as a resource.

13. 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.

14. Filipino Veterans Equity Compensation Fund Payments

    Lump sum payments made to certain veterans and the spouses of veterans who served in the military of the Government of the Commonwealth of the Philippines during World War II is excluded as a resource.

15. Federal Tax Refunds

    The American Taxpayer Relief Act of 2012 excludes Federal tax refunds, received after December 31, 2012, for a period of 12 months from receipt.

16. Achieving a Better Life Experience (ABLE) accounts

Per section 103(a) of the Tax Increase Prevention Act of 2014 ABLE accounts should be an excluded resources for the purposes of determining SNAP eligibility.

GUIDES: *Bulletin No. 33 FA-09-19*
Bulletin No. 2 FA-13-01

J. Resources of Non-Household Members

Do not count the resources belonging to non-HH members except for the following:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

K. Agent Orange Settlement Payments

Payments are excluded as income and resources for SNAP. 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.

L. 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 SNAP.

M. 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 SNAP 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.

N. “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 in 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.

O. Earmarked Resources

1. 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.

2. 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.

P. 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.)

Q. 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.

R. Livestock and Poultry

Livestock and Poultry are exempt when consumed as home produce.

S. Handling of Excluded Funds

1. 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.

2. 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.)

3. 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, are counted as a resource.

T. 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 SNAP.

- 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.

GUIDE: *Bulletin 39 FA-08-29*

CHAPTER 16: 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.)

A. Countable Liquid Resources

1. Cash on hand
2. 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. Please refer to Chapter 15 under "Resources Excluded by Law".
3. Savings certificates
4. Stocks or bonds
5. Proceeds from sale of property received as a lump sum
6. Proceeds from estate settlement received as a lump sum
7. Pension plans not covered in Chapter 15 under "Pension Funds".

   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.

8. 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:

   a. Retroactive payments such as RSDI, VA, Unemployment benefits, and Workman's Compensation;
   b. Windfalls, cash gifts, prizes, and awards;
   c. Income tax refunds (if retained after 12 month exclusionary period);
   d. Tax rebates and credits;
   e. Refunds of security deposits on rental property or utilities;
   f. 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.)

9. gross 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 in the second month after receipt. Also, any amount of EITC

remaining after the 12 month exclusion must be considered for persons receiving SNAP benefits at the time of receipt.

GUIDES: *Bulletin 39, FA-08-29*
Bulletin 2, FA-13-01

B. Countable Non-Liquid Resources

Unless otherwise exempt, count the equity in all non-liquid resources as a resource. Examples are as follows:

1. non-exempt buildings;
2. non-exempt land;
3. recreational properties; and
4. 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.

CHAPTER 17: Documentation

This chapter describes how to document the case record when verification is required and actions a caseworker should take when a household receives a one-time lump sum payment.

A. Verification of a Resource

If verification was required because of questionable information, the caseworker must document what verifications were used to resolve the questions in CLRC.

GUIDES: *Verifying Resources*

B. Actions on Cases Receiving Lump Sum Payments

1. 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.

2. 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.

3. 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.

CHAPTER 18: Special Resource Situation

This chapter describes special resources situations including how to treat jointly owned and inaccessible resources.

A. 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.

1. 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 person if:

   a. the resources are jointly owned by such persons and by members of their former household; AND
   b. 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.

2. 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.

When determining the household's resource level, consider the resources of Excluded Household Members as defined in Chapter 2 under "Excluded Household Members".

GUIDE: *Bulletin 5, FA-13-02*

B. Victims Compensation Awards

1. Victims Compensation Awards paid on Behalf of Minors

   These payments will be treated as irrevocable trusts in SNAP PROVIDED:

   a. 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
   b. the funds are deposited in accordance with the agreement, and
   c. 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.

2. 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.

C. 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.

D. Treatment of Vehicles

All licensed and unlicensed vehicles used for family transportation are exempt as a resource in SNAP. The caseworker must continue to record all vehicles for the household for informational purposes in SNAP 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

CHAPTER 19: Transfer of Resources

This chapter describes the SNAP transfer of resource penalty.

A. 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 SNAP 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.

B. Transfers Not Resulting in Disqualification

Eligibility for SNAP will not be affected by transfers of resources:

1. 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;

2. which are sold or traded at or near fair market value;

3. which are transferred between members of the same household; and

4. which are transferred for reasons other than qualifying or attempting to qualify for SNAP benefits; for example, a parent placing funds in an inaccessible educational trust fund.

C. 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 $2250. All countable resources are $2600 ($1250 + $1350). Only $350 of that transfer would be considered. The one-person household would be disqualified for 3 months based upon the chart shown above.

D. 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 SNAP 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.

CHAPTER 20: Income

This section describes 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 SNAP 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.

GUIDES: *Changes*
Required Verifications
Income Calculator

A. Income Eligibility Standards

The gross and net income eligibility standards are used in determining the eligibility of households applying for SNAP. 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.

GUIDES: *Changes*
Required Verifications
Income Calculator

B. Definition of Income

Household income shall mean all monies from whatever source, earned or unearned, except listed in Chapter 21 under "Payments/Benefits Excluded in Eligibility Determination".

C. 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:

1. Wages, salaries, commissions

2. Profit from self-employment enterprises such as the following:
   a. Farming
   b. small business enterprises
   c. roomer/boarders
   d. 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.

   e. total gains of any capital goods or equipment related to the business, excluding the costs of doing business.

3. 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.)

4. College Work Study Program

   Income from college work study employment is excluded in its entirety.

5. 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.)

6. 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.

GUIDE: *Earned Income Tips*
Family Assistance Standards

D. 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.

GUIDE: *Family Assistance Standards*
Unearned Income Types

E. Unemployment Compensation and Workmen's Compensation

Count unemployment and workmen's compensation as unearned income.

GUIDE: *Unearned Income Types*

F. Strike Benefits

Count strike benefits as unearned income.

Note: Strikers are eligible to participate in the program if they meet all eligibility requirements prior to the strike. For specific information regarding strikers, refer to Chapter 45, "Strikers".

GUIDE: *Unearned Income Types*

G. Vacation, Sick, Longevity and Bonus Pay as Unearned Income

Vacation, sick, longevity, and bonus payments received in installments by an individual who has been laid off or whose employment has terminated is considered unearned income.

Vacation, sick, longevity, and bonus payments received as lump sum, rather than in installments, are considered resources, when employment has been terminated. (Refer to the Resource Section.)

GUIDE: *Unearned Income Types*

H. 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.

GUIDE: *Unearned Income Types*

I. 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.

GUIDE: *Unearned Income Types*

J. Assistance Payments

Consider general assistance payments, pensions or other countable needs based assistance payments, unless excluded, as unearned income. (Consider FF and SSI payments as unearned income.)

When a Federal, state or local needs-based payment (such as SSI or FF) is reduced because of a household member's failure to comply with the requirements of that program while the household was receiving SNAP, the household may not receive an increase in SNAP benefits 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 SNAP allotment of the household shall be reduced by 10% so long as the needs-based program's reduction is in effect. If the penalty in FF is due to a work requirement and SNAP has the same component and the individual is mandatory, then the appropriate penalty would be applied and not the 10% penalty (Refer to Chapter 11 "Failure to Comply with Work Components" for more information on this.)

2. If the needs-based payment case is closed due to the recipient's failure to comply, the SNAP 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 SNAP allotment at one time.

GUIDE: *Unearned Income Types*

K. 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 SNAP. 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.

GUIDE: *Unearned Income Types*

L. Support and Alimony

Count 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.

GUIDE: *Unearned Income Types*

M. Contributions

Count any regular cash contribution made to the household as unearned income.
Note: Exclude as income charitable contributions received from private non-profit organizations (up to $300 per quarter). A quarter is defined as a Federal Fiscal quarter (i.e., January-March, April-June, etc.).

GUIDE: *Unearned Income Types*

N. Monies Received From Trust Funds

In some instances, money received from trust funds is excluded as a resource. (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.

GUIDE: *Unearned Income Types*

O. 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); First Violation of a Finding by a Federal, State or local Court of Trading of Coupons for a Controlled Substance disqualified for 24 months (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.

GUIDE: *Unearned Income Types*

P. Foster Care Payments and/or Guardianship Payments

A SNAP 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.

GUIDE: *Unearned Income Types*

Q. Severance Pay

Severance pay is considered unearned income when received subsequent to termination of employment.

GUIDE: *Unearned Income Types*

CHAPTER 21: 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 FF or SNAP benefits. This chapter lists some exclusions.

A. Relocation Assistance Payments

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

B. Funds Held in Trust for Members of Indian Tribes

Exclude 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.

C. Payments Received Under the Alaska Native Claims Settlement Act

Exclude 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).

D. Receipts distributed to members of certain Indian tribes

Exclude receipts distributed to members of certain Indian tribes referred to in Section 6, P.L. 94-114.

E. Benefits Received From Programs under the Older Americans Act of 1965

Exclude benefits received from Programs under the Older Americans Act of 1965; including:

1. Payments from the Senior Community Service Employment Programs (Title V)
2. Payments from the Nutrition Programs for the Elderly (Title VII).

F. The Value of Supplemental Food Assistance Received Under the Child Nutrition Act of 1966

Exclude 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.

GUIDE: *Unearned Income Types*

G. Payments for Support Services and Reimbursements of Out-of-Pocket Expenses

Exclude payments for support services and reimbursements of out-of-pocket expenses 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.

GUIDE: *Unearned Income Types*

H. Payments under the Domestic Volunteer Service Act of 1973

1. 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:

   a. the individuals were receiving SNAP or FF at the time they joined the Title I program; or
   b. 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.

2. Payments to volunteers under Title II of the Domestic Volunteer Service Act of 1973 (P.L. 93-113, as amended) are excluded.

I. Workforce Investment Act (WIA) Income

1. 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.

2. Other WIA Programs

   All income (earned or unearned) from other WIA programs is excluded.

J. 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.

K. Nazi Persecution Payments

Payments made to individuals because of their status as victims of Nazi persecution are to be excluded as income.

L. 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.

M. 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:

1. Department of Health and Human Services' Low Income Energy Assistance Program;
2. Community Services Administration's Energy Crisis Assistance and Crisis Intervention Programs;
3. HUD; or
4. Farmers Home Administration.

GUIDE: *Utility Allowance Chart*

Payments made through state or local funding are not excluded. Refer to Chapter 20, Assistance Payments to determine shelter costs for households receiving energy assistance payments.

N. 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.

O. Earned Income Tax Credit (EITC)

Earned Income Tax Credits are excluded as income.

P. 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.

Q. Earnings of Children

Do not count the earned income of a household member under age 18 when:

1. that person is a student at least half-time in elementary, high school or classes to obtain a General Equivalency Diploma (GED); and
2. lives with a natural or adoptive parent or stepparent, or
3. 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.

R. Cost of Producing Self-Employment Income

Do not count the allowable costs of producing self-employment income. These include but are not limited to those listed in Chapter 26 under "Treatment of Income from Self-Employment":

1. identifiable costs of labor (salaries, employer's share of SS, insurance, etc.);
2. stock, raw materials, seed and fertilizer feed for livestock;
3. rent and costs of building maintenance; and
4. business telephone costs

S. 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.

T. 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.
To be considered excludable income from a loan:

1. There must be a document signed by both parties with an agreement to repay; and
2 The obligation to repay the amount is unconditional.

Also:

3. The lending party can be an individual or an institution;
4. The document does not need to be notarized; and
5. The worker does not need to verify if actually being paid.

Note: If there is not a signed document or the repayment agreement is based upon a condition (such as gaining employment), the payment would not be considered as a loan but would instead be counted as income.

GUIDE: *Bulletin No. 07 FA-13-04*

U. Income of Non-Household Members

1. 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.

2. 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

V. 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.

W. 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.
This would include Social Security and SSI. If the repayment is to pay for an overpayment in that particular program, the net income would be counted.

Exceptions:

1. monies withheld from assistance payments (Families First) to repay an overpayment caused by intentionally failing to comply with the other Program's requirements;
2. monies withheld for bankruptcy;
3. monies withheld for wage earner plan purposes; or
4. monies withheld either voluntarily or involuntarily, for any purposes, except to repay a prior overpayment.

Example: Social Security and/or SSI repayment benefits that are due to an overpayment in another program (such as school loan or tax debt) would be counted as income.

GUIDE: *Bulletin No. 20, FA-12-12*

X. Reimbursements

1. 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:

a. Reimbursements received to pay for services provided by Title XX of the Social Security Act.
b. Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.
c. 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.
d. 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.
e. 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 needs-based payments to developmentally disabled people who are making the transition from institutionalization to community-based living arrangements.

2. 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.

Y. Support Payments

Exclude support payments received by a household but transferred to the IV-D agency.

Z. 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. 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.

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.

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.

AA. 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.

BB. AmeriCorps

1. 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.

2. AmeriCorps VISTA

   All VISTA income is authorized under Domestic Volunteer Services Act. This would be treated like other VISTA income.

   a. Payments through VISTA will be excluded for those individuals receiving FF or SNAP at the time he/she joined the program. Temporary interruptions in SNAP shall not alter the exclusion once the initial determination has been made.
   b. New applicants who were not receiving FF or SNAP at the time he/she joined VISTA shall have these payments included as earned income which would be subject to the earned income deduction.

3. Other AmeriCorps Programs

All income (earned or unearned) from other AmeriCorps Programs is excluded.

CC. 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.

1 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).

2. 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.

DD. SSI Lump Sum Installment Payments

Payments of large retroactive SSI benefit amounts are now required to be paid in installment 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.

EE. 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.

1. 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.

2. Other Programs

   All income (earned or unearned) from the other YouthBuild Programs is excluded.

FF. 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 other in-kind benefits.

GG. 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).

1. Payments through VISTA will be excluded for those individuals receiving FF or SNAP at the time he/she joined the program. Temporary interruptions in SNAP shall not alter the exclusion once the initial determination has been made.

2. New applicants who were not receiving Families First or SNAP at the time he/she joined VISTA shall have these payments included as earned income which would be subject to the earned income deduction.

HH. Disaster Income

1. 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.

2. 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.

II. 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 SNAP 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 SNAP purposes.

Processing:

The caseworker must determine if any of the service person's income made available to the household is a result of being deployed to a combat zone.

1. Establish the amount of the military person's pay that was actually available to the household prior to deployment to a designated combat zone.
    a. If the military person was a part of the SNAP household prior to the deployment, the amount would be his/her pay prior to the combat supplement.
    b. If the military person was not a part of the SNAP household prior to the deployment, the amount would be what the person made available to the family before deployment to the combat zone.
2. Determine the amount of pay that the absent member deployed to a designated combat zone is making available to the household.
3. Compare the amount of income available to the household prior to deployment with the amount available to them after deployment to the combat zone.
    a. 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.
    b. 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 SNAP.

JJ. Filipino Veteran's Equity Compensation Payments

Lump sum payments made to certain veterans and the spouses of veterans who served in the Military of the Government of the Commonwealth of the Philippines during World War II is excluded as a resource.

GUIDE: *Bulletin No. 33, FA-09-19*

KK. 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 SNAP.

LL. Achieving a Better Life Experience (ABLE) accounts

Per section 103(a) of the Tax Increase Prevention Act of 2014 ABLE accounts should be an excluded income for the purposes of determining SNAP eligibility.

CHAPTER 22: Treatment of Income

A. 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 Chapter 22 Treatment of Income through Chapter 28 Treatment of Income- Standard. Currently available income as defined (except that specifically excluded, disregarded, or deducted), is considered in the determination of eligibility and level of benefit in SNAP.

B. Projecting Income

In SNAP 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 SNAP 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 SNAP.

In fluctuating income cases the caseworker must determine what is representative income for the prospective period based on earnings from the prior period. Pay patterns must be established. Ideally 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. This could take more than a two month period depending on the individual's pay patterns. However due to changes in income, date started, or other reasons, the worker might be unable to obtain the suggested number of pay periods. The worker might have to use less depending on available information. Checks may be disregarded if they are not representative for the future period. The justification for this procedure and the number of checks used must be fully documented on CLRC screen. The worker must offer to help in obtaining additional information if necessary.

GUIDE: *Bulletin 40, FA-11-28*
Earned Income Tips

1. 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 SNAP 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 SNAP and Families First. There is no income from earnings or other sources. In determining SNAP 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 SNAP and FF are approved after cut-off, the FF grant will have to be entered on AEFMI for SNAP only for the next month, with a beginning and ending date, so that it will be counted in the SNAP 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.

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

2. 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.

a. 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.

b. 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.

c. Income must not be averaged 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.

C. 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 and benefit amounts on active cases.

1. 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.

2. Weekly Income

   Multiply weekly income by 4.3 to determine monthly income.

3. Bi-Weekly Income

   Multiply amount received each two weeks by 2.15 to determine monthly income.

4. Semi-Monthly Income

   Add the two amounts received to determine monthly income.

5. 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.

6. Annual Income

   Divide annual income by 12 to determine monthly income.

   a. 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 SNAP budget for December through August.

b. 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 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.

GUIDE: Income Calculator

D. Rounding Truncating Procedures

Cents for all types of income will be truncated in the budget calculations for SNAP.

Cents for all types of expenses will be included in the budget calculations and then dropped in the final budget step for SNAP.

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 $1771.63 divided by 8 = $221.45
$221.45 x 4.3 = $952.23

The amount entered on AEIEI or AEISE would be 952.23. The cent amount should always be entered into the ACCENT System.

E. Income at Application

1. Income in Application Month

Base the eligibility and benefit level for the HH 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 SNAP benefits, the caseworker will need to consider the child support pass through payments already received by the household and any anticipated payments the household is reasonably certain will be received during the certification period to determine the anticipated monthly amount. Use these amounts to project the monthly amount of child support pass through income to be counted.

GUIDE: *Family Assistance Standards*
Bulletin No. 4, FA-10-02

2. 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/SNAP 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 SNAP 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.

F. Anticipated Changes and Benefit Amount

1. As a result of anticipating changes, the household's SNAP 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.

   For initial certification and ongoing Families First cases, child support pass through payments will be budgeted prospectively. If the household is receiving child support, caseworkers must determine if the household is eligible for child support pass-through payments based upon the household's unmet need in the Families First budget. The unmet need is determined by subtracting the household's Net Countable Income and the Families First grant amount from the Consolidated Need Standard.

   If the household's unmet need is greater than zero, the household is eligible for child support pass-through payments. The amount of the child support pass-through payment is the anticipated monthly amount of child support up to the unmet need amount.

GUIDE: *Change Report Form*
Changes in Income
Steps for Doing a Change
Memo FS-15-01 Simplified Reporting And Acting On All Changes

2. When changes in income are reported, great care must be taken to coordinate the action taken in SNAP 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 SNAP allotment.

G. Income at Recertification

SNAP 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.

GUIDE: *Family Assistance Standards*

H. 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:

1. Individuals Whose Income IS to be Considered

a. 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.

b. Excluded Household Members

(Refer to Chapter 2 under "Identifying Excluded Individuals")

(1) 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.

(2) 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); First Violation of a Finding by a Federal, State or local Court of Trading of Coupons for a Controlled Substance disqualified for 24 months (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 its entirety to the remaining SNAP household members.

2. Individuals whose income is not to be considered for SNAP

a. Ineligible Students

The income of individuals who are not eligible because of student eligibility criteria.

b. 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. (Refer to Chapter 6 under "K. Eligibility of Sponsored Aliens".

c. Children Under Age 18 Who are at Least Half-Time Students

The earned income of children under age 18 when the person:

(1) is a student at least half-time in elementary school, high school, or classes to obtain a General Equivalency Diploma (GED); and
(2) lives with a natural or adoptive parent or stepparent, or
(3) is under the control of a household member other than a parent.

d. 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.

e. Foster Child or Foster Adult

The SNAP 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 SNAP household.

CHAPTER 23: Deductions from Income

This chapter describes the procedure for calculating net income.

A. Limitations on Deductions

Deductible expenses include only those costs described in this section.

B. Types of Expenses Not 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 Chapter 23 under "Fluctuating Expenses" and "Anticipating Expenses", 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 than 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
2. Standard Deduction
3. Excess Medical Deduction
4. Dependent Care
5. Shelter Costs
6. Child Support Payments Deduction
7. Deduction for a Representative Payee

G. 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 over issuance determination. Once the earnings are discovered and counted in the ongoing SNAP budget, the household is entitled to the 20% deduction.

GUIDE: *Family Assistance Standards*

H. Standard Deduction

Apply the appropriate standard deduction to each household regardless of its income.

GUIDE: *Family Assistance Standards*

I. Excess Medical Deduction

Refer to the Medical Deduction Supplement for information on medical expenses.

GUIDE: *SNAP Medical Deductions*
SNAP Medical Deductions Helpful Reminders

J. 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.

K. Shelter Costs

1 . Monthly shelter costs are 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. 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.

a. Continuing charges for the shelter occupied by the household, including rent, mortgage, condominium fees, homeowners association dues 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 is true regardless of what the loan is actually for. Payments made on unsecured or personal loans are not considered shelter costs.

b. Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

c. 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.

d. 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.

e. 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.

2. Payments NOT Included in Shelter Costs Are:

- fees charged for one-time deposits on utilities;
- separate costs for insuring furniture or personal belongings;
- repairs or replacement of any appliance, well, septic tank, or any portion of the home due to wear and tear or mechanical problems;
- any costs related to housing not actually occupied by the household, except as specified in above;
- down payments, closing costs, discount points, and other costs incidental to purchase and the closing of a mortgage;
- costs of drilling a well or installing a septic tank; or
- site preparation to locate a mobile home.

3. Homeless Households Shelter Standard

Homeless households that incur or expect to incur shelter costs during the month shall be eligible for a homeless household 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 homeless household 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.

4. 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. This is including residents of rental housing who are billed on a monthly basis by their landlords for actual usage as determined through individual metering or who are charged a flat rate separately from their rent.

5. 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 any other utility allowance.

6. 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, unless eligible for it based on LIHEAP policy. 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. (The household may use the BUA if eligible.)

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.

7. 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 choice. It does not 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).

8. When the Standard Utility Allowance can be used

The standard utility allowance (SUA) may be used:

a. 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 directly incur a heating or cooling expense on a regular basis separate and apart from their rent or mortgage are entitled to the standard utility allowance.

Exceptions:
A household billed less often than monthly for its heating/cooling costs, if otherwise eligible to use the standard allowance between billing months.

A household that has received LIHEAP payments of greater than $20 in the current or preceding 12 months at their current residence is entitled to the standard utility allowance even if they do not incur regular heating or cooling costs separate from rent.

b. 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.

c. 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 SNAP household shares a residence and common utility costs (including heating and cooling) with a two-person SNAP 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.

d. When the Standard Allowance for Utilities is not to be used:

(1) the household has no utility expense such as when all utilities are furnished as in-kind benefit;
(2) the household wishes to claim expenses for an unoccupied home;
(3) 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;

(4) 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.

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.

e. 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 Chapter 15 under "Resources Excluded by Law" and Chapter 21 under "A. Relocation Assistance Payments".

- Low Income Home Energy Assistance Act (LIHEAP)

  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 LIHEAP payment.

- 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.

- State and Local Energy Assistance and Other Vendor Payments

  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.

Consider energy assistance payments (other than LIHEAP payments) as vendor payments when they are made directly to the utility company (including checks made jointly to the household and the utility company).

To determine a household's eligibility for the SUA when vendor payments are made to the utility company, follow the procedures outlined below.

(1) 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.
(2) 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.
(3) 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.
(4) 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).
(5) 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.
(6) 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 SNAP 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.

9. Basic Utility Allowance

The basic utility allowance (BUA) is an option for a SNAP household that incurs a utility expense including electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. The BUA must include expenses for at least two utilities.

NOTE: 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. They are eligible for the BUA.

L. Child Support Payment Deduction

Court ordered child support payments paid by a SNAP household member to or for an individual living outside the household are allowed as a deduction.

M. 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 SNAP. 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 received on behalf of the recipient, is not counted as income to the household for SNAP purposes.

N. 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.

CHAPTER 24: Treatment of Earned and Unearned Income

This chapter defines how to treat earned and unearned income when determining SNAP eligibility.

A. 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 SNAP, the standard deductions and dependent care, child support, shelter, and medical deductions are to be applied to 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 SNAP, the standard deductions and dependent care, child support, shelter, and medical deductions are to be applied to unearned income as appropriate.

Refer to Chapters below:

Chapter 23 - Standard Deduction
Chapter 25 - Medical Deduction
Chapter 23 - Dependent Care
Chapter 23 - Shelter Costs
Chapter 23 - Child Support

Unearned income is considered available to meet food needs as described in previous sections.

B. 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 SNAP 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.

C. 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 Chapter 23 for appropriate deductions:

Earned Income Deduction
Standard Deduction
Excess Medical Deduction
Dependent Care
Shelter Costs
Child Support Payment Deduction
Deduction for a Representative Payee

CHAPTER 25: What is a Medical Deduction?

Medical Deduction Supplement

A. Definitions

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 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;
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.

GUIDE: *SNAP Medical Deductions Helpful Reminders*

A medical deduction is the non-reimbursable portion of an allowable medical cost that exceeds $35 per month.

Disability

An individual is considered disabled if he/she meets any of the following criteria (also see Definition Section for Disability):

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. 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;
5. 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);
6. receives interim or presumptive assistance payments pending receipt of SSI;
7. receives medical assistance based on disability under Title XIX (Medicaid);
8. 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;
9. 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;
10. is a disabled surviving child of a veteran and is considered by VA standards to be permanently incapable of self-support;
11. 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.

Entitled (in relation to disability)

"Entitled" refers to a surviving spouse and/or 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.

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:

1. the cost of "health and accident" policies that are payable in a lump sum settlement for death or dismemberment;
2. the cost of income maintenance policies that continue mortgage or loan payments while the beneficiary is disabled; or
3. 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.

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.

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 exceeds $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.

GUIDE: *SNAP Medical Deductions Helpful Reminder*

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 SNAP 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, re-determine 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 SNAP 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, or health or hospitalization insurance.

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 reimbursement 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 client'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.

How to Consider Monthly Payments

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). $100 is keyed on AEFME. ACCENT will deduct the $35.

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.

F. 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 SNAP 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 SNAP 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, they 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 SNAP 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).

G. 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.

H. Changes

1. Applications

A change may occur during the application processing period which affects an individual's eligibility for a medical deduction. Consider these changes in determining the household's SNAP 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.

2. 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.

3. 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.

4. 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.

5. Expenses of a Non-Household Member

Sometimes the SNAP 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;
- outpatient 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.

6. 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.

a. 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 plan.

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.

b. 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.

CHAPTER 26: Treatment of Income – Budgeting

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 in this section.

A. Net Monthly Income

To determine a household's net monthly income, use the following method and sequence.

1. Add the gross monthly income earned income by all household members minus earned income exclusions, to determine the household's total gross earned income.
2. Subtract 20% from the total gross earnings to determine the net monthly earned income.
3. Add the total monthly unearned income of all household members, minus income exclusions to net monthly earned income.
4. Subtract the standard deduction.
5. 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.
6. Subtract monthly dependent care expenses, if any, up to the maximum amount allowed.
7. Subtract the monthly child support deduction, if any
8. 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.
9. 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.
10. Compare the net monthly income to the appropriate household size to determine eligibility for the month in accordance with SNAP Net Income Standards.
11. 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.

GUIDE: *SNAP Monthly Budget Sheet*

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:	210.00
Total unearned income:	+ 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 earned income:	300.00
Minus 134 standard:	- 134.00
	166.00
Excess medical expense (75-35)	- 40.00
Adj. Income:	126.00

Total Shelter Costs:	235.00
Minus 50% of Adj. Income	- 63.00
Excess Shelter:	172.00

Adj. Income:	126.00
Excess Shelter:	- 172.00

Adj. Net Monthly Inc.:	0.00

Refer to the Basis of Issuance Chart for 2 people

B. Prorating Initial Month's Benefit

1. General Information

a. "Initial month" means the first month for which the household is certified for SNAP following any period during which the household was not certified.
b. All households' initial month's benefits are subject to proration and such benefits are based on the households' application date.
c. Using the calendar month, households' initial month's benefits are prorated from the application date to the end of the month.
d. When initial month's benefits (before or after proration) are less than $10.00, the household will receive no benefits for that month.

2. Procedures for Determining Initial Month's Benefits

a. Establish whether the household meets the net income eligibility standard.
b. Based on the household's net income and household size, use the Basis of Issuance chart to determine the unprorated allotment.
c. Calculate the prorated amount by using the following formula in sequences of the steps listed below.

Formula:

$$\frac{\text{Full mo.'s benfs. x (no. of days in mo. + 1 - appl. date)}}{\text{No. of days in the month}} = \text{Allotment}$$

d. **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 / 30 = $140

Mr. Smith's prorated allotment for April is $140.

e. When prorated benefits for the initial month are less than $10.00, the household will receive no benefits for that month.
f. The proration calculator at http://prorate.dhs.tn.gov/ may be used to calculate the initial month's benefits when the caseworker has to do this manually.

3. Initial month benefits for households certified using expedited service standards are subject to proration.
4. 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.
5. 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.

C. 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.

D. Determining Self-Employment Income

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 SNAP for less than a year, until the business has been in operation long enough to establish a pattern of average income.

E. Special Income Consideration

1. 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.

2. 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.

3. Internal Revenue Service Publications

   IRS Publications 17, 334 and 533 provide detail on taxing self-employment income. They are available from IRS information offices.

F. Cost of Producing Self-Employment Income

1. 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.

2. Expenses

   a. Allowable costs of producing self-employment income include, but are not limited to:

      (1) Identifiable costs of labor (salaries, employer's share of SS, insurance, etc.);
      (2) Stock, raw materials, seed and fertilizer, feed for livestock;
      (3) Rent and cost of building maintenance;
      (4) Business telephone costs;
      (5) Costs of operating a motor vehicle when required in connection with the operation of the business;
      (6) Interest paid to purchase income producing property;
      (7) Insurance premiums and taxes paid on income producing property;
      (8) Costs of feed for work stock; or
      (9) Costs of meals and equipment for children for whom day care is provided in the applicant/recipient's home.

   b. Unallowable Deductions

The following items are not considered as a cost of producing self-employment income:

(1) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery, and other durable goods;
(2) Net losses from previous periods;
(3) 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 with the 20% earned income deduction in SNAP;
(4) Costs of producing home produce intended for family consumption;
(5) Family living expenses; or
(6) Depreciation.

G. 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 exceeded 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 SNAP 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 SNAP 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 the excess costs: $1,200.00 divided 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 be $0 Gross Earnings and $0 Earned Income Deduction

H. 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:

1. Subtract the anticipated costs of doing business for the next 12 months from the gross anticipated farm income for the same period;
2. Divide the result by 12. This amount is the monthly excess costs (loss) to be excluded from the household's other monthly income; and
3. 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.

I. Households with Boarders

1. 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.

2. Determining Income for Household

   a. 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.

   b. 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:

      (1) the cost of the Thrifty Food Plan for a household size that is equal to the number of boarders; or
      (2) 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.

   c. Deductible Expense

      The net income from self-employment is added to other earned income and the earned income deduction is applied to the total.

   d. 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 SNAP household in his/her own right. However, the boarder can be a household member at the request of the household providing the boarder service.

CHAPTER 27: Treatment of Income- Income of Resident Farm Laborers, Migrant Households, School Employees and Other Contractual Employees

A. Resident Farm Laborers

1. 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.

2. 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.

3. 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 SNAP certification period should reflect actual income or a variable basis of issuance should be assigned.

B. Migrant Farm Laborers

1. Expedited Service

   Migrant farm laborers usually have little or no income when entering an area and may qualify for expedited services

.

2. 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 SNAP.

3. 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 Administrative Policies and Procedures: 24.00.

4. 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.

C. School Employees

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. Exception

   Policy as stated in Section Determination of Eligibility, Basis of Issuance, and Certification Periods above, does not apply to recipients of emergency SNAP assistance issued under an FNS declared disaster. In case of emergency SNAP assistance, special rules apply which are dictated at the time of the emergency.

CHAPTER 28: Treatment of Income – Standards

This section discusses the standard of need and income in the SNAP Program.

A. SNAP Gross Monthly Income Standard

The gross monthly income standard is used only as an eligibility limiting factor; it is not used to determine the actual amount of the allotment. This standard does not apply to households which contain an elderly or disabled member.

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 SNAP.
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 income as instructed below – Net Monthly Income Standard.

B. Net Monthly Income Standard

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 SNAP 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 SNAP.
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 SNAP allotment.

C. Basis of Coupon Issuance – Value of Thrifty Food Plan

The Thrifty Food Plan shows the maximum SNAP allotment that can be authorized for a household of
any given size, and is used to determine the actual amount of the SNAP allotment for which the household qualifies.

D. SNAP Deductions

SNAP deductions include:

1. Standard deduction

2. Dependent care deduction
3. Shelter deduction

E. SNAP Utility Allowance

The standard utility allowance is used for households that incur a major heating or cooling expense.

The Basic utility allowance 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 BUA must include expenses for at least 2 utilities. The household would not be eligible for the BUA if a telephone was the only utility expense.

F. SNAP Standard Telephone Allowance

The Standard Telephone Allowance Table is used for households not eligible to claim the regular utility standard, but wish to claim telephone expenses.

G. Homeless Household Shelter Standard

The Homeless Shelter Standard table provides an estimate is to be used for homeless households which incur or expect to incur shelter costs during the month. The Homeless Shelter Standard is $143 for all HH sizes.

H. Information for Computing SNAP Allotments

To determine a household's SNAP allotment using the Basis of 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
HH Size	Column A	Column B	Column C
1	1,605	1,265	973
2	2,163	1,705	1,311
3	2,722	2,144	1,650
4	3,280	2,584	1,988
5	3,838	3,024	2,326
6	4,396	3,464	2,665
7	4,955	3,904	3,003
8	5,513	4,344	3,341
Each Add.	+ 559	+440	+339

*Maximum Gross and Net Monthly Income figures are used to determine eligibility, only.

GUIDES: *Basis of Issuance Chart 1*
Basis of Issuance Chart 2
Memo FS-13-06

CHAPTER 29: Expedited Households

This section discusses the special application processing procedures and treatment of income for certain types of households.

A. Households Eligible for Expedited Service

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 Chapter 30, Definitions of Destitute Migrant or Seasonal Farmworker Households, 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 SNAP rules.

B. Prescreening

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 SNAP 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 Chapter 35 under "Filing an Application".

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, if an application is filed, 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 Chapter 28 under Destitute Migrant & Seasonal Farmworker Households.) 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.

If the household has filed an application in person, determine if they are able to stay for an interview.

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.

4. Complete Application Forms

If the application received by mail, online, fax or other electronic transmission 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, contact the household by telephone and interview them 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.

C. Monitoring

1. The front-line supervisor is responsible for designating an employee to perform the initial pre-screening task and must ensure that pre-screening is applied to every SNAP inquiry.

2. The first-line supervisor will ensure that all households filing an application and qualifying for expedited service are processed within the timeliness standards outlined in Processing Standards below. When the application is received, it must be date stamped and procedures established to ensure 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.

D. 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 (7th) calendar day

following the application date. Expedited service timeliness standards do not begin until the household files an application.

Note: If they do not have an EBT card then the application would need to be completed on or before the 4th calendar day to ensure that the card and benefits would be received by the 7th calendar day.

E. Late Determinations

When the pre-screener (Refer to Chapter 29 Prescreening) 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.

F. Determining Income for Expedited Service Household

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.

2. Destitute Migrant and Seasonal Farmworker Households

   a. Determine eligibility and calculate benefit levels for households meeting the terminated income source criteria shown in Chapter 30 under "Terminated Income Source", 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 income source criteria in Chapter 30 under "New Source".
   c. For households meeting both source criteria, in Chapter 30 under "Both Sources", 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 employers 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.

3. 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 of the 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.

G. Expedited Procedures for Households Applying through the 15th of the Month

1. Expedited SNAP applications, with all required verifications for ongoing eligibility 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.

2. Expedited SNAP applications without verifications required for ongoing eligibility, 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.

   a. 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.
   b. When the verification is provided after cut-off, the second month's issuance occurs in the first daily batch after the verification is entered.

H. Expedited Procedures for Households Applying After the 15th of the Month

Expedited SNAP applications determined eligible, with or without all the verifications required for ongoing benefits 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.

1. 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.

2. For applicants that are interviewed and 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.

3. For applicants that fail to be interviewed or provide all the required verifications within the initial or following month, the system will automatically close the assistance group.

4. For applicants that have an outstanding SNAP claim and recoupment is appropriate, recoupment will begin the first full month's benefits of the month-and-a-half issuance. (Refer to Chapter 29 under Optional Certification Periods) for special postponed verification procedures.)

5. When receipt of the verification is postponed from sources within the state for migrant households follow procedures in (3) above.

6. When the verification is postponed from out-of-state sources for migrant households:

   a. issue their prorated initial month's benefits within the expedited timeframe;
   b. issue their second month's benefits on the actual first working day of the second calendar month; and
   c. issue their third month's benefits within five working days from the receipt of the postponed out-of-state verification, or on the first actual working day of the third month, whichever is later.

I. When Expedited Procedures Apply

Expedited procedures apply at initial application only for the first month of the certification period. Households that reapply for SNAP during the last month of their certification period for the following month are not entitled to expedited services at reapplication.

J. 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 who completed the application. Examples of acceptable documentary evidence which the household may provide include, but are not limited to:

   a. a driver's license
   b. work or school ID
   c. voter registration card; or
   d. birth certificate

The worker must verify factors other than identity provided that verification can be accomplished within expedited processing.

Note: If we interview someone other than the person who completed the application, their statement of name, date of birth and social security number can be compared with current or previous ACCENT records, but we need to confirm who are talking to and document that we have done so.

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 Chapter 29 under Processing Standards solely because income or residency has not been verified.

4. Resources

Households entitled to expedited service must meet the resource criteria in Chapter 14 under Resource Eligibility Standards, although verification of resources may be postponed as discussed below under Postponed Verification.

5. Work Registration

Work registration requirements must be satisfied for those persons required to register for work (Chapter 9 Work Registration) prior to certification under the expedited service criteria.

6. Postponed Verification

Other than the factors discussed in Chapter 29 under J. Verification for Expedited Service" and "Income and Residency" (see #3 above), 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.

K. Certification Periods

1. Normal Certification Periods

   Assign normal certification periods to households that have been interviewed, are certified on an expedited basis and have provided all necessary verification required in Chapter 38 Verification Procedures, 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 after all postponed verification is provided.

   b. When receipt of verification is postponed, provide the household with a notice indicating the following:

      (1) Benefits have been approved, however, verification must be provided or no further benefits will be issued;
      (2) If verification is postponed, what verification is needed and that no further benefits will be issued until the postponed verification is provided;

(3) 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

(4) 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.

(5) 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:

- they must provide postponed verification from sources within the state before a second month's benefits are issued;
- they must provide all verification from out-of-state sources before being issued benefits for the third month; and
- 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 ongoing benefits until all postponed verification is provided. Once the verification is provided, authorize benefits either:

(1) within five (5) working days from receipt of the verification; or
(2) by the first working day of the ongoing 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 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 provide February's verification first, or be certified under normal standards. If the household did not request expedited service until September, it could be eligible for expedited if it:

- provides February's postponed verification, or

- has been certified under the normal certification procedures in the interim.

Note: 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.

Chapter 30: Destitute Migrant or Seasonal Farmworker Households

A. 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:

1. their only income for the application month is received from a terminated source prior to the application date: or

2. 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

3. their only income for the application month is received both from a terminated and a new source as described above.

B. Source of Income Defined

A migrant or seasonal farm worker'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.

C. Terminated Income Source

1. Terminated income source is defined as follows:

    a. income that was received prior to the date of application from a terminated source; and
    b. income that is received monthly or more frequently, but will not be received again from the same source in the month of application or in the month following application; or
    c. income that is normally received less often than monthly, but will not be received in the month the next payment is normally received.

2. 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.

    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 SNAP 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 Chapter 22 Treatment of Income: F. Anticipated Changes and Benefit Amount.

D. New Source

1. Definition

   Income is considered to be from a "new source" when:

   a. income of more than $25 will not be received from the new source by the 10th calendar day following the date of application; and
   b. 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; or
   c. the income normally is received less often than monthly, and no more than $25 was received within the last normal interval between payments.

2. 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 SNAP 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.

E. 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.

CHAPTER 31: Periods of Eligibility

This section outlines Departmental policies concerning the establishment of periods of eligibility for households requesting SNAP from the Department of Human Services.

A. Establishing Certification Periods

The period of eligibility for a SNAP 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 SNAP 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.

SNAP certification periods shall conform to calendar months. The month of application shall generally be the first month of the certification period for initial applications if the household is eligible for benefits the month of application even if the benefits prorate to zero and 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 twelve-month certification period would include January through December.

B. Determining Length of Certification Periods for SNAP Households

Households shall be assigned the longest certification periods possible based on the predictability of the household's circumstances. The maximum certification period unless specified otherwise is 12 months.

All cases can be certified for 12 months unless the caseworker determines that a shorter certification is warranted based on the household's circumstances. Cases certified at least 4 months can be considered simplified reporting households unless self-employment is the only earned income in the case. Simplified reporting households certified more than 6 months, other than households whose only adult members are elderly or disabled with no earned income, must satisfy interim/periodic reporting requirements to receive benefits beyond the 6th month.

GUIDE: *Bulletin27 FA-11-16*
Bulletin 14 FA-09-10

1. 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 Chapter 22 under "Determination of Available Income".

2. Certification Periods

a. Non-Simplified Reporting Cases.

Cases certified 1-3 months are not considered simplified reporting and must report all required changes within 10 days. Households consisting of ABAWD individuals may be given a certification period based on their remaining months of eligibility.

Households that have Self-Employment Income as the only earnings may be certified for 12 months. They are not considered simplified reporting cases and must report all required changes within 10 days.

b. Simplified Reporting Cases

Cases certified at least 4 months other than cases with only self-employment income are considered simplified reporting cases. Simplified reporting cases are only required to report if their income goes over the gross income limit of the household size that existed at the time of its most recent certification or recertification; and if an employed ABAWD members hours go below an average of 20 per week/averaged monthly or 80 per month- if their employment is what was exempting them from the ABAWD time limit. The maximum certification period, unless specified otherwise, is 12 months.

Simplified reporting cases certified for more than 6 months, other than those whose only adult household members are elderly or disabled without earned income, have a simplified reporting form completion requirement. (A partial month's benefit is considered a month even if benefits prorate to zero.) Simplified reporting households with a simplified reporting form completion requirement will be notified of the requirement to provide the form, attach required verification, and return this information to the county office as requested.

Households whose only adult members are elderly or disabled household members without earnings will be considered as being simplified reporting but will be treated differently from all other simplified reporting cases. The treatment of these households will be as follows:

(1) These households may be certified for 12 months without having to complete a simplified reporting form during the 6th month.

(2) Reporting requirements

Households whose gross monthly income is over the gross income standard (but not the net income standard), at the time of the most recent action, have no further reporting requirements until renewal.

Example: A two person household (husband is 65 and wife is disabled) apply for benefits. The wife receives $579 SSA and the husband receives $400 in SSA and $1000 in retirement benefits. The household's total gross monthly income is $1979 which is over the gross income standard of $1705 for a two person household. The household is subject to the net income standard only. If after the budget is worked and the household is eligible, the household would not have any reporting requirements until renewal.

Households with income at or below the gross income limit, at the time of the most recent action, must report if their income goes over 130% of the poverty level for their household size. Once the worker acts on the change, if the household remains eligible, there is no further reporting requirement until renewal.

Example: An individual, age 64, applies for benefits. At application the only household income is SSA of $800 a month. If otherwise eligible, the household is assigned a twelve month certification period and placed in SR. As the household's countable gross monthly income is below 130% of the poverty level for a one person household ($1265), the household is required to report when their gross monthly income exceeds the 130% standard. Two months into the certification period, the household reports the receipt of a $400 monthly private retirement benefit. The total income for the household is now $1200 a month which is over the 130% standard of $1265. After the budget is worked and the household remains eligible, the household has no further reporting requirement until renewal.

c. Special Circumstances

(1) If an active SNAP SR household applies for another program (like FF) during the certification period, we can recertify (if all information necessary is provided) the FS case at that time. The worker would give the household a twelve month certification period at renewal, which makes them continue to be SR and subject to those requirements. The case is actively certified when the household applies for the other program and we cannot require the household to be recertified at that time if the household chooses not to do so nor can we penalize the household by closing the case. Any reported changes must be acted upon.

(2) If a household has a one-time medical expense that could be prorated over the certification period, the certification period that allows the individual to be eligible should be approved. In some cases it would not

be beneficial to the household to have a 12 month certification period; but a lesser certification period would make the household eligible. The case worker would give the lesser certification period.

(3) If a household's circumstances warrant them not being placed in SR the household loses the reporting criteria for SR.

Note: If a household no longer qualifies as a SR case during the certification period, the household will retain the SR status through the certification period.

CHAPTER 32: Transitional SNAP benefits

This section outlines the eligibility requirements for Transitional SNAP benefits, formerly known as Transitional Food Stamp (TFS) benefits.

A. 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 SNAP (TFS) if they are part of a currently certified SNAP case. The Families First closure may be because of new or increased earnings or because other changes within the Families First case may cause the current earned income shown in the FF budget to be over the FF standards.

Example: FF case has 3 people with earned income. A child was removed from the FF grant due to age. The income stayed the same but due to the decrease in the number in the grant; the income was over the standard. The child continues to be in the SNAP household.

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 SNAP household during receipt of Transitional benefits must re-apply for regular SNAP benefits in order to regain SNAP eligibility. He/she may not continue to receive Transitional SNAP 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 SNAP benefits.
4. Only eligible SNAP household members are eligible for Transitional SNAP; i.e., ineligible or disqualified individuals are not eligible for Transitional benefits.
5. All SNAP household members do not have to have been receiving Families First to be eligible for transitional benefits.
6. If there is an open Families First case remaining within the SNAP household, the SNAP household is not eligible for Transitional benefits.

GUIDE: *Bulletin No. 14, FA-12-06*

Example-Client has an open FF case for herself and her 3 children. Client also has a child only FF case open for her 2 nephews. Client goes to work and the income exceeds the GIS for her and her 3 children. Since her income does not count, the child only case remains open. Since the child only open case remains open, no TFS will be issued.

B. Determining the Transitional SNAP Benefit

1. Determine the Transitional SNAP allotment by using the earned and unearned income that was in the SNAP budget prior to Families First closure and removing only the Families First grant. The transitional benefits budget is frozen and would contain all

other income that was in the budget prior to the closure, even if the worker knows that another source of income has ended.

GUIDE: *Bulletin No. 14, FA-12-06*

Example: Recipient receives Families First and SNAP. FF case closes due to employment earnings as a better job was obtained. The household's TFS budget would have the FF grant removed and the old income from previous job would remain.

2. Assign the household a new certification period that conforms with the five-month transitional period.

C. Changes

1. A Transitional SNAP household is not required to report changes during the five-month period.

2. The TFS household may apply to be recertified for the regular SNAP Program at any time while receiving Transitional SNAP.

3. A TFS household that wishes to increase the level of SNAP benefits because of changes that have occurred must re-apply for recertification through the regular SNAP 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 SNAP on his/her own or is added to another SNAP household. When that person leaves his/her income would be removed and the TFS budget would be adjusted.

5. If the Transitional SNAP household reports any changes in household circumstances to the worker during the five months of TFS.

    a. Record the changed information on CLRC.
    b. Take no action on the Transitional SNAP case unless the client wants the case closed or re-applies for the regular SNAP Program and/or Families First and is approved.
    c. Apply the change to the regular SNAP benefits following the TFS period, when a new SNAP 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 SNAP household, apply the appropriate allotment reduction.

GUIDE: *Bulletin No. 14, FA-12-06*

D. Recertification for Regular SNAP Benefits

1. A household may apply for regular SNAP 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 regular SNAP, 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 regular SNAP 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 SNAP eligibility, authorize the approval and issue the household a supplement for the difference.

   c. Follow normal application processing guidelines for applications for recertification, Section 1240-1-19-.01, that are submitted in the final month of the transitional period.

E. Ending Transitional SNAP Benefits

1. Transitional SNAP households will be sent an appointment notice for recertification the month before the end of the five-month certification period. Follow normal SNAP policy and procedures to complete the interview and determine eligibility.

2. If a household does not respond to the appointment letter, the Transitional SNAP certification will expire and the case will be automatically closed.

CHAPTER 33: Rights and Responsibilities

A. Introduction

This section is concerned with the Departmental policies as they relate to the rights of those who are applicants/recipients of the services available through the Family Assistance Section of the Tennessee Department of Human Services. It also outlines staff responsibilities to insure these rights are being upheld.

B. Nondiscrimination

1. Compliance Provision

The Tennessee Department of Human Services, 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, or political belief. Discrimination in any aspect of program administration is prohibited by the Food Stamp Act of 1977 (Title XIII, P. 95-113), The Age Discrimination Act of 1975 (P.L. 94-135), The Rehabilitation Act of 1973 (P.L. 93-112, sec. 504), and Title VI of the Civil Rights Act of 1964 (42 U.S.C. sec. 2000d.). Enforcement may be brought under any applicable Federal Law.

2. Filing Discrimination Complaints

Individuals who believe that they have been subjected to discrimination for reasons of age, race, color, sex, handicap, religious creed, national origin, or political beliefs, may file a written complaint with the USDA by writing to: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, or by calling (202) 720-5964 (voice and TDD). Staff members should explain the FNS complaint system to each individual who expresses an interest in filing a discrimination complaint and advise the individual of his right to file either in the Federal or the State System or in both systems.

a. FNS Discrimination Requirements

The complaint must contain the following information in order to facilitate the investigation:

(1) The name, address, and telephone number or other means of contacting the person alleging discrimination.
(2) The location and name of the organization or office which is accused of discriminatory practices.
(3) The nature of the incident or action or the aspect of program administration that led the person to allege discrimination.
(4) The reason for the alleged discrimination (age, race, color, etc).
(5) The names and titles (if appropriate), and the addresses of persons who may have knowledge of the alleged discriminatory acts.

(6) The dates, or date, on which the alleged discriminatory action occurred.

3. State Requirements for Discrimination Complaints in SNAP

a. Receipt of Discriminatory Complaint
Discrimination complaints may be addressed to the appropriate county supervisor or may be forwarded to the DHS Title VI Coordinator, 400 Deaderick Street, Citizens Plaza Building, Nashville, Tn. 37248-2000.

b. A Title VI complaint must be in writing, and must be signed and filed within 180 days of the date of the alleged discrimination. The complaint may be filed by an individual, a class, or by a third party (including friend, attorney, and relative). If a third party submits the complaint, the relationship to the complainant must be included. The complaint must include:

- the complainant's name, address and telephone number;
- the name and address of the institution the complainant believes discriminated against him or her; and
- the reason for the alleged discrimination, including names, dates, and as much background information as possible.

c. If the complainant refuses to file an official written complaint, the facts will simply be recorded in detail.

d. Upon receipt of a written complaint, a complete investigation shall be made promptly. When it is found that discrimination has occurred, corrective action shall be planned immediately. In any instance, a written report of the investigation must be made within 30 calendar days after the date the complaint is filed.

e. Complaints of discrimination will be registered and processed through the same system as the Fair Hearing process.

f. When the complaint applies to discriminatory actions on the part of contracting agencies, individuals, or institutions from which assistance or service, is purchased or secured by the Department, the complainant will be interviewed to secure as much information as possible concerning the nature of the complaint, circumstances which precipitated it, and the date the alleged act occurred. The information will be recorded and forwarded to the Commissioner through the District Office.

4. Public Notification of Nondiscrimination Compliance

a. A leaflet outlining the complaint procedure will be available in each county office and is to be handed or mailed to any inquirer upon request.

b. All Tennessee Department of Human Services Offices will prominently display the nondiscrimination poster provided by FNS.

c. The Department shall insure that recipients and other low-income households shall have access to information regarding nondiscrimination statues and policies, complaint procedures and rights of participants, within ten (10) days of the date of request.

5. Data Collection on Households by Racial/Ethnic Category Categories

Data shall be collected on all applicant/participant households by racial/ethnic category as specified and required by the USDA. This data shall be gathered through the following methods:

a. The applicant may be requested to identify voluntarily their race or ethnicity on the application form. The application shall clearly indicate that the information is to assure that program benefits are distributed without regard to race, color or national origin.
b. When the information on racial/ethnic data is not voluntarily provided by the household on the application form the worker at the intake interview must make this determination by observation. A notation that this determination was made by worker's observation should be made on the application form and initialed by the worker.

C. Availability of Information

1. Public Information

a. Official Policy Instructions

Tennessee Department of Human Services Family Assistance Manual and supplemental instructions issued for use in serving households applying for SNAP shall be issued to all staff involved in the determination of eligibility for such assistance and shall be maintained in the county and state offices of DHS for examination by the public on regular work days during regular office hours.

b. Availability of State and Federal Instructions to the Public

Copies of the Family Assistance Manual may be made by public custodians, at their own expense, who (1) request the manual for use by the public, (2) are centrally located and publicly accessible to a substantial number of the recipient population, and (3) agree to accept responsibility for filing all amendments and changes forwarded to them by DHS.

Other groups, agencies or individuals serving a substantial recipient population who wish to copy the manual, agree to file all amendments and changes forwarded to them by DHS, and who commit themselves to using the manual for informational purposes (i.e. not attempting to determine an individual's eligibility for assistance or determining appropriate action for DHS) may do so at the discretion of the Commissioner or his designee at their own expense.

Upon request, specific policy materials necessary for an applicant/recipient, or his 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 representative without charge.

Up to date copies of the Family Assistance Manual are maintained in the county, district and state DHS offices. These manuals will be made available to persons to read in the office as they have need to do so on regular workdays during normal office hours. Copies of portions of the manual will be made available to students, researchers, other agencies and so on, either at a charge related to the cost of reproduction or at no charge depending upon the amount of material needed.

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 Printing Office, Washington, D.C. 20402, or by calling toll free (866) 512-2250, or on the internet at bookstore.gpo.gov.

c. Other Printed Materials

The Tennessee Department of Human Services 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 offices, and other agencies and organizations assisting in the State Outreach Program.

2. Family Assistance Help Line

The Tennessee Department of Human Services will operate a Family Assistance toll-free help line service, which will provide the following:

1. Information about program requirements and procedures,
2. Information about complaint and fair hearing procedures,
3. Completing the necessary complaint forms,
4. Telephone numbers and addresses of the local county DHS offices, and
5. Application forms and informational pamphlets, upon request.

The help line service number (1-888-863-6178) will be posted in all DHS offices and will be included on printed material. News media throughout the state will publicize the number.

D. Uses for 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 household to purchase food. Households are not required to have cooking facilities or access to cooking facilities to participate in the program.

2. Special Uses

   Although benefits were originally intended for use by eligible households to purchase food for home consumption, certain households 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

      Eligible household members, 60 years of age or over, or 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.

      Communal dining facilities include senior citizen centers, apartment buildings occupied primarily by elderly people or SSI households, public or private non-profit establishments (eating or otherwise) that feed elderly persons or SSI recipients, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It shall also include private establishment 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

      Eligible household members 60 years of age or over, or members who are housebound, feeble, physically handicapped, 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.

      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

Members of eligible households 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. 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 Chapter 44: Drug and Alcoholic Treatment Centers) for certification procedures for residents of drug and alcoholic treatment centers.)

d. 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 benefit under Title II or Title XVI of the Social Security Act.

E. SNAP Benefits as Income

The benefit allotment provided any eligible household shall not be considered income or resources for any purpose under federal, state, or local laws, including but not limited to laws on taxation, in SNAP. In TANF, Tennessee has opted to exclude SNAP benefits as income.

F. No Aid Reduction Because of SNAP Participation

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

G. Complaint Procedures for Program Matters

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, Suite 8T36
Atlanta, Georgia 30309

2. State Level Responsibility

a. Formal Complaints

The Tennessee Department of Human Services will provide a fair hearing to any person or household aggrieved by any action, which affects their eligibility, level of benefit, or participation in the Family Assistance Programs.

b. Informal Complaints

c. Persons or agencies desiring program information or wishing to file a complaint may contact any or all of the following:

(1) Field Management Director of the local county office of the Tennessee Department of Human Services. Telephone number and address may be found in the telephone directory for the town designated as county seat.

(2) Family Assistance Service Center
Tennessee Department of Human Services
Citizens Plaza Building
400 Deaderick Street
Nashville, Tennessee 37243
1-866-311-4287 (toll free number)

(3) Director, Adult and Family Services
Tennessee Department of Human Services
Citizens Plaza Building
400 Deaderick St.
Nashville, Tennessee 37243

(4) Commissioner
Tennessee Department of Human Services
Citizens Plaza Building
400 Deaderick St.
Nashville, Tennessee 37243

CHAPTER 34: General Administrative Procedures

A. Management of Case Records

Information in the case must be accurate, up-to-date, and pertinent to eligibility. All sources of information and verification should be clearly indicated. Individuals who give information are to be identified. Factual information must be clearly distinguished from expressions of opinion.

B. Confidentiality of Case Records

The Department of Human Services in Tennessee, in accordance with the laws of this State and the Federal statutes pertaining to this subject, has adopted the policy of maintaining the confidential nature of Family Assistance information. This same policy applies to all case records, whether Family Assistance or otherwise. The regulations of the Department are directed to the objectives of:

1. Developing a relationship of confidence between the Department and the Applicant/Recipient.
2. Defining and protecting the rights of applicants through safeguards against:
    a. Identification of such individuals as a special group.
    b. Exploitation of this group for commercial, personal or political purposes.
    c. Making information available solely as a basis for prosecution and other proceedings or at the direction of the department's office of General Counsel.
3. Providing a basis for recognition by the Court of the right of the Department to protect its records.
4. Developing a relationship of confidence between the Department and the public at large, by protecting information made available to the Department by representatives of the public and utilizing such information only for the purpose of the proper functioning of the Department's programs.

C. Information Considered Confidential

In general, the information listed below will be considered as confidential, and access to this information will be monitored as previously noted. Confidential information consists of:

1. Case records
2. Lists of Family Assistance recipients
3. Reports of investigations and medical investigations
4. Names and addresses of Family Assistance recipients
5. All other information known to the agency in connection with Family Assistance and other services
6. Information contained on applications and on various forms

D. Exceptions to Confidential Information

1. Release to law enforcement officials to assist in prosecuting fraud against the Department or child abuse, where otherwise required by federal law.
2. Release to appropriate agencies assisting in collection of child support in the TANF program.
3. Release to service providers, such as mental health professionals, providing services to abusive or neglectful parents.
4. Release to the Department of Labor and Workforce Development for work registration and other employment and training requirements.
5. Release to the child's guardian ad litem in child custody and guardianship cases
6. Total expenditure of funds
7. Number of recipients and other statistical information
8. Social data contained in general studies
9. Reports on surveys

E. Release of Information to the Applicant/Recipient or His Representative

Federal regulations require that information in SNAP case be made available upon written request to a responsible member of the SNAP household; the household's currently authorized representative or a person acting on the household's behalf. Therefore, the SNAP case must be made available for inspection by authorized persons during all normal business hours. If the person seeking to inspect the case is not a member of the household, the current authorized representative, or a licensed attorney representing the household, written authorization from the household for the person to act on its behalf is required.

A staff member will remain with an (applicant/recipient) A/R, a claimant, or his/her representative who is reviewing a case or is copying material. While an A/R or his/her representative cannot be denied access to any portion of the case, at times there is information in the case which could be damaging to the person. This is particularly true of medical/psychiatric/psychological reports. Also, some material is labeled "Confidential" by the provider. When such circumstances exist and the person is represented by an attorney, the attorney will be asked to consider the advisability of his/her having access to the documents but withholding them from the A/R. However, this decision must be made by the attorney/claimant and not by DHS staff.

Staff will make no effort to interpret or explain forms, documents, or other information contained in a case folder being reviewed by an A/R or his/her representative.

A/R's or their representatives are to be permitted to obtain copies of any pertinent information which they are allowed to see. Upon an appellant's or representative's request, one copy of portions of the case relevant to the fair hearing/fraud hearing will be furnished free of charge.

When copying equipment is available, copies of other case record material may be furnished to an A/R, or an appellant, or an A/R's/appellant's representative at the charge specified at 1240-9-1-.05 Rule.

F. Release of Information to Persons Other Than the Recipient or Someone Acting on his Behalf

Except as specified below, no information from a case record is to be released to anyone outside this Department other than the applicant/recipient or his representative. Such release would be in violation of state and federal regulations, and would probably violate the individual's right to privacy. The exceptions to this policy are:

1. Use or disclosure of any information obtained from SNAP applicant households, exclusively for SNAP, is restricted to the following persons:

    a. Persons directly connected with the administration of enforcement of the provisions of the Food Stamp Act or regulations, other federal assistance programs, or federally-assisted state programs which provide assistance, on a means-tested basis, to low income individuals;

    b. Employees of the Comptroller General's Office of the United States for audit examination authorization by any other provision of law; and

    c. Local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request must include the following:

        - the identity of the individual requesting the information;
        - his/her authority to do so;
        - the violation being investigated; and
        - the identity of the person on whom the information is requested.

    d. Local, state, or federal law enforcement officials may receive the address, social security number and (if available) photograph of a SNAP recipient if the officer furnishes the recipient's name and notifies the agency that the individual:

        - is fleeing to avoid prosecution, custody or confinement for a felony, or
        - is violating a condition of parole or probation, or
        - has information on a household member necessary for the officer to conduct an official duty related to a felony/parole violation.

2. Release Pursuant to a Valid Subpoena or Court Order

    The Department will comply with a valid subpoena or court order for the release of information. If it appears the only basis of the subpoena is to give the attorney the opportunity to plow through our records, the court will be asked to limit the scope of discovery.

3. Other Requests for Information

All other requests for information received by the Department or any of its divisions, such as request for list of names and addresses, should be referred through channels to the appropriate Director of the program involved.

G. Applications by Department Employees, Their Relatives or Other Individuals Who are Known to the Employee

To avoid conflict of interest and insure privacy, special handling is given to Tennessee Department of Human Services employees and their relatives who apply for and receive Family Assistance benefits.

The eligibility counselor shall not have a "close personal relationships" with the applicant/recipient or members of the applicant's/recipient's household. Where there is a close personal relationship, the eligibility counselor shall disqualify her/himself from the eligibility process.

"Close personal relationships" include, but are not limited to:

- Dating or co-habiting relationships;
- Relationships in which business transactions are regularly conducted; and
- Personal friendships that transcend a casual acquaintance, such as:
- a person whose home is frequently visited by the employee, or vice-versa
- a person with whom the employee socializes "one-on-one" on a regular basis.

The process will be:

1. The eligibility counselor shall immediately notify their supervisor of the need to disqualify her/himself from the eligibility process. The supervisor shall assign the case to a confidential caseload. In situations where a close personal relationship exists, the case should always be assigned to a confidential caseload.
2. The District Director must be made aware of applications, recertification or case reviews for Family Assistance from an employee of the Department or from an employee's mother, father, grandparents, brother, sister, aunt, uncle, member of the employee's household or someone that the employee has a close personal relationship with.
3. To assure the privacy and the integrity of those cases, each county should develop a plan for limited access to these cases by other staff members and the employee himself. Such cases may be assigned to a special caseload number in the ACCENT System.

GUIDE: *Bulletin 35, FA-10-18*

CHAPTER 35: Application process

The application process for SNAP begins with a request for an application form and ends with notification of the household's eligibility or ineligibility. The application process involves such actions as:

(1) Making applications available

(2) Assisting in completion of the application

(3) Interviewing the appropriate household member

(4) Obtaining necessary verification

(5) Authorizing action to be taken

(6) Notifying applicant of determination made

A. Voluntary Withdrawal

The household may voluntarily withdraw its application at any time prior to the determination of eligibility. The caseworker shall document or record on the CLRC screen the reason for the withdrawal, if any, and that contact was made with the household to confirm the withdrawal. The household shall be advised of its right to reapply at any time.

B. Promptness

The household must be given an opportunity to participate no later than thirty (30) days after an application is filed. Expedited service (Refer to Chapter 29 under "A. Households Eligible for Expedited Service) shall be available to a household that meets these criteria. Benefits must be provided retroactively to the day of the month the application was filed for a household that has completed the application process and been determined eligible.

C. Filing an Application

An application is a signed document submitted to the Department of Human Services on which the household has requested assistance for SNAP and/or Families First. Applications can be filed in person, by an authorized representative, by a person's legally appointed guardian (or conservator in Families First only), by mail, online, by FAX or other electronic transmission. Applications shall be made in the county of residence.

The application file date will be the date the application is received in the county office, either by mail, online, in person, FAX or other electronic transmission. The file date for an online, FAXED or other electronic transmission application includes holidays and weekends. Online, FAXED or other electronic transmission applications that contain the applicant's name, address and a handwritten signature are acceptable. Receipt of an original application in addition to the online, FAXED or other electronic transmission application is not required.

GUIDE: *Bulletin No. 6, FA-09-05*

1. Same Day Filing

   Any person inquiring about making application for SNAP, FF, shall have the right of same-day filing.

The county shall provide an application to anyone requesting one. If an application is filed, the date of application shall be recorded on the application form. The applicant shall also be advised that he/she does not have to be interviewed before filing an application. For SNAP an incomplete application may be filed as long as the form contains the applicant's name, address, and the signature of either a responsible member of the household or the household's authorized representative.

2. Mailing Applications

If the household has contacted the county office by telephone but does not wish to come to the office to file the application that same day and instead prefers receiving an application through the mail, the county shall mail an application form to the household on the same day the written request or telephone call is received.

Applications will be mailed to SNAP households when benefit renewal appointments are scheduled. The completed application must be returned to the county office before the client can be interviewed to re-determine eligibility. If the household does not return the application and does not keep the scheduled appointment; allow the SNAP case to close automatically at the end of the certification period.

3. Contacting the Wrong Office.

1. If a county has designated certification offices to serve specific areas of the county, applicants may at times contact (in person or by phone) the wrong office. If so, the wrong office must still assist the applicant as follows:

a. Advise the applicant of same-day filing and mailing of an application.

b. Give the applicant the address and telephone number of the correct or appropriate office

c. Offer to forward the applicant's application to the appropriate office that same day if the applicant has completed enough information on the form to submit it.

2. The applicant must be informed that the application is considered filed and the processing standards begin the date the application has been received in a county office.

If an application is mailed to the wrong office, that office shall fax/mail the application to the appropriate office the same day it is received.

4. SNAP Applications

The county office shall conduct a single interview at initial and subsequent applications. Families First applicants also applying for SNAP shall be interviewed by one caseworker for both types of assistance. However, eligibility and benefit levels shall be based on SNAP criteria for SNAP and Families First criteria for Families First. Certification shall also be in accordance with notice and procedural requirements of the SNAP regulations and Families First regulations accordingly.

D. Prescreening

The county's application procedures shall be designed to identify applicants who are eligible for expedited service at the time they request assistance. For detailed instructions on pre-screening refer to (Refer to Chapter 29 under "A. Households Eligible for Expedited Service).

E. Disposition of Application

An application continues in the application stage until action is taken. This action consists of:

1. Approval of application or
2. Denial or rejection of application due to death, withdrawal of application, loss of contact, failure to provide or obtain information necessary to determine eligibility or ineligibility based on program regulations.
3. Pending of application due to county caused delay (Refer to Chapter 39 under "Failure to Meet Timeliness Standard").

F. Approval or Denial of Application

1. Approval

If it is determined that the applicant is eligible for assistance, the caseworker shall:

a. Record documentation information on the CLRC screen

b. Complete the case and authorize on ACCENT.

2. Denial

In some instances it will be obvious during the intake interview that an applicant is ineligible. When this occurs the caseworker should explain the reason for denial to the applicant and document in the case notes, then authorize the denial.

If it is determined late in the process that the applicant is ineligible for assistance, the caseworker shall complete the necessary screens in the case management system, document in case notes, and authorize the denial.

When an application for initial benefits has been filed and the eligibility interview is not completed as required, the agency must notify the household in writing of the missed interview and that it is the clients responsibility to reschedule. If the client has not rescheduled, the application shall be denied on the 30th day (next business day if the 30th day falls on a weekend or holiday).

When an application has been mailed to the county office for a renewal appointment and the client does not keep the appointment;

a. Enter the application in the case management system with the sign date being the date the application was received, if the application is received within the month of the appointment. If the application is received prior to the first day of the last month of eligibility, the sign date should be the first day of the last month of eligibility.

b. Document in case notes the date the appointment was scheduled and that a free from form notice was sent to notify the client that the appointment was missed.

c. The application will be held pending until the end of the month (filed by the 15th) or for 30 days (filed after the 15th). If the client does not contact the county during the pending period, authorize the denial.

d. Deny the application with code 495 to generate a notice informing the client that the appointment was missed and that the appointment must be rescheduled if SNAP benefits are wanted.

GUIDE: *Bulletin 6, FA-09-05*

G. Procedures for Determining Eligibility

If a determination of eligibility cannot be made at intake, the caseworker should make a decision as to whether the applicant is eligible or ineligible for SNAP benefits as soon as possible. The caseworker must:

1. Provide the client with a written request of any verifications needed and the due date, ask the client if any assistance is needed and provide assistance if needed
2. Make whatever collateral contacts are necessary
3. Determine all elements of eligibility
4. Refer to Chapter 38: Verification Procedures for methods of verification.
5. Record information on the CLRC screen regarding actions taken and information gathered through the office interview, home visit, collateral contacts, or other verification at time of action or ASAP.
6. Allow the customer at least 10 days from the written request to provide requested verification even if this results in processing the case after the 30th day.
7. Make a determination and approve or deny the application.
8. Document the notice to the customer clearly regarding the reason for negative action if the case is denied/closed or sanctioned or if any individual is ineligible for any period of time.
9. Document the notice if the case is denied for lack of verification to explain what verification is needed. If denial is prior to 30th day explain that verifications may be provided by the 30th day with benefits still prorated from the application date if eligible.
10. Authorize benefits if the case was denied for lack of verification and verifications are provided by the 60th day if eligibility exists without requiring a new application (authorization is from the date verifications are provided if provided day 31-60.).

H. Actions Based on Eligibility

Households found eligible after consideration of the non-financial criteria found in CHAPTER 5: Residence through CHAPTER 12: Voluntary Quit, should have their countable income compared to the monthly income eligibility standards for the appropriate household size to determine if the household is eligible based on financial criteria.

Households, which do not contain a member who is elderly or disabled, are subject to a gross income limit of 130 percent of the poverty level income standard. To determine

this limit, nonexempt gross income will be added together, and this sum must be compared to the eligibility limit for the appropriate household size. If the monthly income exceeds the amount for the appropriate household size, the household is ineligible. If the monthly income is less than or equal to the gross income limit, normal procedures allowing deductions will be followed and then the net income must be subject to the net monthly income guidelines. Guidelines for the gross and net monthly income standards are given in Chapter 28 under "SNAP Gross Monthly Income Standard".

1. Determining the Monthly Allotment

   To determine the household's monthly benefits, the caseworker may refer to the appropriate Basis of Issuance (BOI) Table. No benefits of under $10.00 will be issued for the initial month. After the initial month all eligible one and two person households shall receive at least the minimum allotment.

2. Proration of Initial Month's Benefits

   The amount of the household's benefits for the initial month of certification will be based on the day of the month it applies for the benefits. The following procedures will be used to determine the amount of initial benefits:

   a. A household's benefit level for the initial month of certification will be based on the day of the month it applies for benefits. Using the calendar month, households will receive benefits prorated from the day of application to the end of the month.

      The term initial month means the first month for which an allotment is issued to a household or the first month for which the household is certified for participation in SNAP following any period during which the household is certified for participation. If the prorated benefits for the initial month are calculated to be less than $10.00, the household will receive no benefits for the initial month.

      Exception: Migrant or seasonal farmworkers households who have participated in SNAP within 30 days prior to the date of application will be entitled to the full month's benefits. Initial month's benefits will be prorated if there has been more than 30 day break in the migrant or seasonal farmworker household's certification period.

      Note: The proration of the household's initial month's benefits will be done by ACCENT. Therefore, it will not be necessary for the caseworker to follow the procedures set forth below in computing the initial month's benefits. This will be accomplished in the computer by comparing the beginning certification date to the full monthly allotment. For migrant or seasonal farmworkers entitled to the full month's benefits, the beginning certification date will begin the first day of the month so the computer will not prorate benefits.

      In cases where the application was denied in the initial 30 days due to the fault of the household, and the household comes back in during the next 30 days and complies, the beginning certification date should reflect the date the eligibility is determined.

b. To determine the amount of the prorated allotment, the following procedures apply:

(1) Determine if the household is eligible according to the net income standard table;

(2) Based on the date of application, the following formula applies:

Full Month's Benefits X number of days in month + 1 - date of application ÷ number of days in month = allotment

(3) After using the multiplication factor to determine the allotment if the prorated benefits for the initial month of certification are computed to be less than $10.00, no benefits will be issued for the initial month.

(4) The proration calculator at prorate.dhs.tn.gov may be used to calculate the initial month's benefits when the caseworker has to do this manually.

c. If an application for recertification is not received until after the certification period has expired, then that application shall be considered an initial application and benefits for the initial month will be prorated. Benefits of less than $10.00 will not be issued.

d. Eligible households which are entitled to no benefits shall be denied participation, on the ground that their net income exceeds the level below which benefits are issued.

(1) The certification period will begin with the month of application for eligible households, which are not entitled to benefits because the initial proration is less than $10 but will be entitled to benefits in subsequent months.

(2) If a household is claiming actual utility expenses in excess of the Department's utility standard and the expense would actually result in a deduction, the expense must be verified. If the actual utility expenses cannot be verified before the 30 days allowed to process the application expire, the caseworker shall use the standard. If the household wishes to claim expenses for an unoccupied home, the caseworker shall verify the actual expenses for the unoccupied home in every case and shall not use the standard utility allowance.

(3) If a deductible expense must be verified, and obtaining the verification may delay the SNAP certification, the caseworker shall advise the household that the eligibility and benefit level may be determined without providing a deduction for the claimed, but unverified, expense. This shall also apply to the allowance of medical expenses and dependent care costs. If the expense cannot be verified within 30 days of the date of application, the

caseworker shall determine the eligibility and benefit level without providing a deduction for the unverified expense.

If the household subsequently provides the missing verification, the caseworker shall determine the benefits and provide increased benefits, if any, in reported changes. The household shall be entitled to the restoration as a result of the disallowance of the processing standard because the caseworker failed to allow the household sufficient time to verify the expense. If the household would be ineligible unless the expense is allowed, the application shall be handled as provided in CHAPTER 39: Timeliness Standards.

I. Providing Notices of Eligibility

Every applicant found eligible to participate in SNAP shall be provided with a written notice of eligibility as soon as a determination is made but no later than 30 days after the date of the initial application. Refer to CHAPTER 39: Timeliness Standards for information on the 30-day processing standard and notices of eligibility.

J. Actions Based on Ineligibility and Delayed Eligibility

1. Ineligible

   Each household that is denied eligibility based on either financial or non-financial criteria, shall be provided with a written notice of denial. Refer to CHAPTER 39: Timeliness Standards for additional information regarding the notice of denial and its contents.

2. Delayed Eligibility

   If an eligibility determination cannot be made within the 30-day processing standard, the worker shall determine if the county or the household caused the delay. Specific actions must be taken depending on whether the county or the household caused the delay. Refer to CHAPTER 39: Timeliness Standards for criteria to be used to determine the cause for the delay, and actions that should be taken.

CHAPTER 36: SSI/SNAP Joint Application Process

This section describes the joint application processing procedures and action that must be taken by the Social Security Administration and the Department of Human Services when an SSI household applies for SNAP at the Social Security Administration Office. Certification of these households must be accomplished by joint processing. The application will be taken by the Social Security Administration and the Department will make the eligibility determination.

Background

The Food Stamp Act of 1977 provides for certain households containing applicants for and recipients of Supplemental Security Income (SSI) to apply for SNAP at offices of the Social Security Administration. Many SSI recipients also are eligible for SNAP, but have found participation difficult. To make it easier for SSI recipients to obtain SNAP, the Secretaries of Agriculture and Health and Human Services have developed a procedure by which households in which all members are SSI recipients could apply for SNAP at the Social Security Office. Provisions of the Anti-Drug Abuse Act of 1986 allows certain individuals in public institutions applying for SSI the opportunity to also apply for SNAP by completing a single application before their release from the institutions.

A. SSI Households

For purposes of this section, SSI is defined as Federal SSI payments made under Title XVI of the Social Security Act, federally administered optional supplemental payments under Section 1616 of that act, or federally administered mandatory supplementary payments under 212 (a) of Public Law 93-66. Pure SSI households are those households in which all members are applying for or are participating in SSI.

Joint processing of SNAP applications at the SSA Office will be limited to pure SSI households; that is, households in which all members are applicants for, or recipients of SSI, and who are neither certified for SNAP nor have applied for SNAP within the past 30 days and do not have a SNAP application pending. These households' SNAP eligibility and benefit levels will be based solely on SNAP eligibility criteria in accordance with the notice, procedural and timeliness requirements of the Food Stamp Act of 1977 and its implementing regulations. The county office must make an eligibility determination based on information provided by SSA and/or by the household.

B. Responsibilities of SSA

1. Initial Application and Eligibility Determination

   a. The Social Security Office will complete and forward SNAP applications to the local DHS Office when SSI households apply for SNAP at the Social Security Office. Whenever a member of the household consisting only of SSI applicants or recipients applies for SSI or at SSI re-determination at the SSA Office, the SSA must inform the household of:

      (1) its right to apply for SNAP at the Social Security Office without going to the DHS Office; and

      (2) its right to apply at the DHS Office if it chooses to do so.

Note: While SSA is only informing pure SSI households who are initially applying for or being redetermined for SSI of items (i) and (ii) above, SNAP applications will be taken by SSA from other pure SSI households, if requested when they are at SSA for business other than initial application or redetermination for SSI when criteria for entitlement to joint processing are met.

b. The Social Security will accept and complete SNAP applications for pure SSI households received at the Social Security Office and forward them within one working day after receipt of a signed application to a designated county office.

c. Interviewing Households

Households in which all members are applying for or participating in SSI will not be required to see a state caseworker, or otherwise be subjected to an additional state interview. The SSI household must be interviewed by Social Security and submit a signed application prior to eligibility determination by DHS. Interviews may be held in the following manner:

(1) Telephone Interview

If Social Security takes an SSI application or redetermination on the telephone from a member of the pure SSI household, a SNAP application also must be completed during the telephone interview and mailed to the claimant for signature for return to the Social Security Office or to the designated county office. DHS cannot require the household to be interviewed again in the county office. If the household sends DHS both the SNAP application and the SSI application, the county office should forward the SSI application within one working day to Social Security.

(2) Face to Face Interview

The Social Security will accept and complete applications from pure SSI households at the Social Security Office in accordance with procedures outlined above.

All signed applications received by Social Security must be forwarded to the designated DHS Office within one working day after receipt of the signed application.

d. Prescreening for Expedited Service

The Social Security will prescreen all applications for entitlement to expedited service on the day the application is received in the Social Security Office and will mark “Expedited Processing” on the first page of each household’s application that appears to be entitled to expedited service. The Social Security will inform households which appear to meet the criteria for expedited service that benefits may be issued sooner if the household applies directly at the DHS Office. The household may take the application from Social Security to the DHS Office for screening, an interview, and processing of the application.

For SSI households entitled to expedited service, the county office will authorize the households no later than the close of business of the fourth calendar day following the date the application was received in the county office.

e. Standard of Promptness

The Social Security will forward applications received from SSI households to the designated DHS Office within one working day after receipt of a signed application.

f. Referral of Non SSI Households

The Social Security must refer non-SSI households and those in which not all members have applied for or receive SSI to the appropriate DHS Office. The county office will process those applications in accordance with the timeliness standards in CHAPTER 39: Timeliness Standards.

(1) Recertification

SSI households which have received notice that they are due for recertification, will be entitled to make a timely application for SNAP recertification in accordance with Chapter 41: Continuous Responsibilities at the Social Security Office when the following criteria are met:

(a) The SNAP certification is ending;
(b) The household is still pure SSI; and
(c) The household chooses to file with SSA.

C. Responsibilities of the Department (DHS)

The county office must make an eligibility determination and issue SNAP benefits to eligible SSI households whose applications are forwarded by Social Security Office. Normal timeliness policy and procedures apply. The application will be considered filed on the date Social Security receives the signed application.

1. Categorically Eligible Household
Households who apply through SSA will be considered categorically eligible at such time as SSI eligibility determination is made or the individual is released from the institution (if institutionalized).

2. Timeliness
The county office must complete the application process and approve or deny timely applications for recertification in accordance with Chapter 41: Continuous Responsibilities. A face-to-face interview will be waived if requested by the household consisting entirely of SSI participants unable to appoint an authorized representative.

D. Verification of Procedures

Regardless of whether the SSA or the county office conducts the interview, the required verification must be made prior to a certification of the household for SNAP benefits. Verification is the use of third party information or documentation to establish the accuracy of the application. However, the caseworker must ensure that information required as listed below is verified prior to certification of households initially applying.

After the application is received from the SSA, the caseworker may contact the household in order to obtain information for certification for SNAP benefits when the application is improperly completed; mandatory verification is missing; or the caseworker determines that certain information on the application is questionable. The applicant cannot be required under any circumstances to appear at the DHS Office to finalize the eligibility determination. Further contact with the household made in accordance with this subparagraph will not constitute a second SNAP certification.

E. Assigning Certification Periods

Households certified under joint processing procedures should be certified for up to twelve months in accordance with CHAPTER 31: Periods of Eligibility and CHAPTER 29: Expedited Households.

1. Normal Certification Periods

   Households that are certified on an expedited basis and have provided all necessary verification required in Chapter 38: Verification Procedures prior to certification will be assigned a normal certification period.

2. Optional Certification Periods

   If verification is postponed, the caseworker may certify these households for the month of application only. However, at the worker's option, a normal certification period may be assigned to these households whose circumstances would otherwise warrant a longer certification period. In either case, benefits will not be continued past the month of application if postponed verification(s) are not provided.

F. SSI Households Applying at the County Office

The county office must allow SSI households to submit SNAP applications at the local DHS Office, if the household prefers.

G. Restoration of Lost Benefits

The county office must restore to the household benefits, which were lost whenever the loss was caused by an error by the county office, or by the SSA through joint processing.
Such an error must include, but not limited to, the loss of an applicant's SNAP application after it has been filed with SSA. Lost benefits shall be restored in accordance with Chapter 42 under "Restoration of Lost Benefits".

H. Work Registration Requirements

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

1. They are determined eligible for SSI and thereby become exempt from work registration; or
2. They are determined ineligible for SSI and where applicable, a determination of their work registration status is then made through recertification procedures in accordance with CHAPTER 35: Application process or through other means.

I. Mass Changes

The county office will be responsible for automatically adjusting a household's SNAP benefit level to reflect the cost-of-living increases received in Social Security and SSI benefits.

J. Categorical Eligibility

CHAPTER 3 - Categorical Eligibility for SNAP under the Household Section.

CHAPTER 37: Interviewing for Eligibility

A. Introduction

In the eligibility determination process in Family Assistance, interviewing plays a vital role in applicant, recipient, and agency communication. Despite more reliance on communication by means of forms and electronic media such as the ACCENT system, email, fax transmissions, etc., interviewing retains its prime importance in bringing about understanding of the program and of responsibilities under it. Interviews provide opportunities for the applicant/recipient to communicate with agency staff on a face-to-face or wire-to-wire (in the case of telephone interviews) basis.

The skillful use of interviews for communication, whether face-to-face or over the telephone, can reap benefits for both the applicant/recipient and the agency. Skillful interviewing serves as a means of obtaining accurate, reliable information that the applicant has or can make available. Interviewing can also be a way for the applicant to learn the agency is concerned about people and wants to deal with them positively and equitably.

B. Purpose of Interviewing

1. From the perspective of the applicant and recipient, the interview provides an opportunity to:
    a. gain an understanding of the agency program, its benefits and the expectations of the recipient in meeting program requirements.
    b. clarify questions that the recipient may have about eligibility requirements, agency policies and procedures.
    c. present his/her information in his/her own words.

2. For the agency, the interview serves to:

    a. secure the information which the agency needs to determine eligibility;
    b. enhance the applicant's understanding of the eligibility determination process and of the agency's related policies and procedures;
    c. enlist the participation of the applicant and the recipient in this process;
    d. improve understanding of the rights and the obligations of the applicant and recipient under this process;
    e. supplement the agency's other means of communication with the applicant/recipient.

C. Mandatory Interviewing

A face-to-face interview will be conducted with all applicant/recipient households by a qualified eligibility worker prior to initial certification/approval and recertification for SNAP, except when a face-to-face interview is not required.

1. The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy must be protected during the interview. Facilities shall be of adequate size and layout to assure privacy and protect the confidentiality of the interview.

2. The person interviewed must be the head of the household, spouse, any other responsible adult member of the household, or an authorized representative who is an adult and who has knowledge of the household's circumstances.

D. Scheduling Interviews

The county will schedule face-to-face or out-of-office interviews as promptly as possible after the filing of applications in order to ensure that eligible households receive an opportunity to participate in SNAP within thirty (30) days after the application is filed. If a household fails to appear for a scheduled interview after an application has been filed with the county office, or prior to the date the SNAP certification period expires, these procedures will be followed:

1. if an initial application or recertification application has been filed notify the client in writing of the missed appointment and their responsibility to reschedule.
2. if the HH/AG contacts the office to reschedule, schedule the second appointment as soon as possible to ensure that the processing timeframes can be met. (Refer to Chapter 39 Timeliness Standards for timeliness on rescheduled interviews);
3. if the HH/AG does not contact the office to reschedule, do not schedule a second appointment. Let the existing certification expire, or for an application, deny the application at the end of the 30-day period.
4. if a recertification application has been filed the application may be denied at the point the appointment is missed, may be held pending until the end of the month (if filed by the 15th) or for 30 days (if filed after the 15th); the application will be denied with reason code 495 to generate a Notice of Missed Appointment to the applicant to reflect the missed appointment and denial if the client has not rescheduled. This notice informs the applicant that he/she missed the appointment and that if they want to keep receiving SNAP, they must contact the county to schedule a new appointment.

GUIDE: *Bulletin 6, FA-09-05*

E. Single Interview

When a household/assistance group is applying for both SNAP and Families First, a single interview may be held to fulfill the requirements of both programs.

Note: More than one interview may be required in order to clarify information provided, resolve inconsistencies, view documents presented in support of the client's statements, etc., during the application or recertification/redetermination period. The additional interview(s) for these purposes will not violate the "single interview" requirement.

F. Waiver of Office Interview

1. The office interview must be waived upon request by any household member.

2. Telephone Interviews

The county may offer a telephone interview in lieu of a face-to-face interview for a household for whom the face-to-face interview is waived.

3. Out-Of-Office Interviews

We anticipate that the interview requirement for the majority of households with waived face-to-face interviews may be completed via telephone interviews. However, this may not be possible in some rare instances. When this is the case, a mutually agreed-upon site for the interview will be arranged between the county and the applicant/recipient or his/her representative.

4. Verification of Information for Out-of-Office Interviews

Waiver of the face-to-face interview does not exempt the household from the verification requirements discussed in Chapter 38: Verification Procedures. However, special procedures also may be used to permit the household to provide verification and thus obtain its benefits in a timely manner. These may include substituting a collateral contact in cases where documentary verification would normally be provided. Waiver of the face-to-face interview should not affect the length of the household's certification period.

GUIDE: *Bulletin No. 14, FA-09-10*

G. General Intake Information

In addition to the eligibility requirements for the SNAP program, certain other information must be given to an applicant during the initial interview. This information is to be given orally and in writing when written information is requested and/or deemed appropriate.

1. Inform the applicant:

a. that he/she is the first source of information concerning the household's eligibility, and that it is his/her responsibility to provide factual information which substantiates his/her statements about eligibility factors. Advise him/her that if he/she is unable to secure the documentary evidence required to establish the household's eligibility, he/she may request help from the worker in obtaining it, and such help will be provided;

b. that the Department must have substantiating information about certain factors of eligibility and will be contacting individuals and organizations in a position to know the facts of his/her circumstances in order to obtain this information. If there is some individual or organization he/she specifically does not wish the Department to contact the name of the person or organization must be entered on the Authorization for Release of Information Form. If it is determined that this particular person or organization is the

only acceptable source for certain required information, and he/she continues to refuse permission to contact, then his eligibility for assistance cannot be determined;

c. that discrimination because of age, race, color, sex, handicap, religious creed, national origin or political belief is unlawful. The Civil Rights pamphlet must be provided to each applicant.

d. that information about his/her household is held in confidence with the agency.

e. that the federal Privacy Act can affect the household. The Privacy Act pamphlet must be provided to each applicant.

f. that he/she has the right to appeal any agency action he/she believes to be discriminatory or unfair or when action on his/her request for assistance is not taken with reasonable promptness.

g. that it is unlawful for anyone to charge, either directly or indirectly, for help to him/her in filing the application with the agency.

h. that the agency has 30 days (unless the household is entitled to expedited service) to determine SNAP eligibility and provide assistance with his/her help and cooperation.

i. that he/she has the responsibility to provide truthful information about his/her circumstances, substantiating information when requested, and if he/she is approved for assistance, to report any change in his/her circumstances within 10 days of the date the change becomes known to the household.

> **Note:** Cases assigned to Simplified Reporting are not subject to regular reporting requirements as outlined in this subparagraph. See Chapter 41: Continuing Responsibilities under “Simplified Reporting Cases”.

j. that each applicant for assistance must furnish or apply for a social security number.

> **Note:** A non-applicant is not required to furnish a social security number.

k. that all members of the household who are required to register for or participate in a work program must do so.

l. that approval and payment/issuance can be made only after all eligibility requirements are met.

m. that SNAP may be used only to purchase eligible food items.

n. that if his/her request is approved, he/she will receive a Benefit Security Card for use in purchasing food.

o. all individuals age 18-24 who are applying for Families First, SNAP, and/or Medicaid must be asked whether they were ever in state custody as a child. If the answer is yes, they should be directed to http://www.tn.gov/youth/fostercare/independent.shtml for further information regarding resources that may be available.

GUIDE: *Bulletin 42 FA-09-21*

H. Failure/Refusal to Cooperate in Eligibility Process

To determine eligibility, the application must be completed and signed, the applicant (or designee) must be interviewed, and the information on the application and family circumstances must be verified, as required. The household will be informed that this agency cannot guarantee completion of the application within 30 days unless she/he cooperates by supplying requested information promptly.

This does not mean that the applicant/recipient has the sole responsibility for obtaining verifications. Indeed, there are instances when it is easier and faster for the worker to verify needed information. E.g., Clearinghouse may be used to verify Unemployment Insurance Benefit information, rather than contacting Employment Security or requesting award letters from household members. It may also, e.g., be quicker for the worker to verify employment and/or earnings by telephoning the employer, than to wait for the applicant to get a statement or copies of pay records and mail them in. On the other hand, the applicant will have to provide enough information for the worker to assist in obtaining the necessary verification (information necessary to use the Clearinghouse file, or the name and other information needed to contact an employer).

The worker and applicant/recipient or his/her authorized representative will come to a clear understanding and agreement as to what necessary information the applicant/recipient will supply and what the worker will obtain. The applicant/recipient must be informed of the specific information needed, and must be given sufficient time (at least ten days) to provide the requested information. He/she must be advised to contact the worker if help or additional time is needed to obtain the required information.

The client/worker agreement regarding the requested information must be documented, in addition to any subsequent contacts or lack of follow-up between the worker and the applicant. It is important that the applicant be given an opportunity to provide acceptable verification if the preferred document is not readily available. For example, a birth certificate is the preferred document to verify age and relationship, but it is not the only document that can be used. Other documents are acceptable sources of verification for these elements. Such documents include census reports, hospital birth records, family Bible records, and even telephone contacts with a hospital's medical record section.

Under no circumstances is a case to be denied or closed for failure to provide verification from a particular source when another source could serve the same purpose.

When there is only one source of verification for a particular item and that source is no longer available (e.g., a factory has gone out of business and there is no longer anyone who can verify wages for the past month, and the applicant has no check stubs or wage records), a statement signed and dated by the applicant may be accepted as verification.

When a required verification cannot be obtained from a third party despite the household's and the worker's best efforts, the worker can accept the client's written declaration of the facts. The record should be documented showing the efforts that have been made and the results.

The distinction between refusal and failure to provide information or cooperate in the eligibility determination is often difficult.

1. Refusal to cooperate exists when the household is able to cooperate but clearly refuses to take the required action.

   For example:
   - someone may fail to show up for an interview or he/she may refuse to be interviewed;
   - someone may fail to provide required documentary evidence or he may refuse to give the worker information necessary to obtain such evidence.
2. Failure to do something is usually evident; refusal is not evident until the counselor has explored the situation with the applicant/recipient in an attempt to help him/her in establishing eligibility.

   a. refusal to provide verification or information needed to obtain required verification is sufficient ground for denial or termination.
   b. failure to provide information needed to establish eligibility may result in denial or termination because we are unable to establish a necessary factor of eligibility.
   c. If the worker is unsure whether the household has refused or merely failed to cooperate, the request for assistance will not be denied or terminated. Instead, the A/R will be given a reasonable opportunity to cooperate. (E.g., if the household takes the required action within the application processing period, cooperation has occurred.)
   d. Once denied or terminated for refusal to cooperate, the household may reapply but will not be determined eligible until it cooperates with the agency. This policy applies to applications and any subsequent redetermination of eligibility, including recertifications, reviews triggered by reported changes, and reviews by Quality Control staff.

3. Refusal to Cooperate with Federal or State QC

   As a condition of eligibility for SNAP, a household must cooperate with a federal or state QC reviewer in conducting a review.

   . The QC reviewer will advise the worker of the household's refusal to cooperate and the specific information that the household refused to provide.

a. The worker will provide the household with a Notice of Adverse Action (or Notice of Denial for application/recertification), citing its refusal to cooperate as the reason for termination or denial of benefits and outlining the action the household must take if it wishes to reapply and cooperate.
b. If the household reapplies and wants to cooperate with the QC reviewer, the worker first will refer the household to the QC supervisor.
c. The QC supervisor will determine whether the review must be reopened. If the household reapplies within 95 days from the end of the annual review period for a state review, or seven months for a federal review, it must cooperate with QC and complete the review before it may be determined eligible to receive benefits. QC will notify the county office once the household has cooperated in the completion of the review.
d. If the household reapplies after the 95-day timeframe for a state review, or the seven month timeframe for a federal review, it may be determined eligible without cooperating with QC. However, it must provide verification of all eligibility factors prior to approval. QC will notify the county office once it has been established that the appropriate timeframe (95 days or seven months) has passed.
e. Upon notification from QC of the household's compliance, the worker will process the application. If the application processing period extends beyond 30 days because of the time necessary for the QC review, the worker will follow procedures outlined in CHAPTER 39: Timeliness Standards of the SNAP Manual for delays caused by the county.
f. If QC notifies the worker that the household still has refused to cooperate, the application will be denied.

CHAPTER 38: Verification Procedures

This section describes the factors that must be verified and the procedures, which the worker must use to confirm or substantiate information provided by the applicant/recipient in determining eligibility/ineligibility for SNAP.

A. Introduction

1. Verification is the process of confirming or substantiating information provided by the applicant/recipient.

   Any decision made before the end of the standard of promptness period must be based on a clear-cut determination of eligibility or ineligibility.

   For a finding of ineligibility, the caseworker may generally render a decision based on the household's unverified statement. However, to render a decision of eligibility, the worker must be able to make a firm determination of eligibility based on certain verified points of eligibility. Therefore, the verification process is central to the caseworker's ability to certify a household for benefits. If there is any doubt of eligibility, the caseworker must resolve it using the best available evidence including documentary evidence, collateral contacts, and home visits.

   The client's written declaration of the facts can be accepted as verification when:
   - the household has tried, without success, to obtain the needed verification; and
   - the counselor has exhausted all means of securing documentary evidence, without success; and
   - the documents needed are other than those required by another agency, as in enumeration.

   The record must be documented showing the efforts that have been made and the results.

   The purpose of verification is to establish as accurately as possible that the household meets defined eligibility criteria, and that the benefit amounts for the programs in which assistance is requested are correct.

   The three sources of acceptable verification, which will be discussed in greater detail later in this chapter are: documentary evidence (e.g., wage stubs, bills, birth certificates), collateral contacts (e.g., neighbors, landlords, friends, ministers, schools), and home visits.

2. Documentation

   Documentation is the recording in the case record of the facts that led to the caseworker's determination of eligibility or ineligibility in sufficient detail to permit any reviewer of the case record to determine the reasonableness and accuracy of the determination.

The following notations must be made in the case file:

Documentary Evidence:
- record the title or type of document, document number, date of document, date seen, and contents.

Collateral Contacts (if used):
- date of contact type (written, face-to-face, telephone);
- name of collateral contact;
- relationship of the collateral contact to the HH/AG (how this person is in a position to know the facts); and
- information secured from the collateral contact (not Mrs. G. verified A/R's statement).

Home Visits (if used):
- the date the home visit was scheduled and the date it was made;
- why the home visit was made; and
- the information obtained during the home visit.

The client's written declaration of the facts can be accepted as verification when:
- the HH/AG has tried, without success, to obtain the needed verification; and
- the counselor has exhausted all means of securing documentary evidence, without success; and
- the documents needed are other than those required by another agency, as in enumeration.

The record must be documented showing the efforts that have been made and the results.

Proper documentation and accurate verification are crucial in determining eligibility. The Caseworker must obtain adequate verification for all required items at application, reported changes, and at recertification to assure that eligibility and amount of benefits have been correctly determined. All factors pertinent to the case must be fully documented on CLRC in ACCENT.

Documentation provides a full explanation of the eligibility decisions reached. This is especially important if the applicant/recipient, Legal Services, Quality Control or anyone else who may be looking into the case questions a decision. It also allows caseworker assigned to a case to understand the household's circumstances and the benefit determinations that have been made. Good, strong documentation also helps to support the county's action in an appeal or a Quality Control review.

B. Verification Process

1. Responsibilities for Providing Verification

Securing adequate verification is a joint responsibility between the household and the caseworker. The household has the primary responsibility for providing documentary evidence to support its statements and to resolve any questionable information. The household may supply documentary evidence in person, through the mail, or through an authorized representative. The caseworker must accept any reasonable documentary evidence and must primarily be concerned with how adequately the verification proves the statements on the application.

a. Responsibilities of the Household:

- timely provide documentary evidence;
- provide a collateral contact if needed;
- cooperate if a home visit is required;
- resolve discrepancies arising in verification.

b. Responsibilities of the Caseworker:

- accept reasonable evidence from the household;
- assess the adequacy of the collateral contact;
- obtain the required verification for the applicant/recipient when it is obvious during the interview
- that the information can be gathered easier and quicker by the caseworker;
- assist in obtaining timely verification information, if difficulties arise;
- notify the household of verification to be provided and by when it is needed;
- protect the applicant's/recipient's privacy;
- give the household opportunity to resolve discrepancies in verification;
- evaluate all information provided by the A/R, or concerning the A/R's eligibility, and to make a determination of eligibility for SNAP based on State Regulations for these.

2. Sources of Verification

The caseworker must substantiate statements made by the household on the application regarding all eligibility factors that must be verified. There are three sources of verification: (1) documentary evidence, (2) collateral contacts, and (3) home visits. Each source of verification is discussed below with details regarding when each source is to be used.

a. Documentary Evidence

Documentary evidence is written confirmation that is relied on as the basis, proof, or support of information provided by the household and may either be official or unofficial.

(1) Official documents are those that are prescribed or recognized as authorized and are most commonly provided by business, agencies, and organizations engaged in specific enterprises or service delivery. Examples of official documentary evidence include Social Security cards,

INS cards, check stubs, birth certificates, rent receipts, utility bills, benefit award letters, etc.

(2) Unofficial documentary evidence may include such items as a hand-written note from the employers of persons that work periodically such as baby-sitters, gardeners, domestic assistants, etc.

Both official and unofficial documents are acceptable sources of verification as long as they sufficiently reflect the information needed to substantiate the household's statements or allow a conclusion to be drawn regarding the eligibility factor being verified.

Documentary evidence is the primary source of verification. There will be some eligibility factors that need to be verified, but on which no documentary evidence is available (such as residency and household size). There will be times when the available documentary evidence is not sufficient to determine eligibility and level of benefits (such as when official documents appear to have been altered or falsified, or when pay stubs are not recent enough or inclusive enough to establish current earnings).

When documentary evidence is not readily available, or when it is not sufficient, a collateral contact, a home visit, or both will be used as alternate sources of verification.

b. Collateral Contact

In contrast to the written confirmation provided through documentary evidence, a collateral contact is a verbal confirmation of the household's circumstances by someone outside of the household who is knowledgeable regarding the eligibility factor being verified and may be anyone who can be expected to provide accurate third-party verification of the household's circumstances. Collateral contact may either be made in person or over the telephone.

The caseworker may select the collateral or may ask the household to assist by providing the name(s) and telephone number(s) of persons who know the facts and will be able to provide accurate and reliable information. While the household may supply the name of a potential collateral contact, the caseworker is not required to accept the collateral if that person cannot be expected to provide accurate and reliable information.

When contacting a collateral contact, the caseworker should take reasonable steps to ascertain the identity of the person and should ask enough questions to resolve any doubts as to that person's reliability or acceptability.

Example: How long have you known Mr. or Mrs. X?

What is your relationship to Mr. and Mrs. X (cousin, neighbor, employer, work together)?

Are you familiar enough with the X's to answer specific questions about them (who lives there, how is he kin to them, where do they work)?

If there is no acceptable collateral contact, a home visit may be substituted if the necessary information can be obtained by a home visit (e.g., determining household composition).

The client's written declaration of the facts can be accepted as verification when:

- the household has tried, without success, to obtain the needed verification; and
- the caseworker has exhausted all means of securing documentary evidence, without success; and
- the documents needed are other than those required by another agency, as in enumeration.

Running record must be documented showing the efforts that have been made and the results.

c. Home Visits

A home visit may be scheduled to make required verifications when there is no available or acceptable documentary evidence and there is no appropriate collateral contact available. A home visit must be scheduled in advance with the household.

GUIDES: *Renewal Interview Documentation Guide*

C. Verification at Initial Application

At application, the caseworker must examine both financial and non-financial factors of eligibility for SNAP. Information provided by the applicant/recipient on each factor must be examined and must be verified if mandatory or questionable and documented on CLRC in ACCENT.

The following describes financial and non-financial factors, which must be verified before eligibility, and level of benefits is determined:

1. Identity
For SNAP purposes, the identity of the person making the application shall be verified. Where an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of the household shall be verified through documentary evidence, or if unavailable, a collateral contact. Examples of acceptable documentary evidence include, but are not limited to, a driver's license, a work or school ID, an ID for health benefits or another assistance such as Families First or social service program, a voter registration card, wage stubs or a birth certificate.

For expedited service, identity is the only verification required for the initial month.

2. Residence

Residency is a requirement for SNAP. There is no duration requirement, however.

Households must be living in the county in which they file an application. The only exception to this requirement is that a household may apply for SNAP in another county when a hospital-based caseworker takes the application. The caseworker must verify residence in conjunction with verification of other information such as rent and mortgage payments, utility expenses, and identity. If residence cannot be verified in conjunction with other information, the caseworker must use a collateral contact or other readily available documentary evidence.

Exception: In unusual cases (e.g., migrants and farm workers, homeless households or households newly arrived in the country) if verification of residence cannot be readily accomplished, the caseworker may accept the household's statement that it resides in the county.

Residence does not have to be verified in order to change an address on the system; it must, however, be verified in order to allow shelter expense in a budget.

3. Alien Status

The caseworker must verify alien status if members of the household are identified as aliens. Alien status is to be verified through the Immigration and Naturalization Service's Systematic Alien Verification for Entitlements (SAVE) system.

Note: Applicants for and recipients of assistance under the Refugee Resettlement Program are not subject to the SAVE requirements.

4. Social Security Numbers (SSN)

An applicant or recipient must furnish a social security number (SSN) as a condition of eligibility. If he cannot furnish a number, he must apply for one. Assistance cannot be denied, delayed or terminated pending the issuance or verification of a social security number as long as the applicant or recipient has either furnished the number or applied for one. If an SS-5 is completed in the county DHS office, a copy of the completed SS-5, documentation of appropriate identifying information and a copy of the Enumeration Transmittal Sheet (HS-2115) should be filed in a central location.

If a HH member can show good cause why an application for an SSN has not been completed in a timely manner, that person shall be allowed to participate for one month in addition to the application month. If the HH member applying for the SSN has been unable to obtain documents required by the Social Security Administration, the caseworker will make every effort to assist the individual in obtaining the documents.

Good cause for failure to apply for a number must be shown monthly in order for a HH member to continue to participate in the program.

Verification of reported social security numbers may be accomplished by matching the reported number with BENDEX, SDX, wire-to-wire, observing the social security card or any official document from the Social Security Administration containing the SSN, or by utilizing the SS-5 process.

5. Household Size/Composition if questionable

Determining the correct composition of the HH is crucial. The number of persons in the household must be verified prior to approval, at each recertification, and anytime the household size changes-if questionable.

The caseworker must verify household size and/or composition by either a collateral contract or other source of verification that will provide accurate verification of the number of people in the FS household. Examples of acceptable collateral contacts are landlords, neighbors, social agencies or other reasonable sources.
When individuals live in the same household and claim separate SNAP household status, a signed statement from each head of household is acceptable verification of separate HH status if questionable.

Examples of acceptable collateral contacts are landlords, neighbors, and social agencies.

6. Resources --if questionable

Countable and non-countable liquid and non-liquid resources must be verified, if questionable. Acceptable verification is documentary evidence such as statements from banks or other savings institutions.

The fair market value of a vehicle is determined to be the listed value for a particular vehicle in the NADA ("blue book") guide or the following websites:

- Kelly Blue Book- http://www.kbb.com/
- Edmund's – http://edmunds.com/

If the vehicle is no longer listed, the client's statement of value will be accepted.

7. Gross Non-Exempt Income

Gross non-exempt income should be verified prior to approval. However, if all means of securing documentary evidence have been exhausted, the client's signed and dated statement can be accepted.

"Income" includes both earned (wages and salaries) and unearned (money received from sources other than employment) income. The source and amount of all income for each HH member must be explored to determine whether it is to be counted or exempt. (See also CHAPTER 20: Income).

When documentary evidence of current earnings is not available because the applicant/recipient is self-employed, the applicant's/recipient's business records and 1040 Income Tax forms from previous period may be used to estimate monthly income. If no business records have been kept, or if the applicant/recipient has not been self-employed long enough to have filed Form 1040, the caseworker and applicant/recipient must determine an amount to be used based on the best available information. In some instances this may be the applicant's/recipient's signed statement. The case must be fully documented on CLRC to reflect how the amount was determined.

Verification of an individual's lack of employment if questionable may be obtained through a collateral contact or with documentary evidence of recent unemployment (e.g., a layoff notice). Clearinghouse should be used, if there is no DEUC match, to verify whether an individual is receiving unemployment compensation.

In instances where the household's expenses exceed known income, the caseworker should carefully explore how those expenses are met with the household. However, these circumstances in and of themselves shall not be grounds for denial.

Acceptable verification of income includes documentary evidence such as copies of most recent wage stubs, an employee's W-2 form, IRS form 1040, Clearinghouse wage match (to verify past wages), ACCENT wage match, and a statement from an employer. If documentary evidence is not available, the applicant's/recipient's signed and dated statement can be accepted.

Documentation of how the gross income was derived is crucial for QC purposes. In order for a case with fluctuating income to be a "correct" case for Quality Control purposes, the caseworker must have fully and accurately documented how the gross monthly income was determined. Documentation must include the date and gross amount for each pay period used, with the appropriate number of pay periods recorded. In addition, the actual calculations used to arrive at the gross monthly income figure should be shown in order to demonstrate how the caseworker arrived at that figure. If the income was averaged and converted a statement to that effect must be recorded and the appropriate conversion factor should be shown.

For SNAP fluctuating income cases the caseworker must determine what representative income is for the prospective period based on earnings from the prior period. If possible, at least two months of known income, or one month of income that is known and can be reasonably anticipated to be representative, is needed to determine an average income. Pay patterns must be established. Checks may be disregarded if they are not representative for the future period. The justification for this procedure must be fully documented in the case on CLRC.

When the SNAP household's income is averaged, the averaged amount must be used for each month of the certification period, including the month of application. This does not apply to income from a new source when it was not received during the entire month of application.

Income averaging is prohibited for a destitute household during the first month since averaging would result in assigning income for a future period to the month of application when that income is not available to the family in that month.

Note: When a FS applicant claims deductible expenses and documentary verification is not available, the caseworker should first determine if the amount of the claimed expense will result in a deduction. If the deductible expense will result in delaying the household's certification, the caseworker must inform the household that its benefit amount must be determined without providing a deduction for the claimed expense. If the household subsequently provides the necessary verification the caseworker must make a timely redetermination

8. Medical Expenses prior to allowing as a deduction

Medical expenses in excess of $35 per month are deductible for elderly or disabled household members, as defined in Section 1240-1-9.

Verify the amount of the expense and the amount of the reimbursement prior to allowing it as a deduction. Verification of other factors, such as allowability of services provided or the eligibility of the person incurring the costs, is required if questionable.

Acceptable verification for one-time medical expenses consists of documentary evidence such as receipts, cancelled checks, or bills from doctors, pharmacies, clinics, etc.

9. Dependent Care Expenses prior to allowing as a deduction

Dependent care expenses are allowable deductions for SNAP. These expenses must be verified prior to allowing them as a deduction.

When a household claims dependent care costs, verify the actual amount of the cost if allowance of the expense would result in increased benefits.

Acceptable verification of dependent care is documentary evidence such as a statement from the provider of the services.

10. Shelter Costs prior to allowing as a deduction

Shelter cost must be verified at initial eligibility determination, when shelter expense changes, if it is allowed as a deduction.

11. Loans

When a household claims that money received is a loan, the caseworker must verify that it is, indeed, a loan and that it is expected to be repaid. When verifying whether income is exempt as a loan, a formal legal document is not required. A repayment agreement may be a simple statement signed by both parties, which indicates that the money is a loan and what the plans are for repayment. The repayment must be required and not be conditional upon the client becoming employed etc.

12. Disability

Disability must be verified prior to allowing any special consideration regarding medical deductions, excess shelter deductions, use of net income standards, and separate household status for parent/child and siblings, and elderly disabled persons who live with others and purchase and prepare food with others.

a. Receipt of disability or blindness benefits (for all special considerations except granting of separate household status to elderly, disabled individuals purchasing and preparing food with others) from SSI or Social Security is verification of disability for those individuals receiving such benefits.
b. Disability for a veteran may be verified by observation or documentary evidence from VA.
c. Disability for a surviving spouse or child of a veteran may be verified by observation or a statement from a physician or licensed or certified psychologist.
d. Disability for an elderly disabled person who lives with and purchases food with others may be based on observation or a statement from a physician or licensed or certified psychologist.

13. Child Support if allowed as a deduction

The legal obligation to pay child support and that child support payments are being made must be verified to be allowed as a deduction.

14.. ABAWD Factors if applicable

Exemption status, if questionable, verification of ABAWD hours worked if exemption is allowed based on work hours and countable months in another state if applicable must be verified.

15. Questionable Information

The caseworker must verify factors other than those listed above that are questionable and would affect the household's eligibility or level of benefits. Questionable information can be information on the application, which is:

a. inconsistent with statements made by the applicant;

b. inconsistent with other information on the application or previous applications.
c. inconsistent with information received by the caseworker.

Questionable information is not limited to the above criteria if, in the prudent judgment of the caseworker and/or supervisor, the information provided by the household appears to be unreasonable when considered in relation to the other household circumstances. When determining if information is questionable, the caseworker will base the decision on each household's individual circumstances.

D. Status of Application Awaiting Verification

In many instances, the applicants will not have adequate verification and the application must be held for additional information. The caseworker must clearly state to the applicant what information needs to be verified and by what date it should be provided to the county office. The caseworker should discuss with the applicant/recipient whether help is needed in obtaining the necessary information. A written request for information must be made and documented.

E. Verification of Reported Changes

Recipients are required to report changes within 10 days of the date the change becomes known to the household. (Except for Simplified Reporting Cases who are required to report by the 10th day of the month after the change.)

Changes reported by the recipient or discovered by the agency between recertification of eligibility are subject to the same verification procedures and requirements that apply at the initial eligibility determination. If deductions are not verified, remove the old deductions and process the case without the deduction.

GUIDE: *Bulletin No. 6, FA-09-05*

F. Verification at Recertification

The caseworker must examine both financial and non-financial factors of eligibility. Information provided by the household must be verified if questionable. Changes are subject to the same verification requirements as at initial application. Documentary evidence, collateral contacts, or a home visit as in initial applications will accomplish verification.

Any information, changed or unchanged, may be verified at recertification if it is a factor in determining eligibility and/or the benefit level and is questionable.

GUIDE: *Bulletin No. 6, FA-09-05*
Recertification/Renewal Verification Requirements

G. Contacting and Using Other Sources of Verification

1. While the applicant/recipient has primary responsibility for obtaining needed verification, there will be situations when the caseworker will need to assist and/or assume the responsibility. For example, when the household does not have the funds and/or capability to send out-of-state for documents needed to establish eligibility or when the household's family documents have been destroyed in a disaster. The applicant/recipient is expected to pay for needed documents if at all possible; however, if (s) he cannot, the Department is authorized to pay the required fee.

   In these situations, the worker may need to contact one or more agencies either in or out-of-state. The Department can pay for verification documents for birth, death, marriage, or divorce, providing the following steps are followed:

   a. Complete Form (3530), HS-0348 Verification of Birth or Death and/or Form (2680), HS-0794, Application for Confidential Verification of Marriage/Divorce.
   b. Include the following on the form:

      (1) County Office and Address (DHS)
      (2) Case ID number
      (3) Program (FS, AFDC, or MN)
      (4) State where record is located
      (5) State agency address and fee amount, if known.
      (6). Mail to: Tennessee Department of Human Services
      Fiscal Services Section, Fifth Floor
      400 Deaderick Street
      Nashville, Tn. 37248-3500

   Bureau of Vital Records agencies provide information on birth records of persons born in that state. Birth record information for persons born in Tennessee is available on Clearinghouse. This system should always be the first source of information about Tennessee born individuals.

2. The following provides specific information on other agencies procedures for requesting free information:

   a. Veterans Service Officers: The Veteran's "C" number of "CCS" number should always be included in any inquiries to the Veterans Administration.
   b. SOLQ - For Social Security Benefits or SSI Benefits (SSA/SSI): If documentary evidence of Social Security benefits is not readily available from the applicant, the worker may verify the income through SOLQ.

CHAPTER 39: Timeliness Standards

A. Introduction

This section will provide standards for delivery of service and/or notification of action taken on an application or reported change. It outlines the types of notices to be sent and the information these notices should convey. It describes certain situations, which may occur because of various applicant/recipient, or county caused delays and the type of action that should be taken when this happens.

B. General Standard

The process of determining eligibility for SNAP shall proceed as promptly as possible, after an application is filed. The standard of promptness for determining eligibility for SNAP is 30 days for regular applications. Cases eligible for expedited services should receive benefits by the 7th day. Non expedited cases that are eligible for benefits and complete the required process should receive benefits by the 30th day.

GUIDES: Tracking Guide

C. Action When SNAP Determination Precedes Families First Determination

As a result of differences in SNAP and Families First application processing procedures, the caseworker may have to determine the SNAP eligibility prior to determining eligibility for Families First payments. Action on the SNAP portion of the application shall not be delayed or the application denied on grounds that the Families First determination has not been made. If the caseworker can anticipate the amount and the date of receipt of Families First payment but the payment will not be received until a subsequent month, the caseworker shall vary the household's SNAP benefit level according to the Families First payment and notify the household.

Portions of initial payments intended to retroactively cover a previous month shall be disregarded as a lump sum payment. If the amount or the month of receipt of the initial Families First payment cannot be reasonably anticipated at the time of the SNAP eligibility determination, the payment shall be handled as a change in circumstances. When the SNAP benefits are authorized, ACCENT will automatically send any approval notice that will inform the household that they will not receive another notice about their SNAP benefits if Families First is approved, but that their SNAP will be adjusted.

A household whose Families First application is denied shall not be required to file a new SNAP application but shall have their SNAP eligibility determined or continued on the basis of the original application filed jointly for Families First and SNAP purposes and any other documented information obtained subsequent to the application which may have been used in the Families First determination and which is relevant to SNAP eligibility or level of benefits.

GUIDES: Tracking Guide

D. Opportunity to Participate

Providing EBT Card and PIN

An opportunity to participate in SNAP consists of providing households with an EBT card and having a PIN number available for the household to obtain its allotment. The card and PIN should reach the participant so that the household will have an opportunity to participate within the appropriate timeframe.

GUIDES: Tracking Guide

NOTE: **EXPEDITE:** If an individual does not have an EBT card, try to authorize SNAP by the 4th day so benefits can be in hand by the 7th day.

NON-EXPEDITE: If an individual does not have an EBT card, try to authorize SNAPs by the 26th day so benefits can be in hand by the 30th day.

E. Providing Notices to Households – Notices of Eligibility

1. Initial Application

Time Limit for Providing Notice of Eligibility

The caseworker will provide applicants with an approval or denial notice through ACCENT as soon as possible once a determination is made. If eligible for expedited benefits, notice and benefits should be received by the 7th day. If eligible for regular benefits, notice and benefits should be received by the 30th day

2. Contents of Notice

Approval notices are created in the ACCENT system and mailed the day following authorization.

a. The notice will inform the HH of the amount of the benefits and of the variation in the benefit level based on changes anticipated at the time of approval. If the initial allotment contains benefits for both the month of application and the current month's benefits, the notice shall explain that the initial benefits include more than one month's benefits. It also will indicate the monthly allotment amount for the remainder of the eligibility period assigned.

b. The notice will inform the HH of the beginning and ending date of the SNAP certification period.

c. The notice will advise the HH of its right to a fair hearing and of the name and telephone number of the person to contact for additional information, as well as the availability of free legal advice and how to obtain it.

GUIDES: Tracking Guide

F. Notice for Special Cases

1. Expedited Applications

In cases where a household's application is approved on an expedited basis without verification, and the application indicates the household is eligible in subsequent months the approval notice will explain that the household must complete the interview and verification requirements that were postponed before further benefits will be issued.

If the caseworker has elected to assign a longer certification period to some households certified on an expedited basis, the notice also will explain the special conditions of the longer certification period and the consequences of failure to provide the postponed verification.

2. Notice for Recertification

Households that have filed an application by the 15th of the last month of their certification period and who have kept their scheduled interview appointment on or after their application will receive should be issued a notice regarding eligibility or ineligibility by the end of the current certification period if they are eligible. Households that miss their interview appointment and have not rescheduled should be denied with code 495 the last day of their certification month. A denial for failure to provide verification cannot be authorized until the applicant has had at least 10 days from the written request to provide. Applications filed after the 15th of the month are subject to initial application timeliness standards. The caseworker will provide households that have received a notice of expiration at the time of certification and have timely reapplied with a notice of eligibility or a notice of denial not later than 30 days after the date the household received its last allotment.

Note: Even though the above is true, QC will cite review timeliness errors any time a customer completes an application by the last day of their review month and does not receive benefits, if eligible, by their normal issuance date the next month.

Note: Federal regulations state notice of missed interview and denial both can be sent the day they miss, the end of cert month, or by the 30th day.

3. Providing Notice of Denial to an Ineligible SNAP Household

Each HH denied eligibility shall be provided a notice of denial which explains:

a. The basis for the denial, including specific rule number used as the basis of denial;
b. The HH's right to request a fair hearing;
c. The telephone number of the DHS office;
d. The name of the person to contact for additional information;
e. The availability and telephone number in their area of the organization that provides free legal representation; and
f. The right to reapply anytime.

GUIDE: *Bulletin No. 22, FA-12-14*
Tracking Guide

G. Time Limit for Providing Notice of Denial

Households that are found to be ineligible shall be sent a notice of denial as soon as possible. The action to deny should be taken by the 30th day whenever policy allows.

Information obtained during the intake Interview in some instances is sufficient for the intake caseworker to determine that the applicant is ineligible at intake and, therefore, the application can be denied at that point.

A denial action for not completing an initial interview cannot be taken until the 30th day or next working day if the 30th day is a non-business day. A denial action for failure to provide verification cannot be taken until after the applicant has had 10 days from written request to provide verifications.

GUIDES: Tracking Guide

H. Denial of Applications When A/R Fails to Keep an Appointment

Initial Applications: If an applicant HH has failed to appear for the initial interview, a "Notice of Missed Appointment" (NOMI) will be sent by the caseworker to notify the HH that it missed the first appointment. The notice also will inform the applicant that he/she must contact the county office and schedule a second appointment within the processing timeframe or the application will be denied. The application will be held pending for 30 days. If the applicant household does not schedule a second interview appointment, or if the applicant fails to appear for this second appointment after requesting it, deny the SNAP application on the 30th day or the next business day if the 30th day falls on a non-business day.

GUIDE: *Tracking Guide*
Bulletin No. 6, FA-09-05

I. Failure to Meet Timeliness Standard

There are instances in which the caseworker will not have sufficient information to approve or deny a HH. In such cases, action must be taken by the caseworker to determine the cause of

the delay. The following sections describe what must be done if timeliness standards are not met:

1. Criteria for Denial and Initial Action

If the worker cannot make an eligibility determination within the 30 days and cannot deny the household as provided in Chapter 39 Timeliness Standards under "Time Limit for Providing Notice of Denial" and "Denial of Application when an A/R Fails to Keep an Appointment", the cause of the delay is determined and certain actions are taken to determine whether the delay was caused by the fault of the household or the county office. The term "fault" is used only to determine the date from which pro-ration of the household's benefits shall begin.

2. Determine Cause of the Delay

Determine the cause of the delay using the following criteria:

a. Household Caused Delay

The delay shall be considered the fault of the household if the household has failed to complete the application process when the caseworker has taken all the action he or she is required to take to assist the household. The worker must have taken the action in Chapter 39 Timeliness Standards under "Failure to Meet Timeliness Standard" before a delay can be considered the fault of the household.

b. County Caused Delay

A delay shall be considered the fault of the county office if the caseworker failed to take actions cited in Chapter 39 Timeliness Standards under "Failure to Meet Timeliness Standard". Further, the fault is the county office's if the household met its obligations in a timely manner but the county office failed to complete the application process by the 30th day.

3. Actions by the County Office

The caseworker must take the following actions, while the household fails to take the corresponding action for a delay to be caused by the household:

a. The caseworker must have offered, or attempted to offer, assistance in completion of the application for those households that have failed to complete the application form.

b. The caseworker must have informed the household of the need to register for work, and given the household at least 10 days from the date of notification to register a household member for work, if one or more members of the household

have failed to register as required in Administrative Policies and Procedures: 24.00.

c. The caseworker must have assisted the household when necessary for the household to provide documentary evidence to support its income statement and questionable information. The worker also must have allowed the household sufficient time prior to the 30th day of the application to provide the missing verification. Sufficient time is at least 10 days from the date of the county office's initial request for the particular verification that was missing.

d. The caseworker will give the household a written list of the information needed and the due date to provide the missing information, both verbally and in writing. The caseworker will:

- document in the running record the discussion regarding the outstanding verification, the written request provided and
- offer assistance in obtaining verification and provide help if requested.

If the applicant has failed to provide the verification within 10 days of the caseworker's request, the caseworker must deny the application after the 10th day. The denial notice must explain the applicant's right to provide verification by the 30th day with benefits provided from application date if eligible.

When an application is denied after the tenth day for "failure to provide verification" (reason code 305), and the household provides the missing verification within the initial 30-day application processing period, the application must be reopened and benefits prorated from the date of application.

If the household provides the missing verification in the second 30-day period, the application must be reinstated and benefits will be provided from the date that the household furnished the verification, if eligible.

If the verification is provided within 60 days from the application date, the caseworker must act on the verification without requesting a new application.

e. For households that have failed to appear for an interview, the county office must notify the household that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts the county office within the 30 day processing period, the county office must schedule a second interview. If the household fails to schedule a second interview, or the subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day; otherwise, the delay shall be the fault of the

household. If the household has failed to appear for the first interview, fails to schedule a second interview, and/or the subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household.

f. If the county office fails to assist the household, as required, in completing the application form or in obtaining documentary evidence to support its income or questionable information, fails to give the household sufficient time, or fails to timely schedule the required interviews, the fault is then the county's. If the county office fails to assist the household as required in obtaining verification of questionable expenses, do not delay processing the application. Certify the household without the expense and restore any lost benefits to the household upon receipt of the required information, if appropriate.

g. When the delay is the fault of the county, the household's benefit level for the initial month of certification is based on the day of the month it filed its application for benefits.

4. Delays Caused by the Household

a. Benefit Entitlement

The household loses its entitlement to benefits if, by the 30th day following the date of application, the caseworker cannot take further action on the application due to the fault of the household.

b. Notifying the Household at End of 30 Days for Household Caused Delays

The caseworker will authorize denial and a denial notice will be generated through ACCENT to the household denying the application on the 30th day following the date it was filed. The notice will advise the household of the verification needed to complete the application process and that the household should report any changes in circumstances.

c. Reopening the Case after a Notice of Denial Is Sent

If a notice of denial is sent and the household takes the required action within 60 days of the date the application was filed, the worker will reopen the case without requiring a new application.

d. Further Action by County after Notice of Denial Is Sent

No further action by the caseworker is required after the notice of denial is sent.

e. Providing Benefits

The household is not entitled to benefits for the month of application when the delay was the fault of the household. The caseworker will provide benefits

prorated from the day of the month that the applicant/recipient took the action or provided the information required to complete the application process if, during the second 30-day period, the household is found to be eligible.

f. Delays Caused by the County in Initial 30 Days

Whenever a delay in the initial 30-day period is the fault of the county, the caseworker will take immediate corrective action. A notice of denial cannot be sent for county-caused delays.

g. Pending Application

The caseworker will not deny the application if the delay was caused by the county, but instead will notify the household by the 30th day after the application was filed that its application is being held pending. The worker also will notify the household of any action it must take or outstanding verification that must be provided to complete the application process.

h. Action Taken During Second 30 Days

If the county caused the delay during the first 30 days, and the household is found to be eligible during the second 30-day period, the household shall be entitled to benefits retroactive to the day it filed its application for benefits. If, however, the household is found to be ineligible, the caseworker shall deny the application.

i. Delays beyond 60 Days

(1) County Caused Delay - All Information Received

If the county is at fault for not completing the application process by the end of the second thirty-day period, and all the information necessary to complete the application has been received, the caseworker must continue to process the original application until an eligibility determination is made. If the household is determined eligible and the county was at fault for the delay in the initial 30 days, the household must receive its initial benefits retroactive to the day of the month it applied for benefits.

(2) County Caused Delay - Information Incomplete

If the county is at fault for not completing the application process by the end of the second 30-day period (60 days) but the case is not complete enough to reach an eligibility determination, the caseworker should deny the case and notify the household to file a new application unless the

original application can be processed immediately and the household notified of the action that will be taken.

(3) Household Caused Delay in Second Thirty Days

If the household is at fault for not completing the application process by the end of the second 30-day period, the caseworker shall deny the application and require the household to file a new application if it wishes to participate.

GUIDES: Bulletin No. 15, FA-13-09
Tracking Guide

CHAPTER 40: Authorization of Allotments

A. Introduction

This section outlines departmental procedures governing the authorization of SNAP allotments, for any retroactive period of eligibility and for ongoing certification period.

Issuance of an "Electronic Benefit Transfer" card (EBT) and PIN entitles the household to receive SNAP benefits of a specified value.

B. Method of Delivery

SNAP benefits are authorized by ACCENT and mailed to the address shown on the AEICI Screen, and are payable only to an authorized recipient, or duly designated representative. Certain guidelines must be followed in determining where benefits should be mailed:

1. The county office has the benefits issued in care of the county office address because the household has no fixed address. This will be done only in very rare instances for "homeless" households who have no address or post office box to which their benefits can be mailed (i.e., street people, people living in automobiles, etc.) and the household requests the county office address be used.

2 Do not issue EBT cards or PIN mailers to DHS staff members unless the staff member is certified to participate in SNAP in his or her own right (refer to Chapter 34 General Administrative Procedures under "Applications by Department Employees, their Relatives, or Other Individuals Who Are Known to the Employee");

3. Do not mail EBT cards or PIN mailers to "General Delivery" or "in care of" an address other than the household's residence, unless specifically requested by the household to do so.

   Note: Document the case to reflect the reason(s) for not mailing EBT cards or PIN mailers to the household's physical address.

   Note: Do not issue EBT cards or PIN mailers "in care of" a particular merchant or business establishment.

Follow procedures in Chapter 41: Continuing Responsibilities (address change, lost benefits, case closure),as appropriate, when the post office returns EBT cards or PIN mailers to the county office because the only HH member has died, or when a recipient reports not receiving his/her card or mailer.

C. Designation of an Authorized Representative

The caseworker must designate the person in whose name the SNAP will be issued. This individual will be the person designated as head of the household. The A/R may name an authorized representative. An authorized representative must be:

1. designated by the head of the household or the spouse, or other responsible member of the household; and
2. an adult who is sufficiently aware of relevant household circumstances. In the event the only adult member of a household is classified as a non-household member, that person may be designated as the authorized representative for the minor household members.
3. The head of the household, spouse, or any other responsible member of the household may designate an authorized representative to act on behalf of the household in one or all of the capacities listed below.

   a. Making Application for the Program

      When the head of the household or the spouse cannot make application, another household member may apply or an adult non-household member may be designated as the authorized representative for that purpose. Form HS-0169, Application for Assistance, should be signed by the head of the household designating this authorized representative. The head of the household should prepare or review the application whenever possible, even though another household member or the authorized representative will actually be interviewed. The worker shall inform the household that the household will be held liable for any over issuance which results from erroneous information given by the authorized representative, except as provided in 1240-1-31.

   b. Using the SNAP Benefits

      The authorized representative may use benefits to purchase food for the household's consumption, with the full knowledge and consent of the household, provided the authorized representative has an EBT card and PIN for the household.

   c. Drug Addict/Alcoholic Treatment Centers as Authorized Representatives

      Narcotics addicts or alcoholics who regularly participate in a drug or alcoholic treatment program on a resident basis may voluntarily elect to participate in SNAP if the treatment center in which they reside has been approved by a department and is a nonprofit agency. The residents shall apply and be certified for program participation through the use of an authorized representative, who shall be an employee of and designated, by the private nonprofit organization or institution. Since the organization or institution is applying on behalf of each addict or alcoholic, they shall receive and spend the coupon allotment for food prepared by or for the addict or alcoholic. The organization or institution shall also be responsible for complying with the requirements set forth in Section 1240-1- 31.

d. Documentation and Control of Authorized Representatives

Limits shall not be placed on the number of households an authorized representative may represent. The caseworker should exercise caution to assure that: the household has freely requested the assistance of the authorized representative; the household's circumstances are correctly represented and the household is receiving the correct amount of benefits and that the authorized representative is properly using the benefits. County offices, which suspect authorized representatives of not properly using benefits, should report the circumstances to the State Office who shall report to FNS.

e. Restrictions on Authorized Representatives

(1) County office employees who are involved in the certification process and retailers that are authorized to accept SNAP benefits may not act as authorized representative without the specific written approval of the District Supervisor or his designee, and only if that official determines that no one else is available to serve as an authorized representative.

(2) Individuals disqualified for fraud shall not act as authorized representatives during the period of disqualification, unless the individual disqualified is the only adult member of the household able to act on its behalf and the caseworker has determined that no one else is available to serve as an authorized representative. The caseworker shall separately determine whether these individuals are needed to apply on behalf of the household, and to use the benefits for food for the household.

CHAPTER 41: Continuing Responsibilities

A. Recertification

Complete the application process and approve or deny timely applications for recertification prior to the end of the household's current certification period. Provide eligible households with an opportunity to participate by the household's normal issuance cycle in the month following receipt of a timely application. Do not continue benefits to households beyond the end of the certification period unless the household reapplies and is recertified. Allow cases that have not provided a recertification application to auto close. The joint processing requirements will continue to apply to applications for recertification.

Note: Even though the above is true, if a reapplication is filed any time during the review month and the household is determined eligible QC will cite a timeliness error if the household does not receive benefits by their normal issuance date in the month following the receipt of the review application.

GUIDES: *Bulletin 6 FA-09-05*

B. Notice of Expiration of Certification

ACCENT will generate a notice to each household, prior to the last month of the household's certification period.

1. The household has reapplied timely if the application for recertification is received by the 15th of the last month of certification, regardless of when the interview appointment is scheduled.

2. The household must appear for any interview scheduled on or after the date the application is timely filed in order to receive uninterrupted benefits;

3. The household is responsible for rescheduling any missed interviews;

4. The household must complete the interview and provide all required verification in order to receive uninterrupted benefits;

5. The household has the right to request an application and have the county office accept the application as long as it is signed and contains a legible name and address; the application may be filed by mail or through an authorized representative.

6. Any household containing only SSI recipients or applicants is entitled to apply for SNAP certification at the SSA office.

C. Notice of Recertification

Act on timely reapplications to provide uninterrupted benefits to households determined

eligible. Take action on timely reapplications within the time standards specified in (A) and (B) below, and provide the household an opportunity to participate by the household's normal issuance in the month following receipt of the timely reapplication, even if the opportunity is outside of the normal issuance system.

1. Households that were certified for one or two months and have reapplied timely will be notified of their eligibility or ineligibility and provided an opportunity to participate, if eligible, not later than 30 days after the date the household had an opportunity to obtain its last allotment.

2. For other households, approve or deny the application and notify the household of the determination by the end of the current certification when the household has:

   a. filed an application by the 15th of last month of the certification period; and
   b. attends the first scheduled interview on or after the date of application; and
   c. provides any necessary verification within 10 days of the date requested or by the 15th of the last month of their certification period, whichever is later.

   Note: The household must have at least 10 days to provide verification from written request before the recertification can be denied even if this causes action to be taken to approve or deny after the end of the certification period.

   Note: Even though all of the above is true, a QC review timeliness error may be cited any time a customer files a recertification during prior to the end of their certification and, if eligible, does not receive their benefits by their normal issuance date the month after the recertification application is filed.

D. County Office Failure to Act on Timely Certification Application

If an eligibility worker fails to provide households with the opportunity to participate when such households have completed all recertification steps timely, the affected households must receive restored benefits when the failure to act causes the household to be unable to participate during the months immediately following the end of the current certification period.

E. Loss of Right to Uninterrupted Benefits

A household loses its right to uninterrupted benefits when it:

1. fails to file a timely reapplication for certification without good cause; or
2. fails to appear for the first scheduled interview on or after the date of the application; or
3. fails to provide necessary verification within 10 days of the date requested or by the 15th of the last month of certification, whichever is later.

Households that submit a recertification application by the 15th of their review month but fail to complete a scheduled interview and fail to reschedule, or fail to provide verifications within 10

days of written request should have a notice of eligibility or ineligibility authorized by the end of the certification month.

When the household fails to reapply by the 15th of their recertification month, process their applications as initial applications in accordance with Chapter 39 Timeliness Standards for timeliness purposes.

Note: Even though the above is true, if a reapplication is filed any time during the review month and the household is determined eligible QC will cite a timeliness error if the household does not receive benefits by their normal issuance date in the month following the receipt of the review application.

Applications received within 30 days after a certification period expires are treated as recertification in regard to verification requirements.

When an untimely application is received after the end of the certification period, prorate the household's benefits.

F. Good Cause for Failure to Timely Reapply

If the worker determines that the household had good cause for failure to reapply timely or otherwise to complete the certification process in a timely manner, so that the household was unable to participate in the month following the expiration of its certification period, lost benefits may be restored. The determination of good cause will be made on a case-by-case basis. Good cause reasons include, but are not limited to, personal illness or failure to receive a timely notice of expiration of the certification period.

G. Changes During the SNAP Certification

When changes which affect a household's eligibility or level of benefits occur within the certification period, action may need to be taken to adjust the benefits.

H. Household Responsibilities

Certified households that are not simplified reporting households are required to report only the following within 10 days of the date the change becomes known to the household:

1. Changes in the source or amount of gross monthly unearned income of more than $50, except changes in Families First.
2. Changes in earned income when there is a change in the source, hourly rate or salary or the employment status.
3. When cash on hand, stocks, bonds, and money in a bank account or savings institution reaches or exceeds the allowable limit.
4. Acquisition of a licensed vehicle if not fully excludable.
5. All changes in household composition.
6. Changes in residence.

7. Changes in legal obligation to pay child support
8. Change in work hours if hours drop below 20 hours per week, averaged monthly if the hours were stopping the ABAWD time clock.

I. Households Subject to Simplified Reporting

Most households certified for periods of 4 to 12 months will be assigned to Simplified Reporting (SR). The only households that would not be assigned to SR are cases that the only earned income is annualized income from self-employment or if they are certified for 3 months or less.

Simplified Reporting cases must report required changes within the first 10 days of the month following the month the change occurred.

The households, once assigned to Simplified Reporting, are required to report:

- a change in monthly gross income that exceeds the SNAP gross income standard for the household size determined at the most recent certification,
- for a household with an employed able-bodied adult without dependents, any time at which hours of employment go below 20 hours per week (averaged monthly) if exemption from the ABAWD time limit was due to work hours.

Simplified reporting households, other than those where all adult members are elderly and/or disabled individuals with no earned income, that are certified longer than 6 months are required to complete a simplified reporting form in order to received benefits beyond their 6th month.

Bulletin 27, FA-11-16 explains the simplified reporting form process.

Simplified Reporting households must be given the appropriate certification (a partial month of benefits is considered one of the months in the certification period as is a month that prorates to Zero if otherwise eligible). If a change occurs during a SR household's certification period that the household no longer meets the SR criteria, the household is to stay in SR for the remainder of the certification period. Although only certain changes are required to be reported, the worker must act on all changes that are reported by the household or otherwise become known to the agency. These changes can be recipient or non-recipient reported. Please see Memo FS-15-01 for procedures on acting on all changes. If verification of an expense/deduction is not provided, remove the expense/deduction from the case.

If an annualized self-employment household becomes subject to SR:

1. document on CLRC that the household is now SR
2. explain the new reporting requirements and provide the household with the Change Report Form that includes information about SR.

GUIDES: Bulletin 27, FA-11-16

Bulletin No. 14 FA-09-10

J. Applicant Household's Responsibilities

An applicant household must report all changes related to its SNAP eligibility and benefits at the certification interview.
Refer to Chapter 41: Continuing Responsibilities under "Household Responsibilities" for changes which occur after the interview but before the date of the notice of disposition must be reported by the household within 10 days of the date of the notice.

K. How Changes Are Reported

A change may be reported by telephone, in person, or by mail. Form HS-0746, Change Report Form, is to be provided to all households at each renewal for ease of reporting. The 10-day period will begin with the date the change becomes known to the household for non-simplified reporting cases and the 1st day of the month following the required change for simplified reporting cases. The change will be considered as reported by the household on the date the report of change is received by the county or, if mailed, the date the envelope is postmarked. Each Change Report Form received will be date-stamped immediately. The date of receipt and the information reported will be documented in the running record.

L. Failure to Report

If the county discovers the household failed to report a change as required by Chapter 41: Continuing Responsibilities under "Household Responsibilities" or "I. Households Subject to Simplified Reporting", and as a result, received benefits to which it was not entitled, the worker will pend a claim on COTS. If the discovery is made within the certification period, ACCENT will generate a decrease notice when the household's benefits are reduced. Failure to report a change will not automatically be construed to be a suspected intentional program violation. Individuals will not be disqualified from SNAP for failure to report a change unless the individual is disqualified in accordance with the disqualification procedure specified in Chapter 42: Over issuances and Claims. If a household should lose benefits because of failure to report changes timely or at all, the household is not entitled to restoration of lost benefits.

Do not impose any reporting requirements on households, except as noted above. Submitting a action notice.

M. Providing the Change Report Form

Provide a change report form and a postage paid envelope in the following instances:

1. at certification approval to new households.
2. at recertification if the household needs a new form: and
3. in all instances when the household uses the Change Report Form to report a change.

Although households are encouraged to report changes by using the Change Report Form, changes may be reported by telephone, in writing (in a format other than the Change Report Form) or in person. Regardless of the manner in which changes are reported, they must be acted upon with the prescribed timeframes.

N. Worker's Responsibilities

At each certification, recertification, and reported change, the worker should inform the household that it must report changes either within 10 days of the date they become known, or in the case of Simplified Reporting, within the first 10 days of the month following the month the change occurred.

1. When a change is reported by the Household:
   Follow procedures in Memo FS-15-01.

   a. Immediately request verification needed in writing if verification is necessary and it has not been provided.
   b. take action within the prescribed timeframes to determine whether the change will affect the household's eligibility or benefit amount;
   c. document the reported change in the case record to reflect either the date the county office received the Change Report Form if hand-delivered or the date of the postmark if received through the mail, or the date the county was informed of the changes by telephone or in person;
   d. provide another Change Report Form and postage paid envelope to the household; and
   e. if necessary verifications are received authorize the change on ACCENT. ACCENT will automatically notify the household of how the change affected its eligibility or benefit amount (no change; increase; decrease; closure;
   f. if necessary verifications are not provided close the case after the customer has been allowed 10 days to provide. The customer would then need to reapply or appeal to potentially continue benefits unless an agency error is discovered;
   g. if the change results in a negative action be sure worker comments in the notice explain the reason for the action.

2. SNAP benefits may not be increased when a household reports a decrease in income from a Federal, State, or local welfare program resulting from the household's intentional failure to comply with the other program's requirements. The other program must be means-tested, and must distribute publicly funded benefits such as, but not limited to Families First and general assistance.

3. Whenever a household reports such a decrease in income, apply applicable penalty.

O. When a Change Results in Increased Benefits

1. There are several changes in circumstances which entitle a household to increased benefits. Although the household may be entitled to increased benefits, do not issue

such increases until the change is verified. If verification of an increased expense/deduction is not provided, remove the previous amount and process the case without the deduction.

2. When the household reports a change which results in an increase in benefits, the following procedures must be used:

   a. notify the household immediately of the required verification it must provide and offer the household assistance in obtaining the required verification;
   b. document in running record of information requested
   c. allow the household ten (10) days from the date the change was reported to provide the verification.

3. When the household verifies the change, the worker must effect the increase within the following timeframes:

   a. if the verification is provided within the 10-day period, make the change effective with the first month after the reported change; or
   b. if the verification is not provided within the 10-day period, but the household does provide the verification at a later date, make the change effective the first month after the date the verification was provided.
   c. If verification of an increased expense/deduction is not provided, remove the previous amount and process the case without the expense/deduction.

GUIDE: *Bulletin No. 19 FA-12-11*

P. Changes Resulting in Increased Benefits through a Supplement

1. A supplement does not go back to the day of the reported change or when verification provided. Use a supplementary allotment to increase benefits, when the change cannot be processed the following month due to the system's cutoff.

2. A supplementary allotment will be authorized only if the following criteria are met:

   a. the household had provided the required verification of the change; and
   b. it is too late in the month (after computer cut-off) to adjust the benefits received in the following month.

GUIDE: *Bulletin No. 19 FA-12-11*

Example: Client reports on August 20, 2012 that he had lost his job and provided the needed verification at that time. August system cut-off was August 17, 2012. Due to the system cut-off change would be effective October, 2012. The household is due a supplement for September, 2012. The client would not receive additional benefits for August as a change is effective the month after the reported change when information is provided.

Example: Household reports on August 27, 2012 his earnings had decreased which made his SNAP benefits increase. Verification was provided on September 24, 2012. This is past the 10 day period so no benefits are due for September. The change would be effective November due to the system cut-off. A supplement is due for October.

Q. Changes Which Reduce Benefits

When the household's benefit level decreases or the household becomes ineligible as a result of the change, determine the action to be taken and authorize the change on ACCENT so the appropriate notice can be issued through the ACCENT system.

R. Mass Changes

Certain changes are initiated by the Department or the Federal Government which may affect the entire caseload or significant portions of the caseload. These changes include annual adjustments to the income eligibility standards and various deductions, adjustments to Families First standards and payment levels, Social Security and SSI benefit adjustments, and other changes in the eligibility criteria based on legislative or regulatory actions.

1. Federal SNAP Changes

   These include federal adjustments to eligibility standards, allotments and deductions. These adjustments shall go into effect for all households at a specific point in time.

2. SNAP Program Changes

   State adjustments to the utility standards shall be effective for all issuances in the month specified by the State Office.

   Although a notice of disposition is not required prior to these adjustments, appropriate notices are generated through the ACCENT system to all affected SNAP households.

3. Mass Changes in Public Assistance

   When the Department makes an overall adjustment to Families First payments, corresponding adjustments in the household's SNAP benefits shall be handled as a mass change. The ACCENT system will automatically adjust most Families First and SNAP cases when there is a mass change. However, there are instances in which the case will not be automatically mass changed, but will be listed on an exception report, and must be handled by the caseworker.

   If a household requests a fair hearing, benefits shall be continued at the former level only if the issue being appealed is that SNAP eligibility or benefits were improperly computed and not that benefits are reduced because of the mass change.

S. Changes Affecting SNAP Households Receiving Families First

1. Anytime a household's SNAP benefits are altered as a result of changes in Families First benefits or whenever the SNAP certification period is shortened to reflect changes in the household's circumstances, ACCENT generates appropriate notice. If the certification period is shortened, the household's certification shall not end any earlier than the month following the month in which the worker determines that the certification period should be shortened, allowing adequate time for the household to timely reapply as provided in this Section. If the Families First benefits are terminated but the household is still eligible for SNAP benefits, members of the household shall be advised of SNAP work registration requirements, if applicable, as their Families First work requirement no longer applies.

2. Whenever a change results in the reduction or termination of the household's Families First benefit within its SNAP certification period, the worker shall take the following actions:

   a. If a change in household circumstances requires both a reduction or termination in the Families First payment and a reduction or termination in SNAP benefits, the worker will authorize the action on ACCENT, using the correct reason codes for the action(s) taken. If the household requests a fair hearing within the period provided by the notice of disposition the household's SNAP benefits shall be continued on the basis authorized immediately prior to sending the notice. If the fair hearing is requested for both programs' benefits, the hearing shall be conducted according to procedures in Chapter 43: Complaints, Appeals, & Fair Hearings -Procedures. However, the household must reapply for SNAP benefits if the SNAP certification period expires before the fair hearing process is completed. If the household does not appeal, the change shall be made effective in accordance with the procedures specified in Chapter 41: Continuing Responsibilities.

   b. If the household's SNAP benefits will be increased as a result of the reduction or termination of Families First benefits, the worker shall authorize the action on ACCENT, using the appropriate reason code(s). If the household decides to appeal the Families First action and its Families First benefits are continued, the household's SNAP benefits shall continue at that previous level. However, the household must reapply for SNAP if the SNAP certification expires before the fair hearing process is completed.

3. Whenever a change results in the termination of a household's Families First benefits within its SNAP certification period, and the worker does not have sufficient information to determine how the Families First change affects the household's SNAP eligibility and benefit level (such as when an absent parent returns to a household, rendering the household categorically ineligible for Families First , and the worker does not have any information on the income or resources of the new household member), the worker shall not terminate the household's SNAP benefits but shall instead request the necessary

information and make a determination of SNAP eligibility and level of benefits based on the current facts. If the requested information is not provided and the worker's assistance in obtaining it has been refused, determine SNAP eligibility based on the known facts and take whatever action is appropriate to alter or terminate assistance.

T. Notice of Adverse Action

Prior to any action to reduce or terminate a household's benefits within a certification period, the worker shall, except as provided in Chapter 41: Continuing Responsibilities under "Notice of Adverse Action" below, provide the household advance notice before such action is taken. When sufficient evidence has been provided or obtained to justify a change in benefit level or termination of SNAP, the worker shall authorize the action on ACCENT, using the appropriate reason code(s) to ensure adequate notice is given.

1. An adverse action is defined as:

   a. A reduction in SNAP allotment;
   b. The termination of the household's program benefits within the certification period;
   c. The reduction in length of a certification period;
   d. Removal of a household member from the assistance group.

2. When a certification period expires, eligibility ceases. These situations are not terminations, therefore, provisions concerning adverse action do not apply, nor is the household eligible for continuation of benefits, as described in paragraph (C).

3. If the adverse action notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits within a certification period is received the next working day after the weekend or holiday, the county office must consider the request to have been received timely.

   If the household requests a hearing, the worker must explain that continuation of benefits is strictly at the household's option and should the household elect to have its benefits continued, demand will be made for the value of any SNAP benefits over issued prior to or during the period such benefits are continued, if the hearing official's decision is adverse to the household.

4. Households may have changes in circumstances during the 10-day advance notice period. However, unless a request for a hearing is made, the benefits will be reduced or terminated according to the notice. Therefore, if a household which receives a notice of adverse action wishes to continue to participate in the program, it may: (1) file an appeal and request continued benefits; or (2) file a new application.

5. Timing of Notice

To be considered timely, the notice of adverse action must be mailed at least 10 days prior to the adverse action's effective date. For example, if a notice is mailed October 10, the effective date would be after October 19. Also, if the adverse action notice period ends on a weekend or holiday, and a request for a fair hearing or continuation of benefits is received the day after the weekend or holiday, the county office must consider the request to have been received timely.

6. Changes Not Requiring Advance Notice

A notice of adverse action is not required in the following instances:

a. when implementing mass changes

b. when the household moves from the State or when all household members have died

When the household reports the death of the head of the household only, the worker will:

(1) name an Authorized Representative for the HH on ACCENT and shorten the certification to end the first month it is administratively feasible;
(2) schedule an interview appointment;
(3) at the interview, have the household complete the application, designate a new head of household, and provide any additional information necessary to determine the household's eligibility;
(4) After establishing eligibility for the new household, ACCENT will form a new group.
(5) Authorize the new group.

c. when restoration of lost benefits has been completed

Restoration is complete when the household has finished receiving increased allotments to restore lost benefits, and the household was previously notified in writing of when the increased allotments would terminate;

d. when monthly allotment varies based on anticipated changes during the certification period

e. when a household member is disqualified (IPV)

A household member is disqualified for Intentional Program Violation in accordance with Chapter 42 Over issuances & Claims under "Intentional Program Violations or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member. The notice requirements for individuals or households affected by IPV disqualification are explained in Chapter 42 Over issuances & Claims under "Intentional Program Violations;

f. when approving the household's Families First grant application causes a reduction in the SNAP benefits;

No adverse action notice is required when the household jointly applied for Families First and SNAP benefits, was receiving SNAP benefits, pending approval of the Families First grant, and was notified at certification that SNAP benefits would be reduced upon approval of the Families First grant;

g. when the household is certified on an expedited service basis, contingent on verification

When verification is postponed for expedited service purposes, the household receives a notice of disposition stating that no further benefits will be issued until the postponed verification is provided. If the household fails to provide the verification or provides verification which changes its benefits, the notice of adverse action is not required;

h. when a household is converted from cash repayment of over issuance to allotment reduction because it failed to comply with its repayment agreement (Chapter 42 Over issuances & Claims under "Intentional Program Violations;

i. when residents of drug alcoholic treatment centers or group living arrangements lose their eligibility because of a change in the facility's status.

Residents of drug or alcoholic treatment centers or group living arrangements lose their eligibility when the facility either loses its certification or has its status as an authorized representative suspended, due to FNS disqualifying it as a retailer. However, when a resident of a group living arrangement applies for SNAP on his or her own behalf, that resident is still eligible to participate in the program and a notice of adverse action would not be appropriate.

j. when a household voluntarily requests that the case be terminated; or

Such a request must be in writing or made in the presence of the eligibility counselor. A notice must be sent to the household to confirm the request.

k. when sufficient evidence exists to determine that the household will not be living in the county and will be unable to obtain the next allotment.

U. When a SNAP Household Moves from One County to Another

SNAP recipients may transfer from county to county within the state and remain eligible for benefits without interruption. When the household reports to either the new or old county that they are about to move, unless they have a valid address in the new county, do not transfer the

case. Tell the recipient to contact either county when they have a valid address in the new county; transfer the case when the address is provided.

V. Simplified Reporting Cases

1. Head of the Household Moves

   a. The move is reported to the Current County

      (1) If the head of the household is moving with some but not all household members, delete the members that remain in the current county.
      (2) The remaining household members will be required to file an application and be determined eligible in order to receive benefits.
      (3) When there are multiple SNAP AGs in one case, and the head of the case moves to a new county the remaining AGs are not required to file a new application. However, it will be necessary to go through application registration to establish a new case. When establishing a new case, be sure the current application date for the case they are currently in (the case being transferred) is entered for the new case so that the certification period is unchanged. Document in the new case's running record the circumstances and the reason that a new application was not required.
      (4) The caseworker in the county having current control of the case will update the address on the appropriate ACCENT screens and document the circumstances in running record and transfer the case to the new county.
      (5) The caseworker in the new county will not have to request additional information other than shelter cost changes as an SR case is not required to report additional information.
      (6) However, if the household reports additional information, you must act on the information reported.

   b. The Move is reported to the New County

      (1) If the recipient reports the move to the new county first, the caseworker in the new county will notify the caseworker in the county having control of the case and request that the case be transferred. The new county will give the sending county the new address for the household so the sending county can change the address before the case is transferred.
      (2) If other information is reported to the new county, you must act on the information reported (such as verification of income or resources).

2. Head of the Household Remains in the Current County

a. If the head of the household remains in the current county and other members move to a new county, the caseworker in the current county will delete the members moving to the new county.
b. The moving members must make application in the new county for benefits.

GUIDE: *Memo FS-15-01 Simplified Reporting and Acting On All Changes*

W. Non-Simplified Reporting Cases

1. Head of Household Moves

a. Reports to the Current County

(1) If the head of the household is moving with some but not all household members, delete the members that remain in the current county.
(2) The remaining household members will be required to file an application and be determined eligible in order to receive benefits.
(3) When there are multiple SNAP AGs in one case, and the head of the case moves to a new county the remaining AGs are not required to file a new application. However, it will be necessary to go through application registration to establish a new case. When establishing a new case, be sure the current application date for the case they are currently in (the case being transferred) is entered for the new case so that the certification period is unchanged. Document in the new case's running record the circumstances and the reason that a new application was not required.
(4) The caseworker in the county having current control of the case will update the address on the appropriate ACCENT screens and document the circumstances in running record and transfer the case to the new county.
(5) Once a caseworker has been assigned in the new county, the household will either be given or sent a verification letter requesting verification for the shelter, utilities and other pertinent information, if needed. The household is to provide the requested information to the new county within 10 days of the date the letter was sent or given to the household.

2. The Move is reported to the New County

a. If the recipient reports the move to the new county first, the caseworker in the new county will notify the caseworker in the county having control of the case. The current caseworker will transfer the case to the new county.
b. When the case is transferred, the caseworker in the new county will request the required verification.
c Verification necessary to determine ongoing eligibility is not provided, the case will be closed.

3. Head of Household Remains in the Current County

   a. If the head of the household remains in the current county and other members move to a new county, the caseworker in the current county will delete the members moving to the new county.
   b. The moving members must make application in the new county for benefits.

X. When a SNAP Household Moves Out of the State

When the county learns that a household has moved out of the state of Tennessee, take prompt action to close the case.

If the household contacts the county about SNAP benefits that remain in their EBT account in Tennessee, explain to the household that they may use the Tennessee Benefit Security Card in any state.

Y. Change of Address (Within the county)

It is essential that an accurate address for all recipients be on file in the ACCENT system. Action must be taken as soon as a change of address becomes known. Do not delay changing the address on the ACCENT pending verification of the address unless a complete mailing address is not provided.

1. Send the household a free-form notice asking for shelter and utility arrangements and cost verification within 10 days so that you can evaluate eligibility for any appropriate deductions.

   The notice must clearly state what information needs to be provided and by what date. The counselor should offer or arrange for assistance if the client is unable to obtain the information.

2. If verification of shelter costs for the new address is provided within 10 days, enter the amount in the budget and determine the next month's benefits with the deduction.

3. If verification of shelter costs is not provided, remove any existing shelter deduction from the budget and determine the next month's benefits without a shelter deduction.

4. Authorize the case on ACCENT, using the appropriate reason code.

Z. Procedures for Closing a Case

If it has been determined that the recipient is no longer eligible for assistance and the allotment is being terminated, the worker will authorize the closure on ACCENT, using the appropriate reason code(s) and entering pertinent comments for the notice.

AA. Replacement of Food Destroyed in a Household Misfortune or Disaster

1. Tennessee issues all SNAP benefits through an electronic benefit transfer (EBT) system. These electronic benefits are directly deposited into a unique account created for the specific SNAP case/cat/seq. There are no paper coupons or other form of currency issued that could be destroyed in a disaster, so benefits that are lost, destroyed or stolen are only lost, destroyed or stolen after the household has taken possession of the benefits; therefore, lost or stolen allotments are not replaced.

   Only food destroyed or spoiled in a household misfortune may be replaced. This can include power outages (12 hours or more), fire, wind, flood or other misfortune. This would not include power turned off due to non-payment. These replacements would not require State Office approval prior to issuing these benefits.

2. Access to the EBT account is only via the Benefit Security Card and Personal Identification Number (PIN), which are issued separately from locations remote from the state. See the Benefit Issuance Manual for detailed information on card and PIN issuance and replacement.

3. Replacement of Food Destroyed in a Household Misfortune

   When food purchased with SNAP is destroyed in a disaster affecting a participating household, the household may be eligible for replacement of the actual value of loss, as follows:

   a. The value replaced shall not exceed one month's SNAP allotment.
   b. The loss must be reported within 10 calendar days of the incident.
   c. The worker shall verify the disaster/household misfortune through:

      (1) a collateral contact,
      (2) a community organization such as the Fire Department or the Red Cross, or
      (3) a home visit.

4. If the household meets the above criteria, the household shall be provided a replacement allotment within 10 calendar days of the reported loss.

5. Replacement of food destroyed in a disaster/household misfortune shall be made, subject to the above criteria, in cases of an individual household misfortune, such as fire or power outages of 12 hours or more, as well as in natural disasters which could affect more than one household.

6. FNS Declared Disasters

   Replacements are still issued by the county without state office approval. In cases where FNS has issued a disaster declaration, the household will have different budgets

and conditions of eligibility for disaster benefits. Special determination and process will be developed in a Declared disaster. State Office will issue Instructions in these type disaster benefits.

GUIDE: *Bulletin No. 9 FA-12-03*

CHAPTER 42: Over Issuances and Claims

A. Establishing Claims against Households

The Department shall establish a claim against any household that has received more SNAP benefits than it is entitled to receive, except as provided in (2) of this section. Claims shall be classified as follows:

1. Inadvertent Household Error Claims

   A claim shall be handled as an inadvertent household error claim if the over issuance was caused by a misunderstanding or unintended error on the part of the household. Instances of inadvertent household error, which may result in, claims includes but are not limited to, the following:

   a. The household unintentionally failed to provide the state agency with correct or complete information; or
   b. The household unintentionally failed to report to the state agency changes in its household circumstances and the recipient or responsible person states that he/she did not understand his/her responsibility to provide full information or to report changes in circumstances or he/she did not understand the eligibility requirements and the record does not show that all of these considerations were explained; or
   c. The household received benefits, or more benefits, than it was entitled to receive pending a fair hearing decision, because the household requested a continuation of benefits based on the belief that it was entitled to such benefits.

2. Administrative Error Claims

   A claim shall be handled as an administrative error claim if the over issuance was caused by the Department. Instances of administrative error which may result in a claim include, but are not limited to, the following:

   a. A county office failed to take prompt action on a change reported by the household.
   b. A county office incorrectly computed the household's income or deductions or otherwise assigned an incorrect allotment.
   c. A county office incorrectly issued duplicate allotments to the household.
   d. The county office continued to provide a household SNAP allotment after its certification period had expired, without benefit of a recertification.

3. Intentional Program Violation

   An IPV shall consist of having intentionally:

a. Made a false or misleading statement, or misrepresented, concealed or withheld facts; or
b. Committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp Regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of benefits, or electronic benefit cards or devices that deliver benefits.

A claim shall be handled as an intentional program violation claim only if:

(1) An administrative disqualification hearing official or a court of appropriate jurisdiction has determined that a household member committed intentional program violation as defined in below under "Intentional Program Violations"; or
(2) The household member is disqualified as a result of signing a waiver of his/her administrative disqualification hearing; or
(3) The household member signed a disqualification consent agreement in cases of pre-trial diversion.

B. Instances When Claims shall not be established

A claim shall not be established against any household if an over issuance occurred as a result of the following:

Procedural Errors

The county office failed to ensure that a household fulfilled the following procedural requirements:

a. Signed the application form; or
b. Completed a current work registration form; or
c. Was certified in the correct project area.

Note: Cases in which the claim is $200 or less will not be referred to investigations (unless referred by QC) due to our departments cost effectiveness plan.

GUIDE: *Bulletin No. 30, FA-07-12*

C. Calculating the Amount of a Claim

The amount of a claim for an over issuance shall be equal to the difference between the allotment the household received and the allotment the household should have received for each month of over issuance. Once the amount of a claim is established, the claim must be offset against any amount of lost benefits that have not yet been restored to the household.

1. Inadvertent household and administrative error claims shall be calculated based on the amount of over issuance which occurred during the 12 months preceding the date the over issuance was discovered.

2. Intentional Program violation claims shall be calculated back to the month the act of intentional program violation occurred, but no more than six years prior to discovery, providing case record and issuance information are available. No claim shall be calculated for any month prior to March 1, 1979.
3. In cases involving reported (or unreported) changes, the county shall determine the month the over issuance initially occurred as follows:

    a. If the household inadvertently or intentionally failed to report a change in its circumstances within the required time-frame, the first month of over issuance shall be the first month in which the change would have been effective had it been timely reported.
    b. If the household timely reported a change, but the county did not act on the change within the required time-frame, the first month affected by the county's failure to act shall be the first month the county would have made the change effective had it timely acted.
    c. In no event shall the county determine as the first month in which the change would have been effective any month later than two months from the month in which the change in household circumstances occurred.

4. When a household has failed to report earned income in a timely manner, no earned income deduction, as described in Chapter 22: Treatment of Income under "Determination of Available Income" shall be allowed in determining the amount of over issuance that has occurred.

GUIDE: *Bulletin No. 45, FA-06-32*

D. Intentional Program Violations

For the purpose of determining through administrative disqualification hearings whether or not a person has committed an intentional Program violation, intentional Program violations shall consist of having intentionally: made a false or misleading statement; misrepresented, concealed or withheld facts; traded SNAP benefits for guns, ammunition, explosives, or controlled substances; or committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of SNAP benefits.

1. Administrative Responsibility.

    The Department shall be responsible for investigating any case of alleged intentional program violation, and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction. Individuals accused of intentional program violation may waive their rights to administrative disqualification hearings (Refer to Chapter 42: Over issuances & Claims under "Waived Administrative Disqualification Hearing") or sign disqualification consent agreements for cases of pre-trial diversion. The requirements and procedures relating to administrative disqualification hearings, waiver of the hearing, and referrals for

prosecution are outlined in the rules of the Administrative Procedures Division, (Refer to 1240-5-1 Intentional Program Violations).

2. Disqualification Penalties

a. Individuals who commit Intentional Program Violations

If an administrative disqualification hearing official or a court of appropriate jurisdiction determines that a household member has committed an intentional program violation as defined above in the introduction to this section, or if the household member signs a waiver of right to an administrative disqualification hearing or an administrative consent agreement, that individual shall be disqualified from participation in SNAP as follows:

(1) One year for the first violation,
(2) Two years for the second violation, or for the first occasion of a finding by a Federal, State, or local court of the trading of coupons for a controlled substance as defined in 8 USC 802.
(3) Permanently for the third violation.
(4) Permanently if convicted of trafficking in SNAP benefits of $500 or more, or for the second occasion of a finding by a Federal, State or local court of the trading of coupons for a controlled substance as defined in 8 USC 802, or for the first occasion, based on a finding by a Federal, State or local court of the trading of firearms, ammunition, or explosives for coupons;
(5) Ten years if found to have made a fraudulent statement or representation with respect to identity and residence in order to receive multiple benefits simultaneously, or
(6) The length of time specified by a court of appropriate jurisdiction. If the court fails to impose a disqualification period, the state agency shall impose the disqualification penalties in a-e above, unless the penalties are contrary to the court order.

b. One or more intentional program violations, which occurred prior to April 1983, shall be considered as only one previous violation when determining the appropriate penalty to impose.
c. The disqualification shall apply only to the individual who is found to have committed the intentional program violation, or who signed a waiver to the administrative disqualification hearing, or who signed a disqualification consent agreement. It does not apply to the entire household.
d. Remaining Household Members. Once a household member is disqualified for an intentional program violation, the Department shall impose allotment reduction as the means of restitution.
e. Notification to Applicant Households. The Department shall inform the household in writing of the disqualification penalties for intentional program violation each time it applies for program benefits.
f. Imposition of Disqualification Penalties.

(1) The disqualification penalties outlined in paragraph (2)(a) of this section shall apply only to individuals disqualified for acts of intentional program violation which occurred either during a certification period based on an application form containing these penalties or after receipt of written notification from the Department of these penalties. If the act of intentional program violation, which led to the disqualification, occurred prior to written notification of these disqualification penalties, the household member shall be disqualified in accordance with the disqualification periods in effect at the time of the rendering of such determination. However, no disqualification penalty may be imposed which is contrary to court order.

(2) Appropriate disqualification penalties (as outlined in paragraph (2)(a) of this section) shall be imposed (unless contrary to court order) on household members in the following instances:

- An administrative disqualification hearing official rules that the household member has committed an intentional program violation. The disqualification period shall begin with the first month it is administratively feasible (based on computer cutoff) following the date of the written notification of the hearing decision sent to the household by Hearings and Appeals
- The household member suspected of intentional program violation signs the waiver of right to an administrative disqualification hearing, and the signed waiver is received within the timeframe specified by the Department. The disqualification period shall begin with the first month it is administratively feasible (based on computer cutoff) following the date of the written notification of the disqualification from Hearings and Appeals.
- A court of appropriate jurisdiction finds the household member guilty of intentional program violation. In such cases, the Department shall disqualify the individual for the length of time specified by the court. If the court fails to impose a disqualification period, the Department shall impose a disqualification period in accordance with paragraph (2)(a) of this section. If the court does not specify a date for initiating the disqualification period, the Department shall initiate the disqualification period as soon as is administratively feasible.
- The household member suspected of intentional program violation signs a consent agreement in cases of pre-trial diversion. The period of disqualification shall begin as soon as it is administratively feasible after the date the household member signed the disqualification consent agreement.

(3) Once a disqualification penalty has been imposed against an individual, the period of disqualification shall continue uninterrupted until completed regardless of eligibility of the disqualified member's household. The disqualified member's household shall continue to be responsible for repayment of the over issuance, which resulted from the disqualified member's intentional program violation, regardless of its eligibility for benefits.

E. Administrative Disqualification Hearing

The Department shall conduct administrative disqualification hearings for individuals accused of intentional Program violation in accordance with the requirements and procedures outlined in Section 1240-5-14-.04 of the Administrative Procedures rules.

F. Waived Administrative Disqualification Hearing

An individual is allowed to waive his/ her right to an administrative disqualification hearing in accordance with the requirements and procedures outlined in Section 1240-5-14-.05 of the Administrative Procedures rules.

G. Court Referrals

The Department shall refer appropriate cases of alleged intentional Program violation for prosecution by a court of appropriate jurisdiction in accordance with the procedures and requirements outlined in Section 1240-5-14-.06 of the Administrative Procedures rules.

H. Pre-Trial Diversion

Individuals referred for prosecution for intentional program violation may be allowed to sign disqualification consent agreements in cases of pre-trial diversion. The procedures are outlined in this section.

1. Advance Notification

   The accused household member shall be provided with advance written notification of the consequences of consenting to disqualification in cases of pre-trial diversion. The written notification shall include at a minimum:

   a. A statement for the accused individual to sign that he/she understands the consequences of consenting to disqualification, along with a statement that the head of household must also sign the consent agreement if the accused individual is not the head of household.

   b. A statement that consenting to disqualification will result in disqualification and a reduction in benefits for the period of disqualification, even though the accused individual was not found guilty of civil or criminal misrepresentation or fraud.

c. A warning that the disqualification penalties for intentional Program violation under SNAP which could be imposed are: a twelve-month disqualification for the first violation, two-year disqualification for the second violation, and permanent disqualification for the third violation; and a statement of which penalty will be imposed as a result of the accused individual having consented to disqualification.

d. A statement of the fact that the remaining household members, if any, will be held responsible for repayment of the resulting claim, unless the accused individual has already repaid the claim as a result of meeting the terms of the agreement with the prosecutor or the court order.

2. Imposition of Disqualification Penalties

If the household member suspected of intentional Program violation signs the disqualification consent agreement, the household member shall be disqualified in accordance with Chapter 42: Over issuances & Claims under " Intentional Program Violations".

3. Notification of Disqualification

If the household member suspected of intentional Program violation signs the disqualification consent agreement, the Department shall provide written notice to the household as follows:

a. The household member who is being disqualified shall be informed of the disqualification and the date the disqualification will take effect.
b. The remaining household members, if any, shall be notified of the allotment they will receive during the period of disqualification or that they must reapply because the certification has expired. In addition, the Department shall provide a written demand letter for restitution as described below in Collecting Claims against Households.

I. Collecting Claims against Households

1. Criteria for Initiating Collection Action.

a. Inadvertent Household and Administrative Error Claims

The Department shall initiate collection action against the household on all inadvertent household or administrative error claims unless the claim is collected through offset or one of the following conditions applies:

(1) The total amount of the claim is less than $35, and the claim cannot be recovered through allotment reduction. (Collection action will be initiated at such time that multiple claims of under $35 total $35 or more.)
(2) The Department has documentation which shows that the household cannot be located.
(3) An inadvertent household error claim is being referred for possible prosecution or for administrative disqualification, and the Department determines that collection action will prejudice the case. In these instances, collection action may be postponed.

b. Intentional Program Violation Claims

If a household member is found to have committed intentional program violation (by an administrative disqualification hearing official or a court of appropriate jurisdiction) or has signed a waiver of right to an administrative disqualification hearing, or an administrative consent agreement, the Department shall initiate collection action against the individual/household, unless one of the following conditions applies:

(1) The household has repaid the over issuance already,
(2) The Department has documentation which shows the household cannot be located,
(3) The Department determines that collection action will prejudice the case against a household member who has been referred for prosecution.

2. Initiating Collection on Claims

The Department shall initiate collection action by providing the household a written demand letter containing the following information:

a. The amount owed by the household,
b. The reason for the claim,
c. The period of time the claim covers,
d. Any offsetting that was done to reduce the claim.
e. How the household may pay the claim,
f. The household's right to a fair hearing if the household disagrees with the amount of the claim, unless the household has already had a fair hearing on the amount of the claim as a result of consolidation of the administrative disqualification hearing with the fair hearing.
g. Information regarding free legal representation, if there is an individual or organization available that provides free legal representation.
h. For inadvertent household error and intentional program violation claims, the household shall be informed of:

(1) The length of time the household has to decide which method of repayment it will choose and inform the Department of its decision,

(2) The fact that the household's allotment will be reduced if the household fails to agree to make restitution.

For administrative error claims, the household shall be informed of:

(1) The availability of allotment reduction as a repayment method if the household prefers to use this method and
(2) Being able to request consideration to waive or reduce their repayment on their agency error claim.

3. Action against Households Which Fail to Respond to Collection Action

a. If the household against which collection action has been initiated for repayment of an inadvertent household error or intentional program violation claim is currently participating in the program and does not respond to the written demand letter within twenty (20) days of the date the notice is mailed for an intentional program violation, the Department will reduce the household's SNAP allotment as soon as is administratively feasible.

b. If any nonparticipating household against which collection action has been initiated for repayment of a claim does not respond to the first demand letter, additional demand letters shall be sent at reasonable intervals, such as 30 days until the household has responded by paying or agreeing to pay the claim, until the criteria for suspending collection action, as specified in Chapter 42: Over issuances & Claims under “Collecting Claims against Households”, have been met, or until the Department initiates other collection actions.

c. The Department may also pursue other collection action, as appropriate, to obtain restitution of a claim against any household which fails to respond to a written demand letter for repayment of any inadvertent household error, administrative error, or intentional program violation claim.

D. Suspending Collection of Claims

1. Inadvertent Household and Administrative Error Claims

An inadvertent household or administrative error claim may be suspended if no collection action was initiated because of conditions specified in paragraph (1)(a) of this section. Collection action of an inadvertent household error claim against a nonparticipating household or of any administrative error claim may be suspended when:

a. The household cannot be located; or
b. The cost of further collection action is likely to exceed the amount that can be recovered.

2. Intentional Program Violation Claims

The Department may suspend collection action on intentional program violation claims when:

a. The Department has documentation that the household cannot be located, or

b. For nonparticipating households the Department has sent at least one demand letter for claims under $100; at least two demand letters for claims between $100 and $400; and the cost of further collection action is likely to exceed the amount that can be recovered.

E. Terminating Collection of Claims

A claim may be determined uncollectible after it is held in suspense for 3 years. The Department may use a suspended or terminated claim to offset benefits in accordance with rule Chapter 42: Over issuances & Claims under "Restoration of Lost Benefits".

F. Collection Action When the Household Composition Changes

When the membership of a household with an over issuance claim changes, collection action will be initiated as follows:

1. Inadvertent Household and Administrative Error Claims

The Department shall initiate collection from the household containing the head of the household at the time the over issuance occurred.

If repayment cannot be obtained from such a household, the Department shall initiate collection from any household containing an adult who was a member of the household in which the over issuance occurred.

2. Intentional Program Violation Claims

The Department shall initiate collection action against the household which committed an intentional program violation and which received the over issuance for which the claim was established.

If repayment cannot be obtained from the person who committed the intentional program violation the Department shall initiate collection action against the household containing the individual who was head of the household at the time the act(s) of intentional Program violation occurred.

If repayment cannot be obtained from such household, the Department shall initiate collection against any household containing an adult who was a member of the household in which the over issuance occurred.

G. Method of Collecting Payments

The Department shall collect payments for claims against households as follows:

1. Lump Sum

The household may repay a claim by lump sum:

a. If the household is financially able to pay the claim at one time, the Department shall collect a lump sum cash payment. However, the household shall not be required to liquidate all of its resources to make this one lump sum payment.

b. If the household is financially unable to pay the entire amount of claim at one time and prefers to make a lump sum cash payment as partial payment of the claim, or

c. If the household chooses to make a lump sum payment of SNAP benefits as full or partial payment of the claims.

2. Installments

a. The Department shall negotiate a payment schedule of regular installments with the household for repayment of any amounts of the claim not repaid through a lump sum payment. The household may use SNAP benefits as full or partial payment of any installment.

If the full claim or remaining amount of the claim cannot be liquidated in 3 years, the Department may compromise the claim by reducing it to an amount that will allow the household to pay the claim in 3 years. The Department may use the full amount of the claim (including any amount compromised) to offset benefits.

b. If the household fails to make a payment in accordance with the established repayment schedule (either a lesser amount or no payment), the Department shall send the household a notice explaining that no payment or an insufficient payment was received.

The notice shall inform the household that it may contact the Department to discuss re-negotiation of the payment schedule. The notice shall also inform the household that unless the overdue payments are made or the Department is contacted to discuss re-negotiation of the payment schedule, the allotment of a currently participating household against which an inadvertent household error or intentional Program violation claim has been established may be reduced without a notice of adverse action.

c. If the household responds to the notice, the Department shall take one of the following actions as appropriate.

- If the household makes the overdue payment and wishes to continue payments based on the previous schedule, permit the household to do so;
- If the household requests re-negotiation, and if the Department concurs with the request, negotiate a new payment schedule;
- If the household requests re-negotiation of the amount of its repayment schedule but the Department believes that the household's economic circumstances have not changed enough to warrant the requested settlement, the Department may continue re-negotiation until a settlement can be reached.

The Department shall have the option to invoke allotment reduction against a currently participating household for repayment of an inadvertent household error or intentional Program violation claim if a settlement cannot be reached.

d. If a currently participating household against which an inadvertent household error or intentional program violation claim has been established fails to respond to the notice, the Department shall invoke allotment reduction.

The Department may also invoke allotment reduction if such a household responds by requesting re-negotiation, but the Department believes that the household's economic circumstances have not changed enough to warrant the requested settlement. If allotment reduction is involved, no notice of adverse action is required.

e. In cases where the household is currently participating in the program and a payment schedule is negotiated for repayment of an inadvertent household error or intentional Program violation claim, the Department shall ensure that the negotiable amount to be repaid each month through installment payments is not less than the amount which could be recovered through allotment reduction.

f. Once negotiated, the amount to be repaid each month through installment payments shall remain unchanged regardless of subsequent changes in the household's monthly allotment. However, both the Department and the household shall have the option to initiate re-negotiation of the payment schedule if they

believe that the household's economic circumstances have changed enough to warrant such action.

H. Allotment Reduction

1. The Department shall collect payments for administrative error claims, inadvertent household error claims, and intentional program violation claims from households currently participating in the program by reducing the household's SNAP allotments.

2. Prior to reduction, the Department shall inform the household of the appropriate formula for determining the amount of SNAP to be recovered each month and the effect of that formula on the household's allotment, and of the availability of other methods of repayment. If the household asks to make a lump sum cash and/or SNAP benefit payment as full or partial payment of the claim, the Department shall accept this method of payment.

3. The Department shall reduce the household's allotment to recover any amount of an administrative error, inadvertent household error, or intentional program violation claim not repaid through a lump sum cash and/or SNAP benefit payment unless a payment schedule has been negotiated with the household. The provision for a $10 minimum benefit level for households with one and two members only shall apply to the allotment prior to reduction.

4. If the full or remaining amount of the claim cannot be liquidated in 3 years, the Department may compromise the claim by reducing it to an amount that will allow the household to make restitution within 3 years.

5. The Department may use the full amount of the claim (including any amount compromised) to offset benefits.

6. The amount of SNAP to be recovered each month through allotment reduction shall be determined as follows:

   a. Administrative Error and Inadvertent Household Error Claims. For these claims, the amount of SNAP shall be the greater of 10 percent of the household's monthly allotment or $10 per month.

   b. Intentional Program Violation Claims. For intentional program violations claims, the amount of SNAP shall be the greater of 20 percent of the household's monthly entitlement or $20 per month.

I. Overpaid Claims

If a household has overpaid a claim, the Department shall pay the household any amounts overpaid as soon as possible after the overpayment becomes known.

J. Interstate Claims Collection

When a household moves to another state, the Department shall initiate or continue collection action against the household for any over issuance to the household which occurred while it was under the Department's jurisdiction.

GUIDE: *Bulletin No. 34, FA-08-25*

J. Restoration of Lost Benefits

1. Entitlements

The county office shall restore to the household benefits which were lost whenever the loss was caused by an administrative error; or whenever an administrative disqualification decision for intentional program violation is subsequently reversed; or whenever federal regulations specifically state that a household is entitled to restoration of lost benefits. Benefits shall be restored for not more than twelve months prior to whichever of the following occurred first:

a. The date the State Agency receives a request for restoration from a household; or
b. The date the State Agency is notified or otherwise discovers that a loss to a household has occurred.

2. The county office shall restore to a household any benefits, which were found by any judicial action to have been wrongfully withheld.

3. If the judicial action is the first action the recipient has taken to obtain restoration of lost benefits, then benefits shall be restored for a period of not more than twelve months from the date the court action was initiated.

4. When the judicial action is a review of a county office action, the benefits shall be restored for a period of not more than twelve months from the first of the following dates:

a. The date the State Agency receives a request for restoration; or
b. If no request for restoration is received, the date the fair hearing action was initiated; but
c. Never more than one year from when the State Agency is notified of, or discovers the loss.

2. Errors Discovered by the County Office

If the county office determines that a loss of benefits has occurred, and the household is entitled to restoration of those benefits, the county office shall automatically take action to restore any benefits that were lost. No action by the household is necessary. However, benefits shall not be restored:

a. If the benefits were lost more than 12 months prior to the month the loss was discovered by the county office in the normal course of business; or
b. Benefits were lost more than 12 months prior to the month the county office was notified in writing or orally of a possible loss to a specific household.

3. Notification of Method of Restoration

a. Notification to the Household. When the county office determines that a loss of benefits has occurred, the household shall be notified, in writing, of the following:

(1) entitlement to restored benefits;
(2) the amount of benefits to be restored;
(3) any offsetting that was done;
(4) the method of restoration; and
(5) the right to appeal through the fair hearing process if the household disagrees with any aspect of the proposed lost benefit restoration.

b. Method of Restoration

(1) Regardless of whether a household is currently eligible or ineligible, the county office shall restore lost benefits to a household by issuing an allotment equal to the amount of benefits that were lost. The amount restored shall be issued in addition to the allotment currently eligible households are entitled to receive.
(2) Deviations
The county office shall honor reasonable requests by households to restore lost benefits in monthly installments if, for example, the household fears that the amount to be restored is more than it can use in a reasonable period of time.

c. Household Composition Changes

Whenever lost benefits are due a household and the household's membership has changed, the county office shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred.

If the county office cannot locate or determine the household which contains a majority of the household members, the county office shall restore the lost benefits to the household containing the individual who was head of the household at the time the loss occurred.

4. Computing the Amount to be Restored

After correcting the loss for future months and excluding those months for which benefits may have been lost prior to the twelve (12) month time limits, the county shall calculate the amount to be restored as follows:

a. Incorrect Allotment

If the household was eligible but received an incorrect allotment, the loss of benefits shall be calculated only for those months the household participated.

b. Delay, Denial, or Termination

If the loss was caused by an incorrect delay, denial, or termination of benefits, the months affected by the loss shall be calculated as follows:

(1) If an eligible household's application was erroneously denied, the month the loss initially occurred shall be the month of application or for an eligible household filing a timely reapplication, the month following the expiration of its certification period.
(2) If an eligible household's application was delayed, the months for which benefits are lost shall be calculated in accordance with procedures in CHAPTER 39: Timeliness Standards for determining the delay was caused by the household or by the county office.
(3) If a household's benefits were erroneously terminated, the month the loss initially occurred shall be the first month benefits were not received as a result of the erroneous action.
(4) After computing the date the loss initially occurred, the loss shall be calculated for each month subsequent to that date until either the first month the error is corrected or the first month the household is found ineligible.

c. Determination of Eligibility

For each month affected by the loss, the county office shall determine if the household was actually eligible. In cases where there is not information in the household's case file to document that the household was actually eligible, the county office shall advise the household of what information must be provided to demonstrate eligibility for these months. For each month the household can't provide the necessary information to demonstrate its eligibility, the household shall be ineligible.

d. Calculation of Benefits

For the months the household was eligible, the county office shall calculate the allotment the household should have received. If the household received a smaller allotment than it was eligible to receive, the difference between the actual and correct allotment equals the amount to be restored.

e. Offsetting Claims

If a claim against a household is unpaid or held in suspense as provided in Chapter 42: Over issuances & Claims; the amount to be restored shall be offset against the amount due on the claim before the balance, if any, is restored to the household.

At that point in time when the household is certified and received an initial allotment, the initial allotment shall not be reduced to offset claims, even if the initial allotment is paid retroactively.

H. Disputed Benefits

1. Household disagrees with State Agency

a. If the county office determines that a household is entitled to restoration of lost benefits, but the household does not agree with the amount to be restored as calculated by the county office or any other action taken by the county to restore lost benefits, the household may request a fair hearing within 90 days of the date the household is notified of its entitlement to restoration of lost benefits.

b. If a fair hearing is requested prior to or during the time lost benefits are being restored, the household shall receive the lost benefits as determined by the county office, pending the results of the fair hearing.

c. If the fair hearing decision is favorable to the household, the county shall restore lost benefits in accordance with that decision.

2. State Agency disagrees with Household

a. If a household believes it is entitled to restoration of lost benefits but the county office, after reviewing the case file, does not agree, the household has 90 days from the date of the county office's determination to request a fair hearing. The county office shall restore lost benefits to the household only if the fair hearing decision is favorable to the household.

b. Benefits lost more than 12 months prior to the date the county office was initially informed of the household's possible entitlement to lost benefits shall not be restored.

I. Entitlement to Lost Benefits for Individuals Who Were Disqualified for Intentional Program Violation

1. Individuals disqualified for Intentional Program Violation are entitled to restoration of any benefits lost during the months they were disqualified only if the disqualification decision

is subsequently reversed. The months covered in the restoration must not exceed 12 months prior to the date the county received notification.

2. For each month the individual was disqualified, the amount to be restored, if any, shall be determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate.
3. If the household received a smaller allotment than it should have received, the difference equals the amount that should have been restored.
4. Participation in an administrative disqualification hearing in which the household contests the State Agency assertion of Intentional Program Violation shall be considered notification that the household is requesting restored benefits.

CHAPTER 43: Complaints, Appeals, and Fair Hearings – Procedures

The Federal Food Stamp Act requires that there be provision for appeals and fair hearings for applicants and recipients of assistance and benefits provided by the Department.

State rules for the Department of Human Services pertaining to Appeals and Fair Hearings in the SNAP Program are found at 1240-5.

This section provides procedures for complaints, appeals, and fair hearings.

A. Introduction

Any applicant for or recipient of SNAP may complain directly to the county, area, district, Service Center, or State Office when dissatisfied with an action on his case. Complaints must be given prompt and careful attention and corrective action when indicated, must be taken immediately. Local and Service Center staff are responsible for providing assistance within the full intent of Department policies and with making efforts to resolve conflicts, which result in complaints in relation to the Department's programs. Such efforts will involve the caseworker, the supervisor, the area manager, program supervisor, district program director and/or district administrative director.

When the aggrieved person continues to be dissatisfied with the action taken by local staff, he has the absolute right to appeal for a fair hearing by an impartial official. The local offices and Service Centers must provide whatever assistance the complainant requires in appealing for a fair hearing.

B. Definitions

1. ***Administrative Law Judge***
   Administrative Law Judges are a part of the Office of the Secretary of State in Tennessee and hear appeals and make decisions on Family Assistance Program issues at various locations within the state, including Johnson City, Knoxville, Chattanooga, Cookeville, Nashville, Jackson and Memphis. [Note: See also, definition of Hearing Officer, below.]

2. ***Appeal***
   An appeal is a procedure for bringing grievances, which cannot be resolved in the local office to the State Office for a hearing.

3. ***Appellant***
   An appellant is an individual who is dissatisfied with an action of the Department in regard to the furnishing or denial of assistance and who, as a result, is requesting a fair hearing before the State Office.

4. ***Complaint***

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 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.

5. ***Complainant***
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 DHS staff in relation to assistance for which the client has applied or which he is receiving.

6. ***Conciliation***
Conciliation is a review of the issue under appeal between the appellant and the Conciliation Unit in the Division of Appeals and Hearings in the State Office. Conciliation Unit staff will make the initial determination as to whether the appeal was filed timely and whether the issue is subject to appeal. They will acknowledge the appeal that has been filed and will determine if the case action at issue was appropriate. If the case requires correction, Conciliation staff will make the correction, whenever possible. Otherwise, they will notify the appropriate county staff and specify the correction(s) needed. If Conciliation Unit staff is successful in resolving the issue with the appellant, they will mail the appellant a Resolution Letter, along with a copy of a Withdrawal form. If Conciliation Unit staff is unable to resolve the issue with the client, the appeal must be forwarded to the Case Preparation Unit to prepare for a hearing. Staff will authorize continuation/reinstatement of benefits if appropriate, pending an appeal.

7. ***Conference***
A conference is a discussion of the grievance between the complainant and county office staff in an effort to resolve the complaint.

It is mandatory that a conference be offered to a SNAP household, which wishes to contest a denial of expedited service.

8. ***Fair Hearing***
A fair hearing is a proceeding before an impartial official designated by the Commissioner of the Department of Human Services in which an appellant or his representative may present his case. The case may be presented with or without witnesses, to show why action or inaction by the county, area, or district office should be corrected.

9. ***Hearing Officer***
A Hearing Officer is an impartial official of the Department of Human Services designated by the Commissioner to conduct a fair hearing. The staff member so designated shall have had no personal stake or involvement in the case. A Hearing Officer must not have been directly involved in the initial determination of the action that is being contested, and must not have been the immediate supervisor of the caseworker who took the action. [Note: See definition of Administrative Law Judge in the section,

above.]

10. ***Local Office***
The Departmental office having jurisdiction over the case, primarily the county office.

C. Complaints

1. Circumstances Which May Precipitate Complaints

Complaints may arise from conflicts or dissatisfaction related to an agency action, such as:

a. A decision regarding eligibility for SNAP benefits, including the amount of benefits, restriction on the payment of benefits, or the timeliness of the authorization of benefits;
b. Denial of the right to apply for assistance;
c. Reduction or termination of assistance;
d. Failure to act upon a request for assistance within the specified time allowance;
e. State or Federal laws, policies, or regulations considered unfair or unreasonable;
f. Discriminatory treatment or practices on the basis of race, color, age, sex, handicap, religious creed, national origin or political belief.

2. Persons Who May Complain

a. An applicant or recipient of SNAP benefits may complain to the county, area, district, State Office, or Service Center regarding assistance for which he has applied, or is receiving, or which has been terminated. An authorized representative also may complain in behalf of an applicant or recipient about a decision that has been made on the applicant/recipient. Complaints by an interested individual in behalf of the client will be handled in the same manner as when complaints are made by client himself, insofar as possible within the limits of confidentiality.

b. If there is a written request by a responsible member of the SNAP household, its currently authorized representative, or its legally designated representative to review materials contained in its case, the material and information contained in the case shall be made available for inspection during normal business hours. However, the county office may withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecution.

3. Conference/Conciliation Procedures for Handling Complaints and Appeals

<u>Before an Appeal has been filed</u>

When an applicant or recipient or someone acting in his behalf is dissatisfied with action in relation to his claim for benefits, efforts must be directed to resolving his complaint promptly and to his satisfaction, if possible.

The usual procedure is for the caseworker responsible for the action to talk with the aggrieved person and/or his representative and make any adjustment that may be indicated, or else explain the reason for the action and why it cannot be changed.

The conference procedure should include:

a. reviewing with the client and/or his representative the facts at hand and allowing the individual to present new information regarding his circumstances or any changes since the action, and

b. reviewing the policies in question and the correctness of their application to the individual's situation and considering any relevant changes in agency policy or procedure that may have become effective since the date of the contested action.

If the caseworker is unable to resolve the complaint, the complainant must be given an opportunity to present his case fully to appropriate supervisory personnel who, after careful review, may concur with the caseworker's decision or recommend corrective action.

<u>After An Appeal has been filed</u>

Staff from the Conciliation Unit of the Division of Appeals and Hearings will contact the household whenever possible to discuss the issue(s) of the appeal and review the facts at hand. The household will have the opportunity to present new information regarding their circumstances or any changes since the contested action. The Conciliation Unit will review the policies in question and the correctness of their application in this instance, and will review any subsequent policy changes that may be pertinent to the issue. If agreement can be reached on the issue(s), the Conciliation Unit staff will take appropriate action on the case, and the appellant will be given the option to withdraw the Appeal for Fair Hearing.

If, after an appeal has been filed, county or Service Center staff is able to reach agreement on the issue(s) with the appellant, the appellant will be given the option to withdraw the appeal.

If either instance, if the issue(s) cannot be resolved, the appeal will go forward.

4. Recording

Dates and facts regarding any complaint must be recorded in the case. The recording must include:

a. Name of complainant;
b. Relationship to applicant/recipient, if not the applicant/recipient himself;
c. Details regarding the issue(s), the facts, and the applicable policies; and
d. Efforts to resolve the complaints.

D. Appeals

1. Right to Appeal and Fair Hearing

Any person dissatisfied with an action of the county office on his claim for benefits has a right to appeal to the State Office for a fair hearing.

The same circumstances which may precipitate a complaint (Refer to Circumstances Which May Precipitate Complaints) may be the basis of an appeal, if the grievance has not been resolved through the conference procedure outlined above, or if the applicant/recipient does not wish to discuss his grievance with local staff. The individual may also question the Department's interpretations of the law and the validity and applicability of the policies promulgated under the law, if he is aggrieved by their application to his situation. Group hearings may be conducted where the sole issue is one of State or Federal law, regulations or policy.

If the client requests a fair hearing, it cannot be delayed or cancelled without the consent of the client or his representative because of a review by the county office or the Conciliation Unit.

2. Information to be Provided Regarding Right of Fair Hearing

Every applicant or recipient must be informed of his right of appeal if he is aggrieved by an action taken by DHS.

The right to appeal should be discussed with each applicant and recipient at each interview for application or recertification of eligibility and the Fair Hearings information sheet must be given to the applicant/recipient at the same time. In addition, the information sheet will be included with each notice of approval, denial, increase or decrease. The telephone number for free legal assistance is also printed on each notice generated by the ACCENT system.

3. Time Limit for Filing an Appeal

A SNAP household shall be allowed to request a hearing on any action by the Department, including loss of benefits, which occurred in the previous ninety (90) days. Action by the State agency shall include a denial of a request for restoration of any benefits lost more than ninety (90) days but less than a year prior to the request. In addition, at any time within a SNAP certification period, a household may request a fair

hearing to dispute its current level of benefits. The Division of Appeals and Hearings will make the decision upon receipt of the Appeal for Fair Hearing as to whether the request for a hearing will be accepted or denied. DHS staff must allow a household to complete an Appeal for Fair Hearing form at any time.

Appeals will be accepted only if they are filed within these time limits unless good cause can be shown as to why the appeal could not be filed within the prescribed limits.

In order for the recipient to continue receiving assistance during the current certification period pending the outcome of the final decision by the Commissioner's office, the appeal must be filed within ten (10) days of the mailing date of the notice. However, if it can be established that there was good cause for the client's failure to request a hearing and continuation of assistance during the ten-day advance notice period, assistance may be reinstated at the same prior level.

The time limits shall be computed by excluding the first day and including the last, unless the last day is a Saturday, a Sunday, or a legal holiday, and then it shall also be excluded. If the 10th day or the 90th day falls on a legal holiday or weekend, the next working day may be considered as filing within the time limit. Good cause for delay will be considered on a case-by-case basis when a request for continued benefits mailed by the appellant or his/her representative is received in a DHS office following the 10th day after the notice of adverse action is mailed.

The Commissioner or his/her designee will approve any extension of time under this section after a showing of good cause by the appellant that he/she could not file within the prescribed time limits.

4. Persons Who May Appeal

Fair Hearings shall be provided to any person aggrieved by any action of the Department.

Households may request a fair hearing if they disagree with a denial, termination and/or reduction of SNAP benefits.

The applicant/recipient or his representative may request a hearing by any clear expression, oral or written. The request should be in writing, if possible. It is mandatory that DHS staff assist the client in every possible way in filing the appeal. When an individual makes an oral request for an appeal, the Department shall complete the procedures necessary to start the hearing process.

If the applicant/recipient is infirm or incompetent, his legally appointed guardian or conservator, his spouse or another close relative or a non-relative who has previously represented him in his claim for assistance or would normally do so, may be accepted as his representative in filing an appeal. Otherwise, any person who asks to appeal in behalf of the individual will be asked to obtain the applicant's/recipient's written

statement that he wishes to designate him/her as his representative, unless that person is an attorney licensed to practice law in Tennessee, who has been asked by the client to be represent him/her.

If the individual making the request speaks a language other than English the agency shall ensure that the hearing procedures are verbally explained in that language.

An employee of the Department, as a representative of the Department, is not in a position to legally represent the appellant in filing an appeal. The household shall be advised of legal services that are available to provide representation at the hearing.

5. Procedure for Filing an Appeal

a. Request Made to County Office

A hearing may be requested by a clear expression of dissatisfaction, oral or written, from the applicant/recipient or his representative. The freedom to make a request for a fair hearing should not be limited or interfered with in any way. The county office must assist the individual in anyway necessary in filing the appeal. Applicants/Recipients making an oral request for an appeal may be assisted in putting the request in writing but an oral request will be accepted. The applicant/recipient or his designated representative shall be asked to complete and sign the Appeal for Fair Hearing (found in Default Library). If it is unclear what action the household wishes to appeal, the state agency may ask the household to clarify its grievances. The Appeal for Fair Hearing will be given or mailed to the household, as requested.

The date a hearing is first requested, orally or in writing, shall be considered the filing date of the appeal. If the request was received by telephone or the appellant refuses to sign the Appeal for Fair Hearing even though he has clearly asked to appeal, the Department shall, without waiting for the client's signature, initiate the processing of the appeal. Copies of the Appeal for the Fair Hearing form shall be distributed on the date the hearing is requested or the next working day thereafter.

b. Request First Made to the State Office

If the request for a hearing is first made to the State Office, either orally or in writing, staff shall complete the Appeal for Fair Hearing.

Staff will then fax a copy of the Appeal for Fair Hearing to the county office to inform them of the request for a fair hearing, and will transmit the original copy of the Appeal for Fair Hearing to Appeals and Hearings in the State Office.

c. Request First Made to a Service Center

If the request for a hearing is first made to a Service Center, Service Center staff will enter the appropriate information directly into ARTS.

F. Agency Conferences

Once an appeal has been filed, the Department shall offer agency conferences to households who wish to contest a denial of expedited service. The conference shall be scheduled within two working days, unless the household requests that it be scheduled later. Such agency conference shall be attended by a supervisor and/or area manager, and by the household and/or its representative. An agency conference may lead to an informal resolution of the dispute. However, a fair hearing must still be held unless the household submits a written withdrawal of its request for a fair hearing. The individual shall be advised that the use of an agency conference is optional and that it shall in no way delay or replace the fair hearing process.

If the conference results in a satisfactory agreement between the appellant and the Department that benefits can be adjusted, or that the applicant/recipient will reapply, or if the individual accepts the explanation of the reason for the action or delay in action, the appeal may be withdrawn provided the household makes a written withdrawal. When the county office makes an adjustment, corrective action must be authorized retroactive to the date of entitlement.

G. Information and Referral for Legal Counsel

The county office will advise the appellant of his right to legal counsel as may be available in the community to represent him in his appeal.

H. Continuation or Discontinuation of Assistance or Services during Appeal

If a proposed action to reduce or terminate assistance is appealed within ten (10) days, assistance shall be continued pending the hearing decision if the household's certification period has not expired, unless the household specifically waives continuation of benefits. Good cause for delay will be considered on a case-by-case basis when a request for continued benefits mailed by the appellant or his/her representative is received in a DHS office following the 10th day after the notice of adverse action is mailed.

When benefits are reduced or terminated due to a mass change, benefits at the prior level will be continued only if the issue being contested is that eligibility or benefits were improperly computed or that Federal law or policy is being misapplied or misinterpreted by the agency.

Once continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the official hearing decision unless:

1. A change affecting the appellant's eligibility or benefit level occurs while the hearing decision is pending and the appellant fails to request a hearing on that issue within 10 days of the mailing of the notice of adverse action. Action on that

change will not be delayed pending the hearing decision. Good cause for delay will be considered on a case-by-case basis when a request for continued benefits mailed by the appellant or his/her representative is received in a DHS office following the 10th day after the notice of adverse action is mailed.

2. A mass change affecting the household's eligibility or benefit level occurs while the hearing decision is pending.
3. The certification period expires. [The household may reapply and may be determined eligible for a new certification period, with a new benefit amount determined on the basis of current eligibility.]
4. The Administrative Law Judge/Hearing Officer makes a preliminary determination at the hearing, followed by written confirmation, that the sole issue is one of federal law or regulation and that the household's claim that the Department improperly computed the benefits or misinterpreted or misapplied the law or regulation is invalid.

If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice. However, if the household established that its failure to make the request within the advance notice period was for good cause, the county shall reinstate the benefits to the prior level.

I. Recovery When Decision Upholds the County Office

When the hearing decision upholds the county office, any benefits issued due to continuation of assistance pending the hearing decision will be subject to recovery and a claim shall be prepared according to the usual procedures for recovering such benefits.

E. Procedures for Processing Appeals

1. Distribution of Appeal for Fair Hearing

a. The county office will fax the Appeal for Fair Hearing, to the Director of Intake and Conciliation on the day it is received. The appellant may mail the form himself if he prefers to do so.

b. Distribution of the Appeal for Fair Hearing, will be as follows:

Director of Intake and Conciliation (in the Division of Appeals) (by fax)
District Program Director
County Office
Appellant and/or his representative
Civil Rights/Title VI Coordinator, if discrimination is the issue (by fax)

2. Acknowledge of Appeals for Fair Hearing

An acknowledgement letter will be mailed to the appellant and/or their representative.

3. Interim Adjustments

While the appeal is pending, the county office will take any needed action on the case as a result of changes in the appellant's circumstances, changes in agency policies, or to correct an error. The usual written, advance notice of each change will be sent to the appellant.

4. Withdrawal of Appeal

The appellant may withdraw his appeal at any time during the hearing process. If he is satisfied with an adjustment or an explanation of the reason for the action by local or district staff at any point during the appeal process, he should be given an opportunity to withdraw his appeal. If he wishes to withdraw, he will be asked to complete Section I of the Withdrawal of Complaint (in Default Library), giving his reasons. This is to be done in the individual's own choice of words and handwriting, if at all possible. If he wishes to withdraw but is not willing to sign this form, the worker can complete it and attach the appellant's statement.

The DHS office will complete Section II of the Withdrawal of Complaint, giving the reason the appeal is being withdrawn. The worker must explain any action being taken by the agency, the date, the facts upon which the action was based, and any admissions, stipulations or agreements between the appellant and the agency. Applicable laws or regulations shall be cited. If benefits are to be restored, the amount and effective dates shall be included.

If Withdrawal of Complaint is received first by the DHS office, it shall be mailed on the day it is received, if possible, or on the first working day, if not. Copies will be distributed to:

Appellant and/or his representative
District Program Director
Director of Intake and Conciliation (by fax)
County Office
Civil Rights/Title VI Coordinator, if discrimination is the issue (by fax)

5. Scheduling the Hearing

a. The Case Preparation Unit will schedule the hearing and notify the appellant in writing of the date, time and place of the hearing.

Advance written notice will be provided to all parties to the hearing at least ten days prior to the hearing unless the appellant requests less advance notice in order to expedite the scheduling.

b. The letter to the appellant scheduling the hearing will provide the following information:

(1) Time, date, place, and nature of the hearing.
(2) A statement of the legal authority under which the hearing is held, including a reference to the particular sections of the statutes and rules involved.
(3) A short and plain statement of the matter(s) asserted. The notice will define the issue(s) and will refer to detailed statements of the matter(s) involved.
(4) Information about hearing procedures.
(5) The appellant's option to present his case or to be represented by a lawyer or another authorized person.
(6) The appellant's right to inspect the files of the agency with respect to the matter under appeal and to copy therefrom.
(7) The appellant's right to present written evidence and testimonies and to bring witnesses and members of his family to the hearing.

c. Copies of the notice of hearing and subsequent correspondence will be sent to the district program director, the Hearing File, the appellant's representative, if he has one, the Administrative Law Judge/Hearing Officer, and the Department's Office of General Counsel if a staff attorney is representing the county office.
d. The hearing will be held at one of the seven hearing sites located across the state. However, if the appellant is unable to come to the hearing site, the hearing may be held in his home, or another mutually convenient place, or by telephone.
e. The Department shall expedite hearing requests from SNAP households such as migrant farm workers who plan to move from the State before the hearing decision would normally be reached. Hearing requests from these SNAP households shall be processed faster than the others, if necessary, to enable them to receive a decision before they leave the area.
f. If the appellant does not appear at the hearing, the Administrative Law Judge/Hearing Officer will issue an Order of Default/Abandonment, which allows the appellant to establish good cause for his/her failure to appear at the scheduled hearing.

(1) If the appellant does not respond within 15 days, the Administrative Law Judge/Hearing Officer will consider the appeal abandoned by the appellant and a Final Order will be entered.
(2) If the appellant does respond timely, the Administrative Law Judge/Hearing Officer will determine if he/she had good cause for failing to come to the hearing.
(3) If the appellant wishes to continue with the appeal and has good cause for failing to attend the hearing, the Administrative Law Judge/Hearing Officer will schedule another hearing by Order of Continuance.
(4) The appellant will be notified that the appeal has been dismissed if the appellant does not have a satisfactory reason for failing to appear for the original, or the rescheduled, hearing.

6. Preparation for the Hearing

The Case Preparation Unit has responsibility for a case for a hearing before an Administrative Law Judge/Hearing Officer, and will follow up with the counties to ensure a decision is carried out.

a. Providing Information to the Appellant

The appellant or his representative must be given adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing.
The contents of the case, including the application form and documented verifications used by the Department to establish the appellant's or eligibility and benefit level shall be made available. However, confidential information, such as names of individuals who have disclosed information about the appellant without his knowledge or the nature or status of pending criminal prosecutions, is protected from release.
Confidential information that is protected from release and other documents or records which the appellant will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.
If requested by the appellant or his representative, the Department shall provide a free copy of the portions of the case that are relevant to the hearing.

b. Evidence

The Administrative Law Judge/Hearing Officer can only record as evidence that which is formally presented and accepted by him as such. His conclusions of law and the final decision in the case must be based on the finding of facts from the evidence presented. Therefore, it is vital that parties to the case are prepared to present evidence which is sufficient in quality and quantity to meet the test of finding of fact.

7. The Hearing

The Administrative Law Judge/Hearing Officer will conduct the hearing, which will not be open to the public except with the consent of the appellant. The county office shall be represented by the Case Preparation Unit staff and other Department staff, as indicated by the situation. District and State Office staff may be included as needed. Investigative Services will be represented if possible where a special investigation was involved in the action being appealed. Friends or relatives of the appellant may attend the hearing if the appellant so chooses. However, the Administrative Law Judge/Hearing Officer shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.

8. Group Hearings

The Department may respond to a group of individual hearing requests by conducting a single group hearing where the sole issue is a State or Federal law or policy or a change in State or Federal law or policy.

9. Appellant's Rights during the Hearing

The appellant may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the appellant feel most at ease.

The appellant or his representative has the right to:

a. Examine all documents and records used at the hearing;
b. Present the case or have it presented by a legal counselor or other person;
c. Bring witnesses;
d. Advance arguments without undue interference;
e. Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses;
f. Submit evidence to establish all pertinent facts and circumstances in the case.

10. Maximum Time Limits

The maximum time limit for processing appeals is sixty (60) days for SNAP, except when the hearing is delayed because of (a) illness of the appellant, or (b) delay in obtaining medical evidence because of circumstances beyond the control of the appellant or the Department.

Within sixty (60) days of the receipt of a request for a fair hearing for SNAP, the agency shall assure that the hearing is conducted, a decision is reached, and the household and county office are notified of the decision. This time limit may be extended only if the SNAP household has requested a postponement of the scheduled hearing. In this event, the time limit is extended for as many days as the hearing is postponed, not to exceed thirty (30) days. (Note: The time limit cannot be extended if a postponement is necessitated by the agency.)

The time limits specified above apply to the period extending from the date the original request is received by the Department until the date of the decision and the adjustment of the claim.

11. Reconsideration

Written notice of the right to petition for reconsideration and/or appeal is to accompany the initial order mailed to the parties. A petition for appeal from an initial order must be filed with the Commissioner or his/her designated representative within fifteen (15) days

after entry of an initial order. Also, any party may, within fifteen (15) days after entry of an initial order, file a petition for reconsideration with the Administrative Law Judge/Hearing Officer stating the specific grounds upon which relief is requested. If an initial order is subject to both a timely petition for reconsideration and appeal, the petition for reconsideration shall be disposed of first, and a new fifteen (15) day period shall start to run upon disposition of the petition for reconsideration.

12. Judicial Review

A person who is aggrieved by a final decision in a fair hearing has the right to request judicial review. Proceedings for review are instituted by filing a petition for review in a chancery court of Tennessee having jurisdiction and within sixty (60) days after the hearing decision by the Commissioner.

CHAPTER 44: Special Living Arrangements

This chapter covers the SNAP Policy and certification periods for special situation households including:

- Drug and Alcoholic Treatment Centers
- Group Living Arrangements
- Shelters for Battered Women and Children
- Shelters for Homeless
- Homeless Meal Providers

A. Drug and Alcoholic Treatment Centers

1. Authorization of Drug and Alcoholic Treatment Centers

   a. Drug and alcoholic treatment centers must be authorized to receive and use SNAP benefits on behalf of eligible recipients/residents via an authorized representative employed by the treatment program. The program must meet the following criteria:

      (1) The program must:
      - be licensed by the Department of Mental Health as a bona fide treatment program; or
      - have a letter from the Department of Mental Health acknowledging that the facility is operating for this purpose; and

      (2) The program must be conducted by a private non-profit organization or institution or a publicly operated center.

   b. Both of the above criteria must be met prior to the certification of residents for SNAP by county DHS office.

   c. A listing of licensed treatment centers, by county, can be found on the Internet on-the Department of Health website.

Note: CCA also provides addiction treatment programs and would be credible source for rehabilitation.

2. Eligibility — Non-Residents and Residents

   a. Non-Residents

      Members of eligible households, including single person households, who are narcotic addicts or alcoholics and who regularly participate in a drug or alcoholic treatment and rehabilitation program on a non-resident basis may use SNAP benefits to purchase food prepared for them during the treatment program. The

treatment program may be operated by a private non-profit organization or institution or a publicly operated community mental health center authorized by the Department of Mental Health as a bona fide treatment center.

b. Residents

Resident members may voluntarily elect to participate in the program, but must do so through an authorized representative.

c. Centers as Authorized Representatives

Residents of drug and alcoholic treatment centers must apply and be certified through the use of an authorized representative who is an employee of and designated by the private non-profit organization or institution or the publicly operated center that is administering the treatment and rehabilitation program.

The organization or institution must apply on behalf of the addict or alcoholic and receive and spend the SNAP benefits for food prepared by and/or served to the addict or alcoholic. Each center will be asked to sign a Letter of Agreement (Shared Base Document). This agreement outlines the Department of Human Services' and the Center's responsibilities in the certification and record keeping process.

d. Certification Policy

(1) General

Each county office may appoint a caseworker to serve as liaison and to certify these center residents. Residents of addict/alcoholic treatment centers will be certified by using the same provisions that apply to all other applicant households, except that certification is completed through use of the authorized representative as described in Chapter 44: Special Living Arrangements under "A. Drug and Alcoholic Treatment Centers".

(2) Expedited Service

For those residents of treatment centers and rehabilitation centers who are entitled to expedited service, the resident must receive benefits on or before the seventh calendar day following the application date. If eligibility for the initial application is expedited, the caseworker must complete verification and documentation requirements prior to the issuance of a second benefit amount.

(3) Households

Residents of treatment centers have their eligibility determined based upon the appropriate household size. Most will be one person households, unless the resident has their spouse and/or dependents living with them at the center.

(4) Normal Processing Standards

When normal processing standards apply, the caseworker will complete the verification and documentation requirements prior to making an eligibility determination for the initial application.

(5) Rights of Certified Residents

Resident households have the same rights to notices of adverse action, fair hearings, and entitlement to lost benefits as do all other SNAP households. A resident of a center has a right to same day filing. However, the interview, verification, and other certification procedures must be accomplished through the authorized representative.

(6) Exemption from Work Registration

As stated in Chapter 9: Work Requirements under “Exemptions from Work Registration”, regular participants in drug addiction or alcoholic treatment and rehabilitation programs, either on a resident or non-resident basis, are exempt from work registration requirements.

(7) Verification of Participation for Work Registration Exemption

The regular participation of an addict or alcoholic in a treatment program may be verified through the organization or institution operating the program before granting the exemption, if the information is questionable.

To be considered questionable the information on the application must be inconsistent with statements made by the applicant or the authorized representative, with other information on the application, or with information known to or received by the caseworker prior to certification.

(8) Certification Periods

Because of the substantial likelihood of frequent and significant changes and the inability to predict circumstances in the near future, residents of treatment centers are certified usually for the period of time they are expected to be in the center program.

e. Basis for Center Participation

Drug addiction or alcoholic treatment and rehabilitation program means any drug addiction or alcoholic treatment and rehabilitation program recognized as a tax exempt organization by the Internal Revenue Service or as non-profit by the Department of Mental Health.

The Department of Mental Health, designated by the Governor of Tennessee, must provide such an organization or institution with a license or issue a letter to the agency acknowledging that the facility is operating for this purpose.

Under Public Law 91-616, “Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970” and Public Law 92-255, “Drug Abuse and Treatment Act of 1972” such agencies can be designated as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics.

f. Center Responsibility

(1) Monthly Reports

Each treatment and rehabilitation center will be asked to provide the county with a certified list of currently participating residents signed by the center director (Shared Base Document). The county office will require the listing on a monthly basis. The treatment center’s monthly report must contain the following information:

(a) the name of each resident/recipient;
(b) the date of arrival at the center of each resident/recipient;
(c) the date of departure from the center of each resident/recipient (if applicable);
(d) the date of return of EBT cards, and/or benefits to departing resident/recipients or to the local certification office (if applicable);
(e) the date changes were reported to the local certification office; and
(f) statement of justification if the number of residents/recipients exceeds the center’s reported capacity.

(2) While the Participant is in the Center

The facility is permitted to act as a point of sale. The SNAP benefits are redeemed at the facility and deposited into the institution’s account. This may be completed by point of sale terminals or manual EBT transaction processing. This process will eliminate the need for the facility to handle multiple EBT cards while shopping for food. Benefits due a recipient leaving the facility can be accurately tracked.

(3) When the Participant Leaves the Center

The caseworker will instruct the treatment center's authorized representative at each certification:

(a) to provide resident households with their EBT card, and any benefits the household is entitled to when the household leaves the treatment center. If benefits have been deposited into the financial institution's account, benefits will be transferred into the recipient's account for any entitled benefits due the recipient.

- The departing household will receive its full allotment if issued and if no SNAP benefits have been spent on behalf of that individual household. These procedures are applicable any time during the month.
- If the benefits have already been issued and any portion spent on behalf of the individual, and the household leaves the treatment and rehabilitation program prior to the 16th day of the month, the treatment center will provide the household with one-half of its monthly SNAP allotment.
- If the household leaves after the 16th day of the month and the benefits have already been issued and used, the household is not due any benefits.

(b) that once the household leaves the treatment center, the center is no longer allowed to act as that household's authorized representative and that treatment center will return any EBT cards or benefits received on behalf of households which are no longer residents of the center.

(c) to provide the household with a Change Report Form and to instruct the household to use the form to report their new address and other circumstances after leaving the center within 10 days.

4. Reporting Changes

The treatment center will be instructed to notify the county office, as provided in Chapter 41: Continuing Responsibilities under "Changes during the SNAP Certification", of changes in the household's income or other household changes in circumstances. The treatment center must also notify the caseworker when the addict or alcoholic leaves the treatment center. Changes in the household's circumstances will be processed by using the same standards that apply to all other SNAP households.

5. Returning SNAP Benefits

The treatment center will be reminded to return the household's EBT card and PIN mailer to the DHS Office if received after the individual has left the center.

Example: An individual leaves the center on April 5th. His benefits are posted to his account on April 10th. The center must return the cards to the county office. If, however, the individual left on the 5th but had received his benefits on April 1st, the individual must be given one-half the benefit amount and the EBT card. The center may retain and use the other half of the benefit amount.

6. Center Liability

The caseworker will inform the organization or institution at each certification that it is responsible for any misrepresentation or intentionally withholding information concerning the household in the certification of center residents. As an authorized representative, the organization or institution must be knowledgeable about the household's circumstances and should review carefully those circumstances with residents prior to applying on their behalf. Remind the organization or institution that it is strictly liable for all losses or misuse of benefits held on behalf of residents and for all over issuances which occur while the households are residents of the treatment center.

7. Center Penalties and Disqualification

Inform the organization or institution that it may be penalized or disqualified by Food and Nutrition Services (FNS) if it is determined, either administratively or judicially, that benefits were misappropriated or used for purchases that did not contribute to a certified household's meals. The county office will notify the local FNS Office promptly when it has reason to believe that an organization or institution is misusing benefits in its possession. However, the county office will not take action against the organization or institution until notified by FNS of its determination.

8. Disqualified Treatment Center

FNS will notify the county office if FNS disqualifies an organization or institution as an authorized retail food store. The county office will then suspend the authorized representative status of that organization or institution for the same period.

Residents of drug addict and alcoholic treatment centers that lose their FNS authorization to accept and redeem benefits or lose their certification through the Department of Mental Health will not be eligible to participate. The residents are not eligible to participate. The residents are not entitled to a Notice of Adverse Action but will receive a written notice explaining the termination and when it will become effective.

9. County Office Review

The county office will conduct semi-annual site visits to treatment centers to assure the accuracy of the listings and that the county's records are consistent and up-to-date. Questionable situations may demand a more frequent site review. A centralized record of these visits will be maintained for ME and audit purposes. Appropriate corrective action will be taken on discrepancies noted.

GUIDE: *Bulletin No. 3, FA-11-02*

B. Group Living Arrangements

1. Residents of Group Living Arrangements

These arrangements are sometimes called residential rehabilitation homes. These homes are public or private nonprofit residential settings that serves no more than sixteen residents. They are certified by the appropriate state agency or agencies under regulations issued under section 1616(e) of the Social Security Act or under standards determined by the Secretary of Health and Human Services to be comparable to these standards.

Prior to certifying any residents for SNAP, the caseworker will verify that the group living arrangement is authorized by an agency such as Department of Mental Health and Substance Abuse Services. The group home may request authorization as a wholesaler through the Food and Nutrition Services of U.S.D.A. The home does not have to be certified as a wholesaler to be approved for SNAP.

The caseworker must verify that the home is a non-profit residence or the contract agency that serves the home has non-profit status. Non-profit status can be established by the agency such as the Department of Mental Health and Substance Abuse Services, which has approved the home, or by proof of tax exempt status through the Internal Revenue Service.

Note: The non-profit agency may in turn contract with service providers who are either for-profit or not-for-profit. This would not affect the home's eligibility.

a. Residents of Residential Rehabilitation Homes (Group Living Arrangements)

Blind or disabled (as defined in Section 1240-1-8-.01) residents of a group living arrangement may voluntarily apply for the SNAP Program. The county office will certify these residents using the same provisions that apply to all other households.

b. Application Process

(1) Residents of group living arrangements may apply and be certified:

- through use of an authorized representative employed and designated by the group living arrangement; or
- on their own behalf; or
- through an authorized representative of their own choice.

(2) The group living arrangement must determine if any resident can apply for SNAP on his or her own behalf; the determination should be based on the resident's physical and mental ability to handle his or her own affairs. The group living arrangement is encouraged to consult with any other agencies providing services to individual residents prior to a determination.

(3) All residents of the group living arrangement do not have to be certified either through an authorized representative or individually in order for one or the other method to be used. Applications will be accepted for any individual applying as a one-person household or for any grouping of residents applying as a household as defined in CHAPTER 2: Household Concept.

(4) If the resident applies using the facility as an authorized representative, the group living arrangement may receive and spend the allotment for food prepared and served to the eligible resident or allow the eligible resident to use all or any portion of the allotment on his or her own behalf. The same provisions applicable in Chapter 44 Special Living Arrangement under "Drug & Alcoholic Treatment Centers" to residents of treatment centers also apply to blind or disabled residents of group living arrangements when the facility acts as the resident's authorized representative.

(5) If the residents are certified on their own behalf, the allotment may be either:

- turned over to the facility to be used to purchase meals served either communally or individually to eligible residents; or
- used by eligible residents to purchase and prepare food for their own consumption; and/or
- used to purchase meals prepared and served by the group living arrangement.

(6) If the group living arrangement has its status as an authorized representative suspended by FNS (as discussed in Chapter 44 Special Living Arrangement under "Drug & Alcoholic Treatment Centers"), residents will be able to participate on their own behalf when otherwise eligible.

(7) Expedited Service - Residents of group living arrangements who are entitled to expedited service will have their applications processed timely enough to assure that the benefits will be received by the household on or before the seventh calendar day following the application date.

(8) As in the case of Drug Addict and Alcoholic Treatment Centers, each county office may appoint a caseworker to serve as liaison and to certify the residents of the treatment centers and group living arrangements.

c. Reporting Changes

(1) If the resident has made application on his or her behalf, the household is responsible for reporting changes to the county office in accordance with the provisions that apply to all other SNAP households as stated in Chapter 41: Continuing Responsibilities under "Changes during the SNAP Certification".

(2) If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement will notify the county office of changes in the household's income or other household circumstances in accordance with the provisions that apply to all other SNAP households. The group home must notify the county office when the individual leaves the group living arrangement. (Chapter 41: Continuing Responsibilities under "Changes during the SNAP Certification")

The group living arrangement must return the household's benefits to the county office if they are received after the household has left the group living arrangement.

d. While the Participant is in the Facility

Through a waiver from USDA, the facility will be permitted to act as a point of sale. The SNAP benefits will be redeemed at the facility and be deposited into the institution's account. This may be completed by point of sale terminals or manual EBT transaction processing. This process will prevent the facility from having to handle multiple EBT cards while shopping for food. EBT benefits due a recipient leaving the facility can be accurately tracked.

e. Household Leaves the Group Living Arrangement

(1) Facility Has Use of Benefits

(a) When the household leaves the facility, the group living arrangement, either acting as an authorized representative or retaining use of the benefits on behalf of the residents (regardless of the method of application) must provide residents with their EBT card (if applicable). Also the departing household must receive its full allotment if the monthly allotment has been issued and no benefits have been spent on behalf of that individual household any time during the month.

(b) When an individual leaves the group living arrangement prior to the 16th day of the month and benefits have already been issued and any portion spent on behalf of the individual, the facility shall provide the household with its EBT card (if applicable) and one-half of its monthly allotment.

If the household leaves after the 16th of the month and the benefits have already been issued and used, the household does not receive any benefits.

(c) When a group of residents have been certified as one household and have returned benefits to the facility to use, the departing residents shall be given a pro rata share of one-half of the household's monthly benefits if leaving prior to the 16th day of the month.

Example: Three residents with limited income have been certified as one household within the group living arrangement facility. Their monthly allotment is $150.00; one-half of this amount is $75.00. Therefore, each person's pro rata share would be one-third of $75.00 or $25.00.

(d) Once the resident leaves, the group living arrangement no longer acts as his or her authorized representative.

(e) The group living arrangement should provide the household with a Change Report Form to report to the County Office the individual's new address and other circumstances after leaving the group living arrangement and advise the household to return the form to the appropriate office in the county within 10 days.

(2) Household Retains Use of SNAP Benefits

If a resident or a group of residents apply on their own behalf and retain use of their own allotment, these individuals are entitled to keep the benefits when they leave the group living arrangement.

If a group of residents have applied as one household, a pro rata share of the remaining allotment should be provided to any departing household member.

Example: A group of four residents apply as one household. Their monthly allotment is $209.00. One of the four residents leaves the facility on the 18th of the month. The group has $100.00 of benefits remaining.

The individual leaving would receive one-fourth of the $100.00 allotment or $25.00 in benefits.

Although the household is responsible for reporting changes in the household circumstances, the group living arrangement should provide the household with a Change Report Form to report to the county office the individual's new address and other circumstances after leaving the group living arrangement. The facility should also advise the household to return the form to the appropriate office in the county within 10 days.

f. Liabilities

The same provisions regarding misrepresentation and fraud applicable to drug and alcoholic treatment centers also apply to group living arrangements when the facility is acting as an authorized representative (See Chapter 44 Special Living Arrangement under "Drug & Alcoholic Treatment Centers"). These provisions are not applicable if a resident has applied on his or her own behalf. The resident applying on his or her behalf is responsible for over issuances (Chapter 42: Over issuances & Claims").

g. Use of Benefits by Residents

(1) Group living arrangements may purchase and prepare food to be consumed by eligible residents on a group basis. When:
- residents normally obtain their meals at a center location as part of the group living arrangement services or
- meals are prepared at a central location for delivery to the individual residents.

(2) If residents purchase and/or prepare food for "home consumption" as opposed to communal dining, the group living arrangement should ensure that each resident's SNAP benefits are used for meals intended for that resident.

(3) If the resident retains use of his or her own allotment, he or she may either use the benefits to purchase meals prepared for them by the facility or to purchase food to prepare meals for their own consumption.

(4) Disabled residents (as defined in SNAP Policy) can use SNAP to purchase prepared meals. The group living arrangement would be where a significant number of individuals receiving SSI reside or are likely to reside.

h. Group Living Arrangement Responsibilities

The reporting responsibilities and reviews for drug addict and alcoholic treatment centers also apply toward group living arrangements. Refer to Chapter 44 Special Living Arrangement under "Drug & Alcoholic Treatment Centers" for specific instructions.

i. Shelter Expenses

The SNAP household's shelter expenses would be determined based upon the individual circumstances. The caseworker must review the contract with the agency to determine each situation. Some examples of allowable shelter (rent and utilities) amount (not intended to be all-inclusive) would be:

(1) Individual resides in a regular group home. The contract with the agency shows room and board. The caseworker would subtract the Thrifty Food Plan from the total amount shown as room and board. The remaining amount would be shown as a shelter amount. No utility expense would be shown in the budget.

(2) Individual resides in a regular group home. In the contract with the agency, the individual is responsible for rent and a major heating/cooling utility expense on a monthly basis. The amount for rent would be shown in the SNAP budget. The agency receives the utility bill and divides it among the residents of the home. The individual would be eligible for the standard utility allowance.

(3) Individual resides in a regular group home. In the contract with the agency, the individual is responsible for rent and a major heating/cooling utility expense on a monthly basis. The amount of rent would be shown in the SNAP budget. The agency charges the person a flat rate for the utilities. The individual would be eligible for the standard utility allowance (SUA).

j. Supportive Living Arrangement

Supportive living arrangements must be certified by the appropriate state agency in the same manner as the group living arrangement.

The supportive living arrangement agency subcontracts with individuals and/or agencies to manage these arrangements.

Individuals receiving supportive living services are living in property that they own and/or control (etc. pays rent) and have certain services provided to them in their homes based on their specific needs. These individuals make application for SNAP in the same manner as any other individual. They may have an individual to act as their authorized representative. The fact that there are some services provided to the individual in their home by a profit or nonprofit agency is irrelevant, if they are otherwise eligible.

The household's shelter expenses are determined based upon the individual circumstances. Some examples (this is not intended to be all-inclusive) are:

(1) An individual resides in a house. He/she receives a major heating/cooling utility bill. The household would be eligible for the standard utility allowance.

(2) The individual resides in an apartment with other adults. The agency receives a major heating/cooling utility bill and divides the expense evenly among the residents in the apartment. Each individual would be eligible for the standard utility allowance.

(3) The individual resides in an apartment with other adults. The agency receives a major heating/cooling utility bill and charges each individual a flat monthly rate. Each individual would be eligible for the standard utility allowance.

(4) The individual resides in an apartment where the individual is billed only for excess expenses. The individual would be eligible for the basic utility allowance.

C. Shelters for Battered Persons and Children

1. Definition

Shelters for Battered Persons (women or men) and Children mean public or private non-profit facilities that serve battered persons and their children. If the facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered persons and children to meet the criteria for eligibility in a shelter for battered persons and children.

2. Application Process

Prior to certifying residents of a shelter for battered persons and their children, the caseworker must determine whether the shelter meets the definition in (1) above of this section. The caseworker must apply the criteria established in the program's definition of a shelter for battered persons and their children in order to arrive at a determination, and document the relevant facts on CLRC for future reference. If the facility has FNS Authorization to redeem benefits as wholesalers, the caseworker is not required to determine whether the facility meets the program definition. A facility authorized by FNS as a wholesaler should be documented on the CLRC.

a. Residents of shelters for battered persons and children can apply as separate households:

(1) Through use of an authorized representative employed and designated by the shelter; or
(2) On their own behalf; or
(3) Through an authorized representative of their own choice.

b. Residents of shelters are exempted from the prohibition against participation in more than one county in any month. This provision is limited to women and children leaving the household containing the person who subjected them to abuse.

(1) The former household may be certified for participation in the program, and its certification may be based on the household size that includes the women and children who have just left. Shelter residents who are included in such certified households may apply for and (if otherwise

eligible) participate in the program as separate households if the certified household, which includes them, contains the person who subjected them to abuse. In this instance, shelter residents who are included in such certified households may receive an additional allotment only once in a given month. Such residents can receive the additional allotment only once a month, regardless of the number of times the battered persons and their children return to the former household and are forced to return to a shelter during a given month.

(2) Shelter residents whose former households were not certified for program participation prior to the member(s) entering the shelter may be certified for program benefits as separate households, if otherwise eligible. Such residents can receive only one allotment per month, regardless of the number of times they return to the former household and are forced to return to the shelter.

c. Income and Resources

Certify residents of a shelter for battered persons and children who apply as separate households solely on the basis of their income and resources. The only expenses that can be considered in determining deductions for the household are the expenses for which they are responsible.

Certify households without regard to the income, resources and expenses of their former household. Consider resources held jointly with members of the former household as inaccessible resources in accordance with CHAPTER 18: Special Resource Situation.

d. Processing Standards

Applications for residents of shelters for battered persons and their children may be processed under expedited or normal processing standards, whichever is applicable.

(1) Expedited Service

Residents of a shelter for battered persons and children who are otherwise entitled to expedited service will have their applications processed timely enough to assure that the benefits will be available to the household on or before the seventh calendar day following the application date. This provision may apply to residents of any shelter for battered persons and children regardless of whether the facility meets the definition of shelter for battered persons and children in (1) above of this section. For example, residents of any shelter for battered persons and children not meeting the definition in (1) above may participate as individual household units or as part of a group of individuals if their shelters do not provide meals. However, only those individuals who participate as individual households will be processed under expedited provisions. Residents of such shelters who

participate as part of a group already participating will be processed as a reported change.

(2) Normal Processing

Residents who do not meet the criteria for expedited service must be processed under normal procedures.

e. Verification

Information for verification of the resident's circumstances may be obtained from documents possessed by the household, information obtained from the facility, and/or collateral contacts.

f. Certification Period

Households are assigned a one-month short certification period in accordance with 1240-1-7 due to the frequent short stay in such facilities.

3. Reducing the Former Household's Benefits

The caseworker must take prompt action to ensure that the former household's eligibility and/or allotment reflects the changes in the former household composition. This is considered as a reported change and should be acted on in accordance with the procedures in Chapter 41: Continuing Responsibilities under "Changes during SNAP Certification".

4. Reporting Changes

1. If the resident has made application on his/her own behalf, the household is responsible for reporting changes to the county office in accordance with the provisions that apply to all other SNAP households as cited in Chapter 41: Continuing Responsibilities under "Changes during SNAP Certification".

2. If the shelter is acting as authorized representative, it must notify the county office of changes in the household's circumstances, etc. in accordance with the provisions that apply to all other SNAP households.

5. While the Participant is in the Facility

Through a waiver from USDA, the facility is permitted to act as a point of sale. The SNAP benefits are redeemed at the facility and deposited into the institution's account. This may be completed by point of sale terminals or manual

EBT transaction processing. This process will eliminate the facility from having to handle multiple EBT cards while shopping for food. Benefits due a recipient leaving the facility can be accurately tracked.

6. Household Leaves the Shelter for Battered Persons and Children

a. Facility Has Use of Benefits

When the household leaves the shelter for battered persons and children the shelter, either acting as authorized representative or retaining use of the benefits on behalf of the residents, must provide residents with their EBT card. Also, the departing household must receive its full allotment if the monthly allotment has been issued and no benefits have been spent on behalf of that individual household. Once the resident leaves, the shelter no longer acts as authorized representative for the household.

The shelter must return any household's benefits to the county office if they are received after the household has left the shelter. This is true as well for any EBT cards and/or PIN mailers received after the household has left the shelter.

b. Household Retains Use of Benefits

Households, which retain use of their own benefits, are entitled to keep the benefits when they leave the shelter.

7. Shelter for Battered Persons and Children Responsibilities

The reporting responsibilities and review requirements for drug addicts and group living arrangements also apply to shelters for battered women and children. Refer to Chapter 44 Special Living Arrangement under "Drug & Alcoholic Treatment Centers" for specific instructions.

8. Eligibility of Residents Residing in Shelters for Battered Persons and Children Which Do Not Provide Meals

Residents of shelters, which do not provide meals, may participate in the program, if otherwise eligible as any other household. Such residents are not considered as residing in an institution; therefore, the special provisions in this section do not apply i.e., receiving more than one allotment in a given month.

D. Shelters for the Homeless

1. Definitions

Homeless Individual

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 designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Shelter for the Homeless

A public or private non-profit facility that provides temporary shelter and meals to the homeless.

2. Application Process

Prior to certifying any individual residing in a shelter, the caseworker must substantiate that the shelter is non-profit and provides meals to the homeless. The caseworker will contact the shelter to verify that meals are provided to the homeless without profit to the shelter. If verification cannot be obtained through documentary evidence, the residents of the shelter may not be certified because they will be considered as residents of an institution; (Refer to CHAPTER 2: Household Concept).

3. Processing Standards

Applications for residents of a shelter will be processed under expedited or normal processing standards, whichever is applicable.

4. Certification Periods

Households will be assigned a one- or two-month certification period based on their situation. in accordance with 1240-1-7-.01, due to what is usually a short stay in the shelter.

5. Mailing Benefits

Mail benefits to the county office, or the household's post office box, to ensure the recipient receives his/her benefits. Do not mail the EBT benefit card or PIN to the shelter's address because the shelter cannot be held responsible for delivery of benefits to the recipient.

6. Authorized Representative

The shelter's employees may not act as authorized representatives for the residents of the shelter.

7. Use of Benefits by Residents

The residents may use their benefits to purchase food to prepare meals for their own consumption, or to purchase prepared meals served by the shelter, if the shelter has been approved by the USDA Food and Nutrition Service (FNS) to accept benefits.

E. Homeless Meal Provider

It is the county office's responsibility to establish that meal providers wanting FNS authorization to accept SNAP benefits are serving meals to the homeless. The meal provider or FNS will contact the county office to substantiate that the provider serves meals to the homeless.

Each county may appoint one caseworker to be responsible for determining that establishments serve meals to the homeless. The caseworker can verify that the establishment serves meals to the homeless through an on-site visit to the establishment.

Upon approval of the establishment, complete a statement to that affect, in duplicate. Give one copy of the statement to the establishment for submittal to FNS as part of the application process for accepting benefits. Keep one copy in the county.

No further action is required unless the provider stops providing meals to the homeless. If this occurs, the caseworker should report to the local FNS official that the establishment is no longer serving meals to the homeless.

GUIDE: *Meal Provider Form*

CHAPTER 45: Strikers

A striker is any employee who is a member of the bargaining unit. The bargaining unit member is an employee who will benefit from the contract at issue in the strike whether or not the individual is a union member.

If a work stoppage is considered to be a strike by both the union and the company, the county will consider it a strike for SNAP purposes.

A. Persons Who Would Be Considered Strikers

Persons who would be considered strikers include the following:

1. All non-working members of the bargaining unit which is on strike even if they are not members of the union and regardless of whether they are afraid to cross a picket line;
2. Employees who participate in sympathy and support strikers who are members of the bargaining unit; or
3. Employees who get another job while on strike but who did not resign from the company.

B. Persons not considered to be Strikers

1. Employees who are not members of the bargaining unit and who are not participating in a sympathy or support strike but who claim they are afraid to cross the picket line;
2. Employees who are fired by the company while on strike;
3. Employees who officially resign from their job while on strike;
4. Persons whose jobs are no longer available when the company hires permanent replacements for the strikers;
5. Strikers offered different jobs when the company will not allow them to return to their old jobs;
6. Employees who are locked out by the company the day before the strike;
7. Employees laid off when the strike began;
8. Self-employed persons who are not members of the bargaining unit (such as long distance truckers); or
9. Employees who are exempt from the SNAP work registration requirement prior to the strike for reasons other than employment.

C. Household Eligibility

Households with striking members are ineligible to participate in the SNAP program unless such households were eligible for benefits the day prior to the strike and are otherwise eligible at the time of application.

Example: A five person household containing a striking member applies for benefits on March 5. The strike began January 15. Prior to the strike, the striking member's income averaged

$1,040 per month. (This was the only income received by the household.) Based on earnings prior to the strike, the household meets the gross income standard. Following the calculation of allowable deductions, the household also meets the net income standard. Therefore, the household is presently eligible for benefits, provided that all other eligibility criteria are met at the time of application.

D. Treatment of Income/Resources

1. Income

Determine the striking household member(s)' income by using the higher of the monthly earned income from the job on which the strike occurred as if the household member were still working, or the striking member's current income. Add the higher of the two to the current income of other household members.

Example: A household with a striking member applies for SNAP on March 3. Prior to the strike, the household member's earnings average $1500 per month. However, the striker's current earnings average $1575 per month. The present earnings are higher and will be used to determine the household's eligibility and benefit level.

A household participating in the program at the time of the strike will remain eligible. However, earnings from the job (prior to the strike) will continue to be counted. In other words, a household will not receive an increase in benefits due to the decrease in income which is attributed to the strike. Other changes, which occur, such as household size, will be taken into consideration for budget purposes.

2. Resources

Consider all countable resources in determining the household's eligibility. This includes any countable resources available at the time of the strike and any other resources currently on hand as of the application month.

E. Work Registration

Strikers are subject to the work registration requirements as cited in Administrative Policies and Procedures: 24.00 unless they were exempt from work registration (other than exemption because of employment) prior to the strike.

GLOSSARY

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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 SNAP/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	GLOSSARY
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.
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.
Administrative Law Judge	Administrative Law Judges are a part of the Office of the Secretary of State in Tennessee and hear appeals and make decisions on Family Assistance Program issues at various locations within the state, including Johnson City, Knoxville, Chattanooga, Cookeville, Nashville, Jackson and Memphis
Appeal	An appeal is a procedure for bringing grievances, which cannot be resolved in the local office to the State Office for a hearing.
Appellant	An appellant is an individual who is dissatisfied with an action of the Department in regard to the furnishing or denial of assistance and who, as a result, is requesting a fair hearing before the State Office.
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 SNAP 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 SNAP 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 SNAP.
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 SNAP 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 SNAP 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 SNAP, receiving and/or spending the coupons. (See Designated Agent -- AFDC).
B	**GLOSSARY**
Boarders	(a) SNAP 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	**GLOSSARY**
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 SNAP 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.
Complaint	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 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.
Complainant	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 DHS staff in relation to assistance for which the client

	has applied or which he is receiving.
Conciliation	Conciliation is a review of the issue under appeal between the appellant and the Conciliation Unit in the Division of Appeals and Hearings in the State Office. Conciliation Unit staff will make the initial determination as to whether the appeal was filed timely and whether the issue is subject to appeal. They will acknowledge the appeal that has been filed and will determine if the case action at issue was appropriate. If the case requires correction, Conciliation staff will make the correction, whenever possible. Otherwise, they will notify the appropriate county staff and specify the correction(s) needed. If Conciliation Unit staff is successful in resolving the issue with the appellant, they will mail the appellant a Resolution Letter, along with a copy of a Withdrawal form. If Conciliation Unit staff is unable to resolve the issue with the client, the appeal must be forwarded to the Case Preparation Unit to prepare for a hearing. Staff will authorize continuation/reinstatement of benefits if appropriate, pending an appeal.
Conference	A conference is a discussion of the grievance between the complainant and county office staff in an effort to resolve the complaint. It is mandatory that a conference be offered to a SNAP household, which wishes to contest a denial of expedited service.
D	**GLOSSARY**
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].
Deferred Student Loan	A loan for educational expenses for which repayment is deferred until

	education is completed.
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 SNAP 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 SNAP 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 (EX.100%), 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 1974 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 1974 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 (Medicid). (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 SNAP Program benefits with an authorized representative employed by the treatment program acting as the authorized representative for all applicant households.

E	GLOSSARY
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 SNAP 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 -- SNAP 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 SNAP 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 person and children to its eligible residents.
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.

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.
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	**GLOSSARY**
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.
Food and Nutrition Service (FNS)	The division of the United States Department of Agriculture which supervises the SNAP 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	**GLOSSARY**
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 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.
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	**GLOSSARY**
Head of Household 1240-1-2-.02(1)(d)	The head of household is the person whose name has been designated to appear on the SNAP application by the household or the State agency.
Hearing Officer	A Hearing Officer is an impartial official of the Department of Human Services designated by the Commissioner to conduct a fair hearing. The staff member so designated shall have had no personal stake or involvement in the case. A Hearing Officer must not have been directly involved in the initial determination of the action that is being contested, and was not have been the immediate supervisor of the caseworker who took the action.
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 *1240-1-2-.02(1)(a)*	***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.*** 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 household.
I	**GLOSSARY**
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 SNAP 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	**GLOSSARY**
Local Office	The Departmental office having jurisdiction over the case, primarily the county office.
Low Income Household	For SNAP purposes, a household whose annual income does not exceed 130% of the Office of Management and Budget guidelines.
M	**GLOSSARY**
Mail Issuance	The method by which eligible households receive their SNAP by mail each month.
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.
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 SNAP 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 Household	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	**GLOSSARY**
Net Income	Gross income less appropriate exclusions and work allowances.
O	**GLOSSARY**
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	**GLOSSARY**
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.
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.
Payee	The person to whom an AFDC grant check is made payable.
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.
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 SNAP conducted under the Food Stamp Act and regulations or the TANF 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) SNAP (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 SNAP benefits 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 SNAP 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 FF-SNAP case is one in which each member of the Food Stamp household is included in a FF grant.

R	**GLOSSARY**
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 SNAP 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 SNAP 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 SNAP benefits. Residents of institutions are not eligible for participation in the SNAP, 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 person 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 person 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	**GLOSSARY**
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 person and Children	Public or private non-profit residential facility that serves battered person 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 person and children. The shelter must also be a residence which serves meals or provides food to its residents.
Sibling 1240-1-2-.02(1)(b)	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).
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 1240-01-08.01 (80)	Spouse. For SNAP 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.
Spouse - Spousal Relationship 1240-1-2-.02(1)(c)	Spouse. For SNAP purposes either of two individuals; c. Who would be defined as married to each other under applicable state laws; or d. Who are living together and are holding themselves out to the community as husband and wife.
State Agency	The agency of State Government which has the responsibility for the administration of the SNAP and Public Assistance Programs within the state. In Tennessee, this is the Tennessee Department of Human Services.
Strikers	A striker is any employee who is a member of the bargaining unit. The bargaining unit member is an employee who will benefit from the contract at issue in the strike whether or not the individual is a union member. If a work stoppage is considered to be a strike by both the union and the company, the county will consider it a strike for SNAP purposes.
Student (FS)	A student is a person who meets all of the following criteria: • is at least age 18, but under age 50; • is physically and mentally fit; and • 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.
Student (AFDC)	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	**GLOSSARY**
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.
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.
U	**GLOSSARY**
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 SNAP.
United States Department of Health and Human Services	The agency of the Federal Government authorized to administer the federally aided public assistance programs.
V	**GLOSSARY**

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.