

**Department of
Health and Human Services**

Office for Family Independence

**Maine Food Supplement
Certification Manual**

Includes Policy Revisions Through: 177A
(Does not include proposed rule #176)

Last Revision: September 2012

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE FOR FAMILY INDEPENDENCE
FOOD SUPPLEMENT PROGRAM**

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BASIS OF ISSUANCE

October 1, 2011

48 States and the District of Columbia

NOTE: These tables are extended to meet the needs of certain categorically eligible households. Therefore, the amounts shown on the tables are higher than the net income limits for some household sizes. Households which are not categorically eligible must have incomes below the appropriate income limits.

To determine a household's monthly benefit using the Basis of Issuance tables:

- 1) Calculate the household's net monthly income. Households which are not categorically eligible will have net monthly incomes which are lower than or equal to the amounts shown in Column C on this page.
- 2) Find the allotment by reading in the attached tables down to the appropriate income and across to the appropriate household size.
- 3) Persons in household sizes one and two and which are categorically eligible will be eligible for benefits of at least \$16, even if the tables do not show a benefit amount at their net income levels.

To calculate the benefit manually (in lieu of Step 2 above) or if the household is size 21 or larger:

- 1) Multiply the net monthly income by 30 percent.
- 2) Round the product up to the next whole dollar if it ends in 1-99¢.
- 3) To obtain the household's allotment, subtract the result from the Maximum Benefit (Column D) for the appropriate household size. However, if the computation results in \$1, \$3, or \$5, round up to \$2, \$4 or \$6, respectively.
- 4) If the allotment is for a **one** - or **two**-person household and is less than \$16, or is a negative number, round to the minimum benefit of \$16 for one- or two-person households.

Household Size	Monthly Income Elderly/Disabled Separate Household* 165% of Poverty	Maximum Gross Monthly Income* 130% of Poverty	Maximum Net Monthly Income* 100% of Poverty	Maximum Benefit
	Column A	Column B	Column C	Column D
1	\$1,498	\$1,180	\$908	\$200
2	\$2,023	\$1,594	\$1,226	\$367
3	\$2,548	\$2,008	\$1,545	\$526
4	\$3,074	\$2,422	\$1,863	\$668
5	\$3,599	\$2,836	\$2,181	\$793
6	\$4,124	\$3,249	\$2,500	\$952
7	\$4,649	\$3,663	\$2,818	\$1052
8	\$5,175	\$4,077	\$3,136	\$1202
Each Additional Member	+\$526	+\$414	+\$319	+\$150

* Maximum Gross and Net Monthly Income figures are not used for computing the benefit amount. They are included as a reference for determining the household's eligibility.

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TANF Reference

7 CFR 272.6

Section: **FS-1**
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Introduction

USE - Food Supplement Program benefits are intended for the purchase of eligible foods, including seeds and plants. Persons outside the household may be designated to purchase food. Households are not required to have cooking facilities or access to cooking facilities to participate.

Certain households have been authorized by Congress to use FS to obtain prepared meals. Some examples are:

1. Communal dining facilities for the elderly, disabled, homeless, etc.
2. Meals on Wheels for the elderly or house-bound
3. Substance Abuse Treatment Centers
4. Group living arrangements for disabled persons. ("Disabled" as defined in FS-999-1)
5. Shelters for the homeless. (FS 999-1)

PERSONNEL STANDARDS - Personnel used in certification shall be employed in accordance with standards for a merit system prescribed by the U.S. Civil Service Commission.

RECORDS - All certification and fiscal records shall be retained in an orderly fashion for a period of three years from the origin of the records.

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TANF Reference

CFR 272.1, 272.6, 272.8(a)

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Introduction

DISCLOSURE OF INFORMATION - Rules and regulations shall be made available, upon request, to the general public.

Address Confidentiality Program

The Address Confidentiality Program, administered by the Secretary of State, provides address confidentiality for victims of domestic violence, stalking or sexual assault and requires state and local agencies and the courts to accept a designated address as the program participants' address when creating a public record. When an applicant or recipient verifies that they are a certified participant in the Address Confidentiality Program, the designated address is the only address accepted and provided when staff is required to release information in each circumstance described.

The Department shall restrict the use or disclosure of information obtained from applicant and participating households to:

1. Persons directly connected with
 - a. the administration or enforcement of the provisions of the Food and Nutrition Act of 2008 or regulations;
 - b. other Federal assistance programs;
 - c. federally-assisted State programs providing assistance on a means-tested basis to low income individuals;
 - d. general assistance programs;
 - e. the administration or enforcement of the programs which are required to participate in the income and eligibility verification system (IEVS) to the extent the food assistance benefit information is useful in establishing or verifying eligibility or benefit amounts under those programs;
 - f. the verification of immigration status of aliens applying for food assistance benefits, through the Systematic Alien Verification for Entitlements (SAVE) Program, to the extent the information is necessary to identify the individual for verification purposes; and
 - g. the administration of the Child Support Program.

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TANF Reference

CFR 272.1, 272.6, 272.8(a)

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Introduction

2. and to
 - a. employees of the Secretary of Health and Human Services as necessary to assist in establishing or verifying eligibility or benefits for Social Security or SSI;
 - b. employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and

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TANF Reference

7 CFR 272.1, 272.6, 273.4(e)

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- c. local, state, or federal law enforcement officials, upon their written request, if the officer furnishes the household member's name and information that the household member is fleeing to avoid prosecution or custody for a felony, or is violating a condition of parole or probation; where the household member has information necessary for the apprehension or investigation of another member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole. The Department shall disclose only such information as is necessary to comply with a specific written request of a law enforcement official authorized by this section. This may include address, social security number and if available picture of the food assistance recipient in question, if requested.

NOTE: The written request shall include the identity of the individual requesting the information and his authority to do so, violation being investigated, and the identity of the person on whom the information is requested.

Recipients of this released information must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in this section. In addition, information received through the IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider.

EXCEPTION: The Department shall report any household member known to be illegally present in the United States.

AMERICANS WITH DISABILITIES ACT –

In accordance with the Americans with Disabilities Act, no qualified individual with a disability will, by reason of such disability, be excluded from participation in, or be denied the benefits of, the services, programs or activities of the Maine Department of Health and Human Services, or be subjected to discrimination by the Maine Department of Health and Human Services.

Different
Introduction

NONDISCRIMINATION - No applicant or participant shall be discriminated against for any reason whatsoever in any aspect of program administration. Enforcement action may be brought under any applicable Federal or State law. Title VI complaints shall be processed in accord with 7 CFR Part 15.

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TANF Reference

CFR 272.1, 272.6, 273.4(e)

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The Department shall accept all complaints of discrimination, written or verbal, and forward them promptly to the Secretary or Administrator at the Department of Agriculture. People who believe that they have been subject to discrimination may also file a complaint directly with the Secretary of the Department of Agriculture or the Administrator of Food and Nutrition Service in Washington, DC 20250, or the Maine Human Rights Commission.

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AFDC Reference

CFR 272.1, 272.6

Section: **FS-1**
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None

Introduction

If an individual alleges that a discriminatory act has been committed, but the individual refuses to, or is reluctant to put it in writing, the person receiving the complaint shall do so. The following information should be provided:

name, address and telephone number of the complainant;

location and name of the agency responsible for delivering service;

the nature of the incident that led to the alleged discrimination, or an example of the aspect of program administration which is alleged to harm actual or potential participants;

names and addresses of persons who may have knowledge of the discriminatory acts;

the date or dates on which the alleged discriminatory actions occurred.

Written complaints will be accepted by the Secretary or the Administrator, even if the above information is not complete. People who file written complaints are encouraged to provide this information to facilitate investigation.

When the Department has received any such complaint, it will promptly forward the information directly to:

Regional Civil Rights Director
Food and Nutrition Service
Dept. of Agriculture
Northeast Regional Office
10 Causeway Street, Rm. 501
Boston, MA 02222

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AFDC Reference

CFR 272.1, 272.6

Section: **FS-1**

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None

Introduction

Investigations will be conducted only if this information is provided. Complaints filed with the Secretary of Agriculture or the Administrator must be filed no later than 180 days from the date of the alleged action, unless the filing time is extended by the Secretary. All complaints to the Department or the Maine Human Rights Commission will be followed up, regardless of whether the information is submitted orally or in writing. Any complaint must be filed no later than 180 days from the date of the alleged action.

The complaint system shall be explained to each individual who expresses an interest in filing a discrimination complaint.

The Department shall:

publicize the procedure for handling discrimination complaints.

ensure that all offices involved in administering the program, and that also serve the public, display the nondiscrimination poster provided by FNS.

ensure that participants and other low-income households have access, within ten days of the date of request, to information regarding nondiscrimination status and policies, complaint procedures and the rights of participants.

The Department shall obtain and report data on households by racial/ethnic category. The provision of this information is strictly voluntary and shall not affect eligibility or benefit level.

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TANF Reference

7 CFR 272.1, 272.6

Section: **FS-1**
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None

Introduction

ISSUANCE SYSTEM - Benefits are issued electronically through the Electronic Benefit Transfer (EBT) System. (See Section FS-777-7) EBT cards are created and mailed from the Food Supplement Program EBT Office in Augusta, Maine. New benefit authorizations are processed on a daily basis, Monday through Friday, excluding holidays.

The regular monthly benefits are issued during a five-day period each month. Client benefits are available on the same date each month, (10th - 14th), once a client is included in the issuance cycle. The issuance date is based on the date of birth of the case head.

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AFDC Reference

CFR 273.1

Section: **FS-111-1**
Page 1

GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY FACTORS

Household Concept

Same
Chap. II, Sec. D,
Chap. II, Sec. C,

GENERAL RULE - A household must satisfy certain conditions and the number of individuals in the household must be established before financial eligibility can be determined. Factors affecting the composition of a household shall be verified, if questionable.

Households must reside in the State of Maine.

Households must not live in an institution which provides the majority of meals, except for:

federally subsidized housing for elderly, built under either Section 202 or 236 of the National Housing Act.

drug or alcohol treatment centers (FS 444-5).

approved group living arrangements for the disabled (FS 444-5).

shelters for battered women and children (FS 444-6).

shelters for the homeless (FS 999-1).

Different
Chap. II, Sec. D,
Chap. II, Sec. C,

A HOUSEHOLD MAY BE -

1. an individual living alone;
2. an individual or a group of individuals who live with others, but purchase and prepare meals separately. This includes roomers.

Individual who claim to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household.

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TANF Reference

7 CFR 273.1

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GENERAL PROGRAM REQUIREMENTS/NON-FINANCIAL ELIGIBILITY FACTORS

Household Concept

3. a group of individuals who live together and purchase and prepare the majority of their meals together; even if the food is eaten elsewhere;

NOTE: Household members may be away from home part of the certification period but can still be considered "living together". The deciding factor to consider an individual part of a household is "majority of meals" rule as stated above. Majority of meals can be determined by counting meals shared with the applicant household from the previous month. A longer past period may be used as needed but no longer than the previous certification period.

4. an individual at least sixty years of age, and his/her spouse who are unable to prepare their own meals because of a permanent disability and who live with others whose gross income does not exceed 165% of the Federal Poverty Level (FS-000-1). Exclude the elderly individual and spouse when making this income determination.

Different
Chapter II

The following shall be considered as customarily purchasing food and preparing meals together even if they actually do purchase food and prepare meals separately:

1. spouses residing together.
2. parents living with their natural, adoptive, or stepchildren 21 years of age or younger.

NOTES: Ties to biological parents are severed when a child is legally adopted by another person or can be temporarily severed when a child is placed under the guardianship of another person by the Court.

Ties to a stepparent are severed when a parent's marriage to a stepparent is dissolved.

In joint custody situations, where physical custody, including the purchase and preparation of meals is shared equally, the household may choose which household will receive Food Supplement benefits for the shared child(ren). Assume that the household applying for the shared child(ren) is the household of choice unless the other household contacts the Food Supplement Program office with different information.

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AFDC: II

Med: None

7 CFR 273.1

Section: **FS-111-1**

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**GENERAL PROGRAM REQUIREMENTS/NON-FINANCIAL ELIGIBILITY_
FACTORS (Cont)**

Household Concept

3. children under 18 years of age (excluding foster children - see FS-444-3), living in a household in which another member is assuming parental responsibility.
4. boarders not paying an adequate amount for their meals. An adequate amount is determined by the Thrifty Food Plan. When a boarder eats two meals or less the adequate amount is at least two-thirds of the Thrifty Food Plan.

NON-HOUSEHOLD MEMBERS ARE

1. boarders (FS 444-3) paying an adequate amount for their meals. The household can include such boarders as members of their household if they wish to do so.
2. roomers, if purchasing and preparing meals separately from the household.
3. live-in attendants.
4. disqualified members (see FS-444-4).
5. other individuals who live with the household, but purchase and prepare their meals separately.

NOTE: These individuals are not considered when determining household size.

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AFDC Reference

CFR 273.1

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY_
FACTORS

Household Concept

To determine household composition

1. identify the total number of individuals who live together.
2. determine the relationship of individuals who live together.
3. identify members who
 - a. must be a member of the household.
 - b. are members of the household by choice.
 - c. are not members of the household.
4. Include as household members those who must be household members and those who choose to be.
5. Once the household is established, identify members who
 - are ineligible aliens or ineligible students.
 - are disqualified for various reasons.

NOTE: These individuals' income and assets receive special treatment. They are not eligible for benefits (FS 444-4).

6. If separate household status is claimed, the claimant shall be responsible for proving that he is a separate household as defined by Food Supplement Program rules.

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AFDC Reference

CFR 273.1

Section: **FS- 111-1**
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None

GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY_
FACTORS

Household Concept

HEAD OF HOUSEHOLD

That responsible adult household member selected by all adult members of the household.

The household may designate its head of household each time the household is certified for participation in the Food Supplement Program, but may not change the designation during the certification period unless there is a change in the composition of the household.

EXCEPTION: In situations where there are no children in the food assistance household, for purposes of failure to comply with work requirements, the head of household is the principal wage earner (that household member, including ineligible and disqualified members, who is the greatest source of earned income in the two months prior to the month the violation occurred in).

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TANF/PaS Reference

CFR 273.2, 273.4

Section: **FS-111-2**

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY FACTORS

Resolving Questionable Citizenship Status and Verifying Alien Status

Different
Chap. II, Sec. A,

GENERAL RULE - Only U.S. citizens and certain aliens are eligible for benefits. An ineligible alien or individual with unverified status does not prohibit the remaining members of a household from being certified.

REPORTING ILLEGAL ALIENS

If the Department has verifiable knowledge that an alien applicant or household member is in the United States illegally, this must be reported to the Immigration and Naturalization Service. Verifiable knowledge would mean that the deportation notice has been seen.

Field staff are to report to Central Office any information concerning verifiable knowledge of an illegal alien. Central Office is responsible for reporting such situations to INS.

Note: Alien status must be verified.

RESOLVING QUESTIONS ABOUT CITIZENSHIP STATUS -

For the purpose of citizenship, the U.S. is defined as:

The fifty states and District of Columbia, Puerto Rico, Guam, Virgin Islands, and the Northern Mariana Islands. In addition, nationals from American Samoa or Swain's Islands are regarded as U.S. citizens. Children born outside the U.S. are considered citizens if both parents are citizens.

North American Indians who are not U.S. citizens, who enter the U.S. from Canada, must provide verification of Indian status and Canadian citizen status. Verify each family member's status.

As a condition of eligibility, an adult representative of each household shall certify in writing, under penalty of perjury that all members of the household are either citizens or are aliens eligible to receive Food Supplement benefits.

If the household cannot obtain the necessary forms of verification and the

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TANF/PaS Reference

CFR 273.2, 273.4

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household can provide a reasonable explanation as to why verification is not available, the state agency must accept, under penalty of perjury, from a third party indicating a reasonable basis for personal knowledge that the member in question is a U.S. Citizen or Non-Citizen National (persons, and their offspring, born on American Samoan or Swain's Islands). The signed statement must contain a warning of the penalties for helping someone commit fraud. This attestation does not apply to alien status.

Absent verification or third party attestation of U. S. citizenship or non-citizen national status, the member whose status is not determined is ineligible to participate until the issue is resolved. The remaining members of the household may still be eligible.

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Citizenship Status and Program Eligibility

Non-citizens who are in the United States temporarily, including visitors, tourists, diplomats and students and undocumented immigrants, are not eligible for Food Supplement (FS) benefits.

STATE FUNDED PROGRAM FOR SOME LEGAL NON-CITIZENS*:**

PLEASE NOTE: * the “State-funding” column of the table within refers back to this section.**

For purposes of this section, the following definitions and criteria apply:

1. Non-Citizen:

NOTE: There are many terms that describe non-citizens. However, no one term describes all of those who may be eligible for the Food Supplement Program (FSP). Accordingly, this rule uses the term “non-citizen” throughout to describe any individual present in the United States who is not a U.S. citizen, and is a qualified alien (as per USDA Non-Citizen Eligibility Guidance see definition below) who either does or does not meet the criteria for Federally-funded FSP (i.e. has or has not been in the U.S. for 5 years). In addition to qualified aliens, the term non-citizen will include asylum seekers (including their children under 18 years old, if any). Specifically, see table below.

2. Non-Citizens: Who Qualifies for FSP?

For purposes of the Federally-funded and the State-funded FSP:

a) Qualified Alien (as per USDA Non-citizen Eligibility Guidance) “is a non-citizen who has one of the following immigration statuses:

- Lawfully Admitted for Permanent Residence
- Asylees
- Parolees
- Deportation Withheld
- Conditional Entrants
- Cuban or Haitian Entrants
- Battered Non-Citizens
- Refugees
- Trafficking Victims
- Iraqi and Afghan Special Immigrants”

Please see table, below, on pages 3-5, for further verification information.

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For the State-funded FSP only:

a) **Asylum Seeker (AS) (defined as per US Citizenship and Immigration Services, USCIS):** A non-citizen who has arrived in the United States seeking protection because they have suffered persecution or fear that they will suffer persecution due to:

- Race
- Religion
- Nationality
- Membership in a particular social group
- Political opinion

The AS will file a form I 589, "Application for Asylum and for Withholding of Removal" with the appropriate USCIS center.

Verification: The AS will receive an I 797 receipt and approval notice from USCIS to confirm receipt of the asylum application. The AS will also receive a notice for an interview.

3) Exceptions.

An applicant who is a qualified alien or AS who meets the financial eligibility factors but is not eligible for federally-funded FSP may be eligible for the state-funded FSP if he or she meets one of the following criteria:

a) **Elderly (E):** as defined under the laws governing supplemental security income in 42 U.S.C., Section 1382C.

b) **Disabled (D):** as defined under the laws governing supplemental security income in 42U.S.C., Section 1382C.

c) **Victims of Domestic Violence (DV):** families in which abuse is currently being perpetrated or those who are dealing with the effects of victimization by domestic violence. This includes:

- Physical acts/threats of physical injury
- Sexual abuse of a child or caretaker of a child
- Psychological effects of the abuse

The individual must provide reasonable and verifiable written evidence of the abuse including but not limited to:

- Immigration (including USCIS form I 797, notice of action, and I 918, for victims of qualifying criminal activity), court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence

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- Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual
- Acceptance of referral to and participation in a domestic violence program

d) **Hardship (H):** individuals who are subject to a waiting period to obtain proper work documentation may be eligible for benefits until they receive those documents. The individual must provide verification of the pending application and its status.

4) State-funded FSP will terminate upon the following:

- a) For qualified aliens who do not otherwise meet the criteria for Federally-funded benefits, state-funded benefits will terminate under the following conditions:
- State-funded eligibility will end when either the household closes due to eligibility factors such as income, assets, etc. or the household qualifies for Federally-funded benefits.
 - **EXCEPTION:** for hardship pending work documentation, state-funded eligibility will end when work documents have been received from USCIS.
- b) For asylum seekers (including their children under 18 years old, if any), state-funded benefits will terminate under the following conditions:
- State-funded eligibility will end when either the household closes due to eligibility factors such as income, assets, etc. or the household qualifies for Federally-funded benefits.
 - **EXCEPTION:** for hardship pending work documentation, state-funded eligibility will end when work documents have been received from USCIS.

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Effective January 1, 2012, legal non-citizens who are qualified aliens who do not otherwise meet the criteria for Federally-funded FSP or asylum seekers (including their children under 18 years old, if any) will only be eligible for state-funded Food Supplement assistance if they are: (1) elderly (E), (2) disabled (D), (3) victims of domestic violence (DV), OR; (4) experiencing a hardship (H) **AND** (5) otherwise meet eligibility criteria as defined in FS-111-1 through FS 999-1. Individuals who are receiving FS assistance and those who have a pending application as of January 1, 2012 will be "grandfathered" under this rule, and their benefits will not be affected by this rule, as long as the eligibility criteria continue to be met.

There will be households that include both legal non-citizens and citizens. One example of this is households which include parents who are not citizens and their children who were born in this country and are therefore citizens. In such cases, different funding sources may pay for benefits received by different parts of the household.

NOTE: Verification of non-citizen status is not required for expedited service. (See FS-222-2 pages 1 and 2)

The following chart indicates the funding source for FS benefits for non-citizens.

All individuals in groups indicated by *(military status) can receive Federally-funded benefits if they meet all other eligibility criteria except citizenship and are a veteran, on active duty in the Armed Forces of the United States or the spouse or unmarried dependent of an individual who is a veteran or involved in active duty in the Armed Forces of the United States. Further clarification may be found in rule following the chart below on page 5, below.

Effective October 1, 2003, all children who are qualified aliens and who have not turned 18 years old are eligible for the Federal Food Supplement Program regardless of when they came to the United States. Once a child turns 18 years old, the child may continue to receive Federal Food Supplement benefits if he or she meets another eligibility criterion.

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Citizenship Status and Program Eligibility

Non-Citizen Status	Federal Funding	State Funding *** See FS 111-2 pgs 2-2c	Comments
Refugees admitted under Sec. 207 of INA	<ul style="list-style-type: none"> No waiting period or other additional condition to be eligible for Food Supplement is required 	N/A	
Asylees admitted under Sec. 208 of INA	<ul style="list-style-type: none"> No waiting period or other additional condition to be eligible for Food Supplement is required 	N/A	
Deportees whose deportation is withheld under Sec. 243(h) or 241(b)(3) of INA	<ul style="list-style-type: none"> No waiting period or other additional condition to be eligible for Food Supplement is required 	N/A	
Cuban and Haitian entrants defined in Sec. 501(e) of the Refugee Education Assistance Act of 1980	<ul style="list-style-type: none"> No waiting period or other additional condition to be eligible for Food Supplement is required 	N/A	Verification codes: I-94: Stamp showing admission as a Cuban/Haitian entrant Indication of admission as parolee under Sec. 212 of the INA
Amerasian immigrants admitted pursuant to Sec. 584 of the Foreign Operations, Export Financing and Related Program Appropriation Act, 1988 and 1989 as amended	<ul style="list-style-type: none"> No waiting period or other additional condition to be eligible for Food Supplement is required 	N/A	Verification codes: I-94: AM1, AM2, AM3, I-551: AM6, AM7, AM8 Vietnamese Exit Visa US Passport stamped by INS with the code AM1, AM2, or AM3

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Non-Citizen Status	Federal Funding	State Funding	Comments
<p>Battered spouse, battered child, or parent or child of a battered person with a petition pending under 204(1)(A) or (B), or 244(a)(3) of INA (Reference 8 USC 1641(c).)</p>	<ul style="list-style-type: none"> • Military status *or; • Under 18 years of age and lawfully in U.S. on 8/22/96 (eligible until the 18th birthday) or; • Receiving payments or assistance for blindness or disability or; • 65 years of age or older and lawfully in U.S. on 8/22/96 or; • Indefinite if lived in the U.S. for a period of 5 years from the date of entry or; • 40 qualifying quarters 	<p>***</p> <ul style="list-style-type: none"> • E • D • DV • H 	<p>State-Funded: Confirm status in SAVE.</p> <p>E: DOB in SAVE to confirm age 65.</p> <p>D: Verification of SSI or MRT decision that confirms disability by SSI rules.</p> <p>DV: Documented as defined as per pages 2a -2b of this section</p> <p>H: Client will provide I-797 to confirm receipt of application/pending status for work or a copy of the asylum interview notice .</p>
<p>Iraqi Special Immigrants eligible under Public Law 110-161 and 110-181, Section 1244.</p>	<ul style="list-style-type: none"> • No waiting period or other additional condition to be eligible for Food Supplement is required 	<p>N/A</p>	<p>Admitted with special immigrant visa under INA Section 101(a)(27) as Lawful Permanent Residents or may adjust to this special immigrant status.</p>
<p>Afghani Special Immigrants eligible under Public Law 110-161.</p>	<ul style="list-style-type: none"> • No waiting period or other additional condition to be eligible for Food Supplement is required 	<p>N/A</p>	<p>Admitted with special immigrant visa under INA Section 101(a)(27) with same eligibility status as Section 207 refugees.</p>

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Alien Status	Federal Funding	State Funding	Comments
Individuals lawfully admitted for permanent residence	<ul style="list-style-type: none"> • Military status* or • 40 qualifying quarters or • Receiving payments or assistance for blindness or disability or • 65 years of age or older and lawfully residing in U.S. on August 22, 1996 or • Under 18 years of age and lawfully residing in U.S. on August 22, 1996 or • Indefinite if lived in the U.S. for a period of 5 years from the date of entry. 	All others	Includes individuals having and INS I-94 with unexpired temporary I-551 stamp or annotation with stamp showing grant of asylum under sec. 230(a)(7), 207,208, parolee as "Cuban/Haitian Entrant" under 212(d)(5) or admission for at least one year under sec. 212(d)(5)
Individuals paroled into the United States under Sec. 212(d)(5) of INA for at least one year	<ul style="list-style-type: none"> • Military status* • Receiving payments or assistance for blindness or disability or • Indefinite if lived in the U.S. for a period of 5 years from the date of entry. 	All others	

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Non-Citizen Status	Federal Funding	State Funding	Comments
<p>Individuals granted conditional entrance pursuant to Sec. 230(a)(7) of INA as in effect prior to April 1, 1980</p>	<p>Military status* or;</p> <ul style="list-style-type: none"> • Receiving payments or assistance for blindness or disability or; • 40 qualifying quarters or; • 65 years of age or older and lawfully residing in U.S. on August 22, 1996 or; • Under 18 years of age and lawfully residing in U.S. on August 22, 1996 or; • Indefinite if lived in the U.S. for a period of 5 years from the date of entry. 	<p>***</p> <ul style="list-style-type: none"> • E • D • DV • H 	<p>State-Funded: Confirm status in SAVE.</p> <p>E: DOB in SAVE to confirm age 65.</p> <p>D: Verification of SSI or MRT decision that confirms disability by SSI rules.</p> <p>DV: Documented as defined as per pages 2a - 2b of this section</p> <p>H: Client will provide I-797 to confirm receipt of application/pending status for work or a copy of the asylum interview notice .</p>
<p>American Indians born in Canada to whom provisions of sect. 289 of IWA (8 U.S.C. 1359) apply and members of an Indian tribe as defined in sect. 4(e) of the Indian Self-determination and Education Assistance Act (25 U.S.C. 450(e))</p>	<ul style="list-style-type: none"> • No waiting period or other additional condition to be eligible for Food Supplement is required 	<p>N/A</p>	

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Non-Citizen Status	Federal Funding	State Funding	Comment
<p>Individuals acquiring permanent resident status who were admitted to the United States under Sec. 245A of the Immigration Reform and Control Act aka Amnesty aliens</p>	<ul style="list-style-type: none"> Not eligible unless granted a qualified status and have lived in the U.S. for a period of 5 years with a qualified status or Receiving payments or assistance for blindness or disability. 	<p>***</p> <ul style="list-style-type: none"> E D DV H 	<p>State-Funded: Confirm status in SAVE.</p> <p>E: DOB in SAVE to confirm age 65.</p> <p>D: Verification of SSI or MRT decision that confirms disability by SSI rules.</p> <p>DV: Documented as defined as per pages 2a -2b of this section</p> <p>H: Client will provide I-797 to confirm receipt of application/pending status for work or a copy of the asylum interview notice .</p>
<p>Hmong and Highland Laotians (including the spouse, unmarried dependent children of such individuals or unremarried surviving spouse of such deceased individuals) who are lawfully residing in the U.S. and were a member of a tribe at the time that tribe aided U.S. personnel during the Vietnam conflict.</p>	<ul style="list-style-type: none"> No waiting period or other additional condition to be eligible for Food Supplement is required 	<p>N/A</p>	
<p>Victims of severe forms of trafficking including spouses, minor children, parents and siblings.</p>	<ul style="list-style-type: none"> No waiting period or other additional condition to be eligible for Food Supplement is required 	<p>N/A</p>	<p>T visas.</p> <p>If older than 18, must be certified by the office of Refugee Resettlement. May be verified through the HHS trafficking victims verification toll -free number 1-866-401-5510.</p>

- A veteran or an individual on active duty in the United States Armed Forces or the spouse or unmarried dependent child of a veteran or person on active duty is eligible for benefits funded by the Federal government for an unlimited period if in a status noted by *

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In Addition:

Immigrants determined to be PRUCOLS (Permanently Residing in the U.S. under Color of Law), but who do not have qualified status under the Immigration and Nationality Act (INA) will nonetheless be eligible for State Funded Food Supplement benefits if they otherwise meet the applicable criteria. As defined in FS-111-2 pgs. 2-2c, as of January 1, 2012 new PRUCOL applicants will no longer be eligible for State-funded Food Supplement benefits.

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A “veteran” for the purposes of this Section is an individual who served on active duty for a minimum of 24 months (or for the period for which the person was called to active duty) and who was honorably discharged not on account of alienage or who died during active duty service as defined in Sec. 1101 and 1301 of Title 38, USC. Certain Filipino veterans described in Title 107, 38 USC are included in this definition.

The spouse of a deceased veteran or individual on active duty is eligible if he or she is the unremarried surviving spouse of the veteran or person on active duty who is deceased if the marriage period was at least one year or for any time period if a child was born of the marriage or was born before the marriage.

Veteran status is verified as follows:

Veterans who were honorably discharged for reasons other than alienage have a VU Military Discharge Certificate (DD Form 214) that shows Character of Service as “Honorable” and does not show, in the Narrative Reason for Discharge entry that the discharge was based on alien status, lack of US citizenship or other “alienage” reason.

Active duty personnel (other than active duty for training) are verified by green service identity card (Form DD-2) or, rarely by a red service identity card and copy of current orders showing active duty (not active duty for training purposes only).

The distinction between Federal and State eligibility is important only for funding purposes.

Aliens admitted for permanent residence who have military status as defined above or who have at least 40 qualifying quarters of coverage under Title II of the Social Security Act or who can be credited with such qualifying quarters may be eligible for Federally funded Food Supplement benefits. Beginning on January 1, 1997, any quarter in which the individual or the individual’s spouse or parent receives TANF or SSI will not be considered in the 40 quarters count. Beginning July, 1998, any quarter in which the individual or the individual’s spouse or parent received Food Supplement benefits will not be considered in the 40 quarters count. Individuals admitted for permanent residence who do not have military status or meet the qualifying quarters and who are eligible for Food Supplement benefits except for citizenship status may receive benefits funded by the State.

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PROCEDURES REGARDING 40 QUALIFYING QUARTERS

Implementing this requirement will be challenging for the individual immigrants, eligibility workers, and the Social Security Administration (SSA) which is the primary source of quarters of coverage information. While some immigrants will already have 40 quarters clearly established in their Social Security records, others may have been employed in jobs covered by Social Security, but earnings may not have been appropriately reported. Many immigrants, particularly migrant workers, may have difficulty obtaining verification of employment, and SSA will have to work with them to establish quarters.

SSA has developed an automated system to provide State agencies, on an overnight basis, with information on quarters of coverage.

These procedures authorize certification pending verification (CPV) for certain immigrants. Provided an immigrant, alone or in combination with his parents and/or spouse, has spent sufficient time in this country to have acquired 40 quarters of coverage, the individual's attestation to 40 quarters is sufficient. The individual need only state that he or she, alone or in combination with his or her parents and/or spouse, has met the work requirement. No further documentation of earnings is required at application.

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If SSA's existing records do not verify that an individual claiming 40 quarters in fact has them and the individual believes SSA's records are not correct, SSA will work with the individual to determine whether additional quarters can be established. Individuals in this situation should be advised of this option and that they will be allowed to participate for 6 months provided SSA certifies that it is working to clarify their records. The individual will be required to provide a document from SSA indicating that the number of quarters is under review. SSA is developing a document to meet this requirement.

If SSA cannot establish additional earnings and the individual does not have 40 qualifying quarters, the State agency shall establish an inadvertent household error claim for the overissuance, unless the individual knowingly provides false information.

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QUARTERS OF COVERAGE

A quarter of coverage is any calendar quarter (beginning January 1, April 1, July 1, or October 1) in which an individual has been paid a specified amount of wages or for which he/she has been credited with a specific amount of self-employment income. Prior to 1978, any quarter in which an individual was paid (or deemed to be paid) \$50 or more in wages for employment covered by the Social Security Act is a quarter of coverage. The amount of earnings required for each quarter of coverage after 1978 and the years involved are as follows:

Year	Quarterly Amount	Annual Amount
1978	\$250	\$1,000
1979	\$260	\$1040
1980	\$290	\$1160
1981	\$310	\$1240
1982	\$340	\$1360
1983	\$370	\$1480
1984	\$390	\$1560
1985	\$410	\$1640
1986	\$440	\$1760
1987	\$460	\$1840
1988	\$470	\$1880
1989	\$500	\$2000
1990	\$520	\$2080
1991	\$540	\$2160
1992	\$570	\$2280
1993	\$590	\$2360
1994	\$620	\$2480
1995	\$630	\$2520
1996	\$640	\$2560
1997	\$670	\$2680
1998	\$700	\$2800
1999	\$740	\$2,960
2000	\$780	\$3,120
2001	\$830	\$3,320

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A “qualifying quarter” does not literally mean a 3-month period. For example, in 1996 an applicant can receive up to 4 quarters of credit by earning \$2,560 or more at any time during the year.

An individual cannot earn more than 4 quarters of coverage per year. However, they can be credited with the quarters earned by a spouse or parent, as mentioned above. For example, if an individual earns an annual amount equal to 5 quarters in a year they will only be credited with 4 quarters of coverage. If his/her spouse works 4 quarters that year, the spouse’s benefits can be counted toward the individual’s quarters of coverage, giving the individual 8 quarters of coverage.

If an individual earns the annual amount in one quarter it covers all 4 quarters. However, the individual is not credited with the quarters of coverage until they enter the quarter. For example, if an individual earns the annual amount in January, they will earn 4 quarters of coverage, however, they will not be credited for the 2nd quarter until April 1, the 3rd quarter until July 1, or the 4th quarter until October 1.

CERTIFICATION PENDING VERIFICATION PROCEDURES FOR LEGAL IMMIGRANTS IN HOUSEHOLDS WHICH QUALIFY FOR EXPEDITED SERVICE (see FS-222-2)

The following procedures are for legal immigrants who believe that they have a work history that meets the 40 quarters exemption in the law and who are in households which qualify for expedited service. These procedures need not be followed for those legal immigrants who qualify for other exemptions in the law (refugees, asylees, deportees, or applicants with a claim to eligibility based on military service).

To determine eligibility based on social security coverage, the State agency should ascertain the applicant’s understanding as to the following:

1. How many years has the applicant, the applicant’s spouse, or the applicant’s parents (before the applicant turned 18) lived in this country.

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The number of years reported for the applicant, spouse, and parent(s) should be totaled at this point. If the total is less than 10, the applicant does not meet the 40 quarters requirement and the State agency does not have to go on to question 2.

2. In how many of the years reported in answer to question 1 did the applicant, the applicant's spouse, or the applicant's parent earn money through work.

If the answer to question 2 is 10 years or more, the State agency shall verify, from INS documents, the date of entry into the country of the applicant, spouse and/or parent. If the person was working in a job covered by Social Security, the quarters can be counted even if he/she was not living in this country. According to current guidance from SSA, quarters worked in another country cannot be counted. If the date is consistent with having 10 or more years of work, no further documentation is required at this time. The State agency shall include the immigrant in the household pending verification from SSA. The State agency shall inform these immigrants that a claim will be established for any benefits to which they were not entitled. The State agency shall keep a record of each individual certified pending verification from SSA.

If the dates of entry are inconsistent with having 10 or more years of work, the State agency shall determine the individual ineligible. The State agency shall then inform the applicant of his or her fair hearing rights.

The applicant shall also provide, for purposes of future verification, the full name, Social Security number, date of birth, and sex of each individual (self, parent or spouse) whose work history is relevant to the determination of eligibility. In addition, the applicant shall provide a release form signed by each such individual giving SSA permission to release information on that individual to the State agency and/or the applicant. This form shall be retained in the case file to document the individual's consent.

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Resolving Questionable Citizenship Status and Verifying Alien Status

An adult in the household must sign the Declaration of Citizenship or Lawful Alien Status form. If the status of a household member is questionable, the individual may be asked to provide a birth certificate, religious document or similar proof of birth, voter's registration card, US passport or certificate of naturalization provided by the INS, Tribal records, or letter from the Canadian Department of Indian Affairs.

The individual must be provided a reasonable opportunity to submit acceptable documentation of alien status prior to the 30th day following the date of application. A reasonable opportunity is at least 10 days from the date that the documentation was requested. An individual who has been given a reasonable opportunity to submit documentation and has not done so as of the 30th day following the date of application cannot be allowed to participate until documentation is submitted. If the documentation is requested on the 20th day following the date of application or later, the household must be issued benefits no later than the 30th day after application provided all other conditions of eligibility are met.

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TANF/PaS: II

Med: 1220

CFR 273.3

Section: **FS-111-3**

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**GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY
FACTORS**

Residence and Identity

GENERAL RULE - A household must be living in the State. Verification of identity and residence is required. Persons in the State solely for vacation, i.e. intend to return to their home in another state within 30 days, shall not be considered residents. Residing in a permanent dwelling or having a mailing address is not required.

NOTE: When applying the “residence” rule, understand that the individual must be able to be considered a resident for Food Supplement Program purposes somewhere in the United States. If the other state refuses to consider the individual a resident of that state because the individual is in Maine, consider the individual a resident of Maine.

EXCEPTIONS: EXPEDITED SERVICE - Postpone verification of residence if it would delay processing.

HOMELESS - Do not require verification of residence.

Use of designated address:

When an applicant or recipient verifies that they are a certified participant in the Address Confidentiality Program, staff will accept the designated address as a program participant’s address when creating a food assistance record, unless the secretary has determined that:

1. The agency has a bona fide statutory or administrative requirement for the use of the program participant’s address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the residential address; and
2. The program participant’s address or mailing address will be used only for those statutory and administrative purposes. This may include situations involving caseload distribution, work registration requirements and Quality Assurance reviews.

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY_
FACTORS

PROCEDURE:

Responsibility - Household

Verify Maine residence and identity with rent and mortgage receipts, utility bills, tax receipts, driver's license, etc.

If no documents are available, provide name and address of collateral contact.

Responsibility - OFFICE FOR FAMILY INDEPENDENCE Specialist

Evaluate verification. Request additional information when verification is questionable.

DOCUMENT CASE FILE

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
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FOOD SUPPLEMENT PROGRAM**

AFDC: II

Med: 1230, 2130, 2423

CFR 273.6

Section: **FS-111-4**

Page 1

GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY FACTORS

Social Security Numbers

GENERAL RULE - Each household member must furnish a Social Security Number or provide proof of application for one before certification. If a member has more than one Social Security Number, all numbers must be provided.

If the household is unable to provide proof of application for a Social Security number (SSN) for a newborn, the household must provide the SSN or proof of application at its next recertification or within 6 months following the month the baby is born, whichever is later. If the household is unable to provide a SSN or proof of application for SSN at its next recertification within 6 months following the baby's birth, good cause shall be determined.

RESPONSIBILITY:

FAILURE TO COMPLY: The household shall be advised that refusal or failure to provide a Social Security Number will result in disqualification of the non-complying member, unless good cause exists. See FS 444-4 for disqualification procedures.

GOOD CAUSE: Good cause exists if a "good faith" effort is being made by the household to fulfill its responsibility and cooperate with the Social Security Office and the agency. Individuals with good cause for failure to comply shall be allowed to participate for an additional month. A good cause determination must be made each month thereafter.

ENDING DISQUALIFICATION FOR FAILURE TO COMPLY: A disqualified individual may become eligible by providing a Social Security Number or proof of application.

VERIFICATION OF SOCIAL SECURITY NUMBER:

Social Security Numbers shall be verified through computer cross matching with SSA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
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TANF/PaS Reference

7 CFR 273.7

Section: **FS-111-5**

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY_
FACTORS

Work Requirements

GENERAL RULE - WORK REGISTRATION

Different
Chapter II

Unless exempt, each household member must be registered at the time of application and once every twelve months thereafter. When a registrant loses eligibility for Food Supplement benefits and after a break of at least one month in participation is found eligible again, he/she must re-register even though the twelve-month period has not expired. The same is true for registrants sanctioned for non-compliance with work requirements.

NOTE: The registration may be completed by any member of the household on behalf of the mandatory individual.

EXEMPT MEMBERS

Unless they volunteer, do not register individuals who are:

1. under sixteen, or sixty or over.
2. age sixteen or seventeen and not the principal wage earner, regardless of student status.
3. a student, regardless of age, who is enrolled at least half time in any recognized school, training program, or institution of higher education.
4. working thirty or more hours per week or, if working less hours, earning thirty times the Federal hourly minimum wage.
5. subject to and complying with a TANF work requirement.

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TANF/PaS: II

Med: N/A

CFR 273.7

Section: **FS-111-5**

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**GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY_
FACTORS**

Work Requirements

6. receiving or applying for unemployment benefits.
7. caring for a dependent child under age 6 or, in households in which the parent or caretaker-relative is receiving TANF benefits, caring for a child under 1 year of age. This exemption is limited to no more than a total of 12 months per custodial parent or caretaker-relative.

NOTES:

“Dependent Child” is a child who resides with a parent or stepparent or, in the absence of residing with a parent, a child who resides with an adult who is assuming parental responsibility for the child (see FS-111-1).

This exemption is the same used with TANF households.

EXCEPTION: A parent or caretaker-relative under 20 years of age who is a recipient of TANF and has not completed high school or its equivalent must participate in the ASPIRE-TANF program regardless of the age of the youngest child and attend courses to complete high school, with an emphasis on education in a traditional high school setting.

8. caring for an incapacitated person who cannot provide his own care. The incapacitated person need not live with the Food Supplement household.
9. physically or mentally unable to work thirty or more hours per week. When this is not apparent, or there is contradictory information, a doctor's statement or proof of disability benefits shall be required.
10. regular participants in a substance abuse treatment and rehabilitation program.

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TANF/PaS: II

Med: N/A

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RESPONSIBILITIES OF REGISTRANTS - Mandatory registrants must:

1. when required, participate in an employment/training program.
2. comply with ASPIRE/TANF requirements that are comparable to FS rules.
3. respond to requests about employment status or availability for work.
4. when referred, report for suitable employment.

NOTE: Mandatory registrants shall not be required to participate if dependent care cost exceed \$200 a month for each dependent child under 2 years of age and \$175 for each other dependent . In addition, the ASPIRE/JET or ASPIRE/JET contracted agency shall excuse from participation any mandatory registrant when participation is impractical due to such factors as the availability of work opportunities and the cost-effectiveness of the employment requirements.

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AFDC Reference

CFR 273.7

Section: **FS-111-5**

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY_
FACTORS

Work Requirements

5. accept a bonafide offer of suitable employment.

NOTE: A job is not suitable if:

- a. it pays less than the Maine minimum wage.
- b. it is dangerous to health or safety.
- c. daily commuting time of more than two hours is required, or the distance is unreasonable, considering the wage, commuting time and costs, or lack of transportation.
- d. physically or mentally unable to do the job.
- e. required to join or quit a union.
- f. there is a strike or lock-out at the work site.
- g. it interferes with religious doctrine.
- h. when the job is offered within thirty days of the initial registration, it is outside the registrant's major field of experience. A registrant is required to accept an otherwise suitable job when offered after the first thirty days.

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TANF/PaS: II Med: N/A

7 CFR 273.7

Section: **FS-111-5**

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**GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY
FACTORS**

Work Requirements

DISQUALIFICATION PROVISIONS

When a household member does not comply with a registration requirement and cannot show good cause, that member shall be disqualified.

Start Date of Disqualification - The start date shall be the first of the month after normal procedures for closing or removal of the individual have taken place. Should a fair hearing delay the implementation, the period shall start the first of the month following the decision upholding the agency.

Disqualification Penalties and Ending Disqualification - Unless the member who was in violation becomes exempt for a reason other than TANF or PaS or UIB status, the disqualification period shall continue until the disqualified member complies with all registration requirements and serves a penalty period of at least one month for the first violation, three months for the second violation, and six months for the third violation which occurred 8/22/96 or later.

NOTE: If the person who caused the disqualification joins another household, the penalty follows him.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
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AFDC Reference

CFR 273.7

Section: **FS-111-5**

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY FACTORS

Work Requirements

SPECIAL RULES - AFDC AND UIB - When a member who was exempt because of registration in AFDC or UIB fails to comply with a comparable work requirement, the household shall be treated as though that member violated the FS work requirements.

NOTE: An AFDC or UIB requirement is not comparable if it imposes responsibilities which exceed those imposed by FS rules.

When the work registrant has failed to comply with the work registration, employment and training, or voluntary quit requirements, a determination of whether or not good cause existed shall be made. All facts and circumstances shall be considered, including information submitted by the household member and the employer.

Good cause shall include circumstances beyond the member's control, such as, but not limited to illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation or the lack of adequate child care for children between six and twelve years of age.

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AFDC Reference

CFR 273.7

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY_
FACTORS

Work Requirements

GENERAL RULE - EMPLOYMENT AND TRAINING

Mandatory work registrants must accept referral to the appropriate ASPIRE/JET or ASPIRE/JET contracted agency.

RESPONSIBILITIES OF REGISTRANT - Those persons referred must comply with requirements set forth in the Food Supplement Program Employment and Training Plan. Persons with substantial barriers to participation may be excused from participation by ASPIRE/JET or the ASPIRE/JET contracted agency.

RESPONSIBILITIES OF ASPIRE/JET OR ASPIRE/JET CONTRACTED AGENCY - Each registrant who is referred shall be advised of the participation requirements, what constitutes noncompliance, and the consequences of noncompliance.

When ASPIRE/JET or ASPIRE/JET contracted agency determines that a mandatory registrant has failed, without cause, to comply, the IMU shall be notified. Appropriate disqualification action shall be started within ten working days after receiving the notice of noncompliance.

In the event of a fair hearing, a ASPIRE/JET or ASPIRE/JET contracted agency representative, as well as an IMU representative, shall represent the Department.

DISQUALIFICATION PROVISIONS - Same as for violation of any work requirement.

GOOD CAUSE PROVISIONS - Same as for any work requirement.

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TANF/PaS: II Med: 2114

CFR 273.7

Section: FS-111-6

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY_
FACTORS

Job Quit and Voluntary Reduction in Work Effort

DISQUALIFICATION PROVISIONS -

When a non exempt household member has voluntarily and without good cause quit a job or voluntarily and without good cause reduced their work effort (and, after the reduction, are working less than 30 hours a week), that member shall be disqualified.

NOTE: For applicant households, the job quit and voluntary reduction in work effort disqualification applies only if the violation occurred within 60 days prior to the application date.

Start Date of Disqualification - For applicant households, the start date shall be the day of the job quit or voluntary reduction in work effort. For households receiving Food Supplement benefits, the start date shall be the first of the month after normal procedures for closing or removal of the individual have taken place. Should a fair hearing delay the implementation, the period shall start the first of the month following the decision upholding the agency.

Disqualification Penalties and Ending Disqualification - Unless the member who was in violation becomes exempt for a reason other than TANF or PaS or UIB status, the disqualification period shall continue until the disqualified member gets a new job with comparable salary or hours or, if disqualified for voluntary reduction in work effort, resumes working or gets a new job with at least 30 hours a week. The person is also to be disqualified for a period not less than one month for the first violation, three months for the second violation, and six months for the third violation which occurred 8/22/96 or later.

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TANF/PaS: II Med: 2114

CFR 273.7

Section: **FS-111-6**
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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY_
FACTORS

Job Quit and Voluntary Reduction in Work Effort

The voluntary quit provision applies only if the employment involved 20 hours or more per week or provided weekly earnings at least equivalent to the Federal minimum wage multiplied by 20 hours and the quit was without good cause.

NOTE: Good cause for leaving employment includes the good cause provisions found in FS-111-5 and resigning from a job that does not meet the suitability criteria specified in FS-111-5. Good cause shall also include, but not be limited to:

1. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, natural origin or political beliefs.
2. Work demands or conditions that render continued employment unreasonable. An example would be not being paid on schedule.
3. Acceptance of employment or enrollment of at least half time in a recognized school, training program, or institution of higher learning that requires the head of household to leave employment.
4. Acceptance by any other household member of employment or enrollment in a recognized school, training program, or in another area which requires the household to move and thereby requires the head of household to leave employment.
5. Resignations which are recognized by the employer as retirement.
6. Employment which becomes unsuitable as specified in FS-111-5.
7. Acceptance of a bonafide offer of employment of more than 20 hours a week (or the equivalent of 20 hours times the Federal minimum wage) and the job either doesn't materialize or ends up less than the 20 hours a week criteria.
8. Leaving a job in connection with patterns of employment where workers frequently move from one employer to another. A couple of examples are migrant farm laborers and construction workers.

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TANF Reference:

CFR 273.7

Section: **FS-111-6**

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY FACTORS

Job Quit and Voluntary Reduction in Work Effort

ENDING DISQUALIFICATION

The household member will be permitted to participate before the end of the disqualification period if the member who caused the disqualification becomes exempt from work registration requirements for a reason other than being an TANF or unemployment compensation work registrant.

If the household member who was disqualified gets a new job with comparable salary or hours or, if disqualified for voluntary reduction in work effort, resumes working at least 30 hours a week, that member shall be permitted to participate no sooner than

- the date that is one month after the date the individual became ineligible, for the first work requirements violation;
- the date that is three months after the date the individual became ineligible, for the second work requirements violation; and,
- the date that is six months after the date the individual became ineligible, for the third or subsequent work requirements violation.

NOTE: should the disqualified household split into more than one household, the sanction follows the member who caused it;

A government employee who is dismissed because of participating in a strike is considered to have quit without good cause.

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TANF/PaS: N/A

Med: N/A

7 CFR 273.7 / 7 CFR 273.24

Section: FS-111-7

Page 1

GENERAL PROGRAM REQUIREMENTS / NONFINANCIAL ELIGIBILITY FACTORS

Time Limited Eligibility for Able-Bodied Adults Without Dependents (ABAWD)

NOTE: As a result of the American Recovery and Reinvestment Act of 2009, ABAWD time limits are suspended effective April 1, 2009 through September 30, 2011.

An Able-Bodied Adult Without Dependents (ABAWD) is an individual who is 18 through 49 years of age and who is in a Food Supplement household with no members under the age of eighteen (18). The individual is no longer an ABAWD beginning the month they turn fifty (50) years of age

GENERAL RULE - WORK REQUIREMENTS

- I. An ABAWD is not eligible for Food Supplement benefits if, during a "fixed" 36-month period, the ABAWD received Food Supplement benefits for three countable months or more and was not at the same time:
 - A. working in paid employment of at least 20 hours per week (averaged monthly); or
 - B. participating in and complying with the requirements of a work program under the Workforce Investment Act (WIA) or a work program under the Trade Adjustment Assistance Act (TRA) for at least 20 hours per week (averaged monthly); or
 - C. participating in and complying with the requirements of an employment training program operated or supervised by the State or political sub-division of the State, other than a job search program or a job search training program, for at least 20 hours per week (averaged monthly); or
 - D. participating in and complying with the requirements of a workfare program or volunteer community service for at least 24 hours per month.
- II. The "fixed" 36 month time period will begin July 1, 2006 and end June 30, 2009. Subsequent time periods will follow using the same beginning and ending months.
- III. A countable month (referred to in I. above) is a month during which an individual receives Food Supplement benefits for the full benefit month while not an exempt member.
- IV. The work hours must be verified. In addition, ABAWDs must report when hours fall below 20 hours per week (averaged monthly), (except those working in a program described in Section I. sub-paragraph D. above). If self employed, the ABAWD must be employed for 20 hours or more per week and receive weekly earnings at least equal to federal minimum wage multiplied by 20 hours.

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TANF/PaS: N/A

Med: N/A

7 CFR 273.7/ 7 CFR 273.24

Section: **FS-111-7**
Page 2

EXEMPT MEMBERS

The individual is exempt from the above requirement if the individual is one or more of the following:

- A. exempt from work requirements listed at FS-111-5.
- B. a resident of:
 - Androscoggin - Livermore Falls
 - Aroostook - Entire County
 - Franklin - Entire County
 - Hancock - Entire County
 - Kennebec – Clinton, Vienna
 - Knox - Entire County
 - Lincoln - Entire County

NOTE: As a result of the American Recovery and Reinvestment Act of 2009, ABAWD time limits are suspended effective April 1, 2009 through September 30, 2011.

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TANF/PaS: N/A

Med: N/A

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Oxford -	Entire County
Penobscot -	Entire County
Piscataquis -	Entire County
Somerset -	Entire County
Washington -	Entire County
Waldo -	Entire County
York -	Ogunquit, Sanford, Shapleigh

C. Physically or mentally unfit for employment;

NOTE: If not evident, medical certification is required. In lieu of a doctor's statement, statements from nurses, nurse practitioners, social workers or medical personnel are sufficient.

NOTE: As a result of the American Recovery and Reinvestment Act of 2009, ABAWD time limits are suspended effective April 1, 2009 through September 30, 2011.

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TANF: N/A

Med: N/A

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY FACTORS

Time Limited Eligibility for Able-Bodied Adults Without Dependents (ABAWD)

EXEMPT MEMBERS (cont'd)

- D. pregnant;
- E. subject to and complying with a TANF or unemployment compensation system work requirement;
- F. a student, regardless of age, who is enrolled at least half time in any recognized school, training program, or institution of higher education;
- G. caring for an incapacitated person who cannot provide his own care;
- H. a regular participant in a substance abuse treatment and rehabilitation program;

NOTE: As a result of the American Recovery and Reinvestment Act of 2009, ABAWD time limits are suspended effective April 1, 2009 through September 30, 2011.

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TANF: N/A

Med: N/A

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GENERAL PROGRAM REQUIREMENTS/NONFINANCIAL ELIGIBILITY FACTORS

Time Limited Eligibility for Able-Bodied Adults Without Dependents (ABAWD)

SUBSEQUENT ELIGIBILITY

- I. An ABAWD who is denied eligibility under this provision can regain eligibility if, during a 30-day period, the ABAWD:
 - A. works 80 or more hours;

NOTE: If self employed, the ABAWD must be employed for 80 hours or more and must receive earnings at least equal to federal minimum wage multiplied by 80 hours.
 - B. participates in and complies with the requirements of a work program under the Job Training Partnership Act (JTPA) or a work program under the Trade Adjustment Assistance Act (TRA) for at least 80 hours;
 - C. participates in and complies with the requirements of an employment training program operated or supervised by the State or political sub-division of the State, other than a job search program or a job search training program, for at least 80 hours, or participates in and complies with the requirements of a workfare program or volunteer community service for at least 24 hours.

An ABAWD who regains eligibility remains eligible as long as he or she works 20 hours per week or participates in a work training program, workfare, or volunteer community service.

NOTE: As a result of the American Recovery and Reinvestment Act of 2009, ABAWD time limits are suspended effective April 1, 2009 through September 30, 2011.

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TANF: N/A

Med: N/A

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ADDITIONAL THREE-MONTH PERIOD OF ELIGIBILITY

An individual ABAWD who regains eligibility for Food Supplement benefits (by working 80 hours or participating in a work training program for 80 hours within a 30-day period or in workfare or volunteer community service for 24 hours within a 30 day period) and then loses his or her job, work training program, workfare, or volunteer community service position shall remain eligible to receive Food Supplement benefits, if otherwise eligible, for an additional period of three consecutive countable months without working or being in work training program, workfare program, or volunteer community service.

Any additional three-month extension period of eligibility begins on the date the individual first notifies the state that he or she has lost his or her job; work training program, workfare, or volunteer community service position.

This additional three-month period of eligibility is available to an ABAWD only once in any 36 month period. However, there is no limit on the number of times an individual may regain and maintain eligibility by fulfilling the work requirement.

As with initial allotments, a prorated month does not count as a countable month.

NOTE: As a result of the American Recovery and Reinvestment Act of 2009, ABAWD time limits are suspended effective April 1, 2009 through September 30, 2011.

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AFDC Reference

CFR 273.2

Section: **FS-222-1**

Page 1

APPLICATION PROCESS

Filing an Application

Same
Chap. I, Sec. B, **GENERAL RULE** - All households have the right to file an application for FS benefits. The household should be encouraged to file the application the same day it expresses an interest in applying. FS benefits will be calculated from the date the application is received by the Department except in the instance of a joint SSI/FS application by a resident of a public institution.

HOW TO FILE - To start the application process, the requesting household must file an application, and complete at least the following:

1. Applicant's name and address;
2. sign and date the application.

APPLICATION PROCESS INCLUDES

1. providing applications the same day they are requested.
2. assisting in completion.
3. interviewing a responsible member of the household or an authorized representative. When a household fails to appear for an interview, reschedule within the thirty-day filing period.
4. verifying information. When verification is incomplete, offer assistance.
5. processing necessary documents to authorize receipt of FS coupons.

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AFDC Reference

CFR 273.2, 273.3

Section: **FS-222-1**

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APPLICATION PROCESS

Filing an Application

NOTE: The household may, at any time, voluntarily withdraw the application. The record shall be documented that the household wanted to withdraw and, if appropriate, the reason for withdrawal.

AFDC RECIPIENTS:

1. AFDC applicants shall be given the opportunity to apply for FS benefits at the same time they apply for AFDC.
2. SSI applicants/recipients shall be allowed to apply for FS at the Social Security Office or in public institutions. The Social Security Office will forward all completed FS applications to the appropriate Food Supplement Program Office for eligibility determination. The Food Supplement Program Office shall screen applications for completeness, verification, and expedited service. A second interview is not required.

When a resident of a public institution is jointly applying for SSI and Food Supplement benefits prior to leaving the institution, the filing date is the date of release from the institution.

DUPLICATE PARTICIPATION:

Same
Chap. II,
Section A

Individuals cannot be included as members in more than one FS household in the same month - this also applies to individuals moving from one state to another.

EXCEPTION: Individuals who reside in shelters for battered women and children (FS 444-6).

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Section: **FS-222-1**

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APPLICATION PROCESS

Filing an Application

To determine eligibility, the application form and applicable supplements must be completed and signed. The household or its authorized representative must be interviewed and certain information on the application and supplements must be verified. If the household refuses to cooperate, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions it can take and that are required to complete the application process.

The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility.

Once denied or terminated for refusal to cooperate, the household shall not be determined eligible until it cooperates.

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AFDC Reference

CFR 273.2

Section: **FS-222-2**

Page 1

APPLICATION PROCESS

Expedited Service

Not applicable **GENERAL RULE** - The following households, including residents of alcohol treatment centers and residents of group living arrangements, are entitled to expedited services:

1. Households with gross monthly income less than \$150.00, and with liquid assets of \$100.00 or less;
2. eligible households whose combined monthly gross income and liquid resources are less than the household's monthly rent/mortgage and utilities.

Such households may use the standard utility allowance in lieu of actual utility costs to qualify for expedited services.

3. migrant farm workers who meet the definition of "destitute."

"Destitute" means that the household's only income for the month of application was received prior to the date of application and the income was from a source which has been terminated; or the household's only income for the month of application is from a new source if income of more than \$25.00 will not be received by the 10th day after the date of application.

Migrant farm worker households who meet this definition of "destitute" shall have their eligibility and benefit level calculated for the month of application by considering only income, which is received between the first of the month and the date of application.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
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AFDC: N/A

Med: N/A

CFR 273.2

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APPLICATION PROCESS

Expedited Service

TIME LIMITS FOR EXPEDITED SERVICE

Prior to issuance of any coupons, the applicant's identity shall be verified through available documents or a collateral contact.

If all necessary additional verification has been provided, FS coupons shall be authorized the day the application was filed.

NOTE: For a household which is otherwise eligible for expedited service but was denied or terminated for refusal to cooperate with a Quality Control reviewer, see FS-222-5.

By State of Maine law if all necessary additional verification has not been provided by the next work day, verification shall be postponed and coupons authorized before the close of business (the less restrictive federal standard is that coupons be made available to households entitled to expedited service by the 7th calendar day following the date the application was filed -- the Maine standard will now always apply because it requires quicker service than the federal standard).

The verification that we required must be provided before another month's allotment can be authorized.

NOTE: Expedited service does not apply to a recertification received before the end of a household's current certification period. However, a recertification received after the household's certification period ends is entitled to expedited service if otherwise eligible for such service.

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AFDC Reference

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APPLICATION PROCESS

Applicant/Authorized Representative

1. Applicant - The person in whose name the application is made and in whose name the FS coupons will be mailed.
2. Authorized Representative - A responsible non-household member, designated by the head of the household, or another responsible adult member of the household, to act on behalf of the participating household.

NOTE: With the exception of residents of drug and alcohol treatment centers, an authorized representative must be designated in writing by a responsible household member.

An authorized representative must be aware of relevant household circumstances.

WHO CANNOT BE AN AUTHORIZED REPRESENTATIVE

1. State employees involved in the certification and/or issuance process;
2. retailers who are authorized to accept FS coupons;
3. individuals disqualified for an intentional program violation during their disqualification period, unless no one else is available.

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APPLICATION PROCESSING

Interview Process

GENERAL RULE - The person interviewed may be any responsible household member or an authorized representative.

For Applications - all households, including those who apply by mail, shall have face-to-face interviews in a regional office or itinerant certification site prior to initial certification.

For Recertifications - the interview requirement is as follows:

1. All households must be interviewed at application and recertification.
2. All households must have a face-to-face interview once a year. See Exceptions.

Exceptions

1. A telephone interview shall be used instead of a face-to-face interview for households without earned income in which all household members are age 60 or older, or receive Social Security Disability benefits or SSI, or a combination of Social Security Disability benefits and SSI, unless the household chooses to have a face-to-face interview.

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7 CFR 273.2(e)

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APPLICATION PROCESSING

Interview Process

2. The office or itinerant site interview shall be waived upon request by the household if an authorized representative cannot be appointed and no adult member is able to come to the appropriate location because of one of the following:
 - a. They are elderly, or physically, or mentally handicapped
 - b. Transportation difficulties
 - c. Hardships due to residing in a rural area, illness, care of a household member, prolonged severe weather, work or training hours, or any other factor which places undue hardship on the household.

NOTE: Applicants and recipients must be made aware of the fact that a face-to-face interview may be waived due to hardship situations as listed above. This is on a case-by-case basis.

When the office or itinerant site interview is waived, the interview shall be conducted by telephone. In the instance where a phone interview cannot be arranged, a home visit will be made.

All interviews shall be scheduled as promptly as possible to insure that eligible households receive benefits within the appropriate time limits for processing. During the interview, the household shall be advised of its rights and responsibilities and the consequences of failure to comply with program requirements.

If the household fails to appear for the first interview, the household shall be notified in writing that it missed the interview appointment and that the household is responsible for rescheduling the missed interview. If the household contacts the Department within the thirty (30) day application period, the Department shall schedule a second interview. If after 30 days from the application date the household has failed to appear for an interview, the application shall be denied.

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APPLICATION PROCESSING

During the Certification Period

Clients cannot be required to come into the office for a face-to-face interview during a certification period; however, a request for the interview can be made. In instances where issues need to be resolved, the client is to be given ten (10) days to respond to the request to resolve the issue. Failure to do so will result in closure procedures for failure to resolve the issue, not for failure to come into the office for an interview.

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APPLICATION PROCESS

Different
Chapter I

Verification and Documentation

GENERAL RULE - Certain financial and non-financial information must be verified to ensure accuracy.

EXCEPTION: Categorically Eligible Households (FS 444-8).

MANDATORY ITEMS

Identity (FS 111-3), Alien Status (FS-111-2) Residence (FS 111-3), Social Security Number (FS-111-4), Earned and Unearned Income (FS 555-2 and FS 555-3), Utility Expenses in Excess of Standard (FS-555-5), Terminated Income, Deductible Medical Expenses (FS 555-5), Deductible Legally Obligated Child Support Payments (FS-555-5), "Disabled" Status (FS-999-1), Separate Household Status (FS-111-1) and Dependent Care Expenses (FS-555-5).

OPTIONAL ITEMS: Questionable Information That May Affect Eligibility or Benefit Levels (FS 999-1)

SOURCE OF VERIFICATION: Documentary evidence shall be used as the primary source of verification for all items except residency and household size. Some examples of documentary evidence are wage stubs, rent receipts, and utility bills. Acceptable verification shall not be limited to any single type of document.

Whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, a collateral contact may be required. Generally, the agency shall rely on the household to provide the name of any collateral contact. The household may ask for help in designating a collateral contact.

When the collateral contact, designated by the household, cannot provide an accurate third party verification, the agency shall do one of the following:

1. designate another collateral contact
2. ask the household to designate another collateral contact
3. provide an alternative form of verification

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Verification and Documentation

NOTE: The agency is responsible for obtaining verification from acceptable contacts. A collateral contact is an oral confirmation of a household's circumstances by a person outside the household. The contact may be made by the agency either in person or by telephone. Written statements by collateral contacts shall not be required as a condition of eligibility. Some examples of acceptable collateral contacts include employers, landlords, social service agencies, and neighbors who can be expected to provide accurate third-party verification.

Before making any collateral contact, the household must be informed of the proposed contact, what information is required, and why the contact is needed.

Households shall be provided a clear notice of their right to withdraw their application if they do not want the agency to pursue a collateral contact designated by the agency.

DOCUMENTATION: All case files must be documented to support decisions of eligibility and/or benefit levels, the reasons for questioning non-mandatory items, the need to make collateral contacts, and the reasons for not accepting a client designated collateral contact.

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APPLICATION PROCESS

Verification and Documentation

RESPONSIBILITY FOR PROVIDING VERIFICATION - The household has the primary responsibility for providing verification to support statements made on the application. The Eligibility Specialist shall assist the household in obtaining this verification. The household shall not be required to present verification in person at the Human Services office. The Eligibility Specialist shall accept any reasonable proof provided by the household and shall be primarily concerned with how adequately the verification proves the statement on the application form. When all other sources of income verification are unavailable, the amount to be used shall be based upon the best available information.

VERIFICATION AT OTHER TIMES - The same verification procedures that are used for initial application will be used in all subsequent eligibility and benefit level decisions.

REFUSAL OR FAILURE TO PROVIDE VERIFICATION

1. If the household refuses or fails to provide verification, deny the application, unless there is good cause.
2. If the household is receiving benefits and refuses or fails to provide verification, close the case, unless there is good cause.

NOTE: For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the certification process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed, not merely fail to show up. If there is any question as to whether the household has merely failed to cooperate the household shall not be denied or closed.

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APPLICATION PROCESS

Verification and Documentation

3. The household shall not be determined ineligible when a person outside the household fails to cooperate with a request for verification. Individuals considered disqualified (see list at FS-444-4) shall not be considered as a person outside the household.
4. If a household refuses to cooperate with a Quality Control reviewer, the household shall be denied or terminated for refusal to cooperate. The household shall not be determined eligible until it cooperates in the Quality Control review or unless it reapplies after the time limits described below. This applies to all households, including those eligible for expedited service.

If a household which has been terminated for refusal to cooperate with a State Quality Control reviewer reapplies after 95 days beyond the annual review period for that Quality Control sample month, it may be found eligible but each eligibility factor must be verified, regardless of whether or not the information is questionable.

If such a household reapplies after 95 days from the end of the annual review period, and the household is eligible for expedited service, the household shall be provided benefits based on the expedited service processing requirements, including the provision that only identity must be verified. However, before the household may receive an issuance not processed under expedited service requirements, the household must provide verification of all eligibility requirements.

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APPLICATION PROCESS

Verification and Documentation

Verification of all eligibility requirements refers to any household circumstance that could affect eligibility. Required verification is not limited to those items required at the time of initial application or at recertification. Items such as household composition, citizenship or eligibility for the standard utility allowance that would normally only be verified if questionable, must be verified in these cases.

If a household which has been terminated for refusal to cooperate with a Federal Quality Control reviewer reapplies after 7 months beyond the annual review period for that Quality Control sample month, it may be found eligible but each eligibility factor must be verified.

NOTE: The annual review period refers to the federal Quality Control review period and runs from October 1 through September 30.

5. In cases where verification is incomplete, the household must be provided with a written statement of required verification and an offer to assist in obtaining it. The household shall be allowed sufficient time to provide the missing verification.
6. When information from another source contradicts statements made by the household, a reasonable opportunity shall be given the household to resolve the discrepancy.
7. When the household fails to provide verification required to establish a deductible expense or income exclusion, determine eligibility without the deduction or exclusion. Do not deny or terminate benefits for failure to provide such verification.

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TANF Reference

7 CFR 273.2 (g)

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APPLICATION PROCESSING

Time Standards/Procedures

Different
Chap. I, Sec. B,

GENERAL RULE

OPPORTUNITY TO PARTICIPATE - Eligible households that complete the initial application process shall be given an opportunity to participate as soon as possible but no later than 30 calendar days following the date the application was filed. The application date is the day that an application, containing the applicant's name and address and the signature of a responsible household member or its authorized representative, is received in any Maine Food Supplement Program office.

An opportunity to participate is assured by authorizing the allotment not later than the 27th day following the date the application was filed. Authorization any later than the 27th day will not provide the household an opportunity to participate within the 30 day standard.

NOTE: The Department will use the same procedure when mailing a decision or allotment to the designated address of a participant in the Address Confidentiality Program (ACP). The administrators of the Address Confidentiality Program will then forward the mail to the ACP participant. Therefore, the ACP participant will experience delays in receiving decisions and allotments.

DENYING THE APPLICATION

Households that are determined to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed. If the household has failed to appear for a scheduled interview and has made no effort to reschedule the interview or pursue the application, a notice of denial shall be sent on the 30th day following the date of application.

In cases where the interview was conducted and all necessary verification was requested on the same day the application was filed, a notice of denial shall be sent no sooner than the 10th day or later than the 30th day if the household was provided assistance as outlined in Section 222-5, but it failed to provide the requested verification.

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TANF or PaS Reference

7 CFR 273

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APPLICATION PROCESSING

Delays in Processing

If the agency does not determine eligibility and provide an opportunity to participate within 30 days following the application filed, the cause of the delay shall be determined using the following criteria:

1. A delay shall be considered the fault of the household if it has failed to complete the application process and the agency has taken all of the required action to assist the household. The following actions must have been taken by the agency before a delay can be considered the fault of the household.
 - a. For failure to complete the application the agency must have offered or attempted to offer assistance in its completion.
 - b. For failure to comply with work registration requirements, the agency must have informed the household of the need to register and the household must have been given at least 10 days from the date of such notification to register these members.
 - c. Where verification is incomplete the agency must have offered assistance as outlined in section FS 222-5 and the household must have been allowed sufficient time to provide the missing information (at least 10 days from the date of the initial request for the particular verification).
 - d. For failure to appear for an interview, the agency must have attempted to reschedule the initial interview within 30 days following the application date by sending the notification of the missed interview (NOMI) letter to the household informing the household it missed the interview appointment and that it is the household's responsibility to contact the agency to reschedule the interview.

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APPLICATION PROCESSING

DELAYS IN PROCESSING

NOTE: If the household failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before 30th day, the household must appear for the interview, bring verification, and register members for work/training 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 and a subsequent interview is postponed at the household's request until after the 30th day the delay shall be the fault of the household. If the household has missed both scheduled interviews and request another interview any delay shall be the fault of the household.

2. Delays that are the fault of the agency include, but are not limited to, those cases where the agency failed to take the actions described in Number 1 above.

ACTIONS TO BE TAKEN ON PROCESSING DELAYS - If, by the 30th day further action cannot be taken on the application due to the fault of the household, entitlement to benefits for the month of application shall be lost. The household shall be sent a notice of denial which advises the household that if the required action is taken within 60 days following the application date a new application is not necessary. If the household is found eligible, benefits will be authorized from the date the household takes the required action.

Whenever a delay in the initial 30 day period is the fault of the agency, action shall be taken immediately to correct the situation. The household shall be notified by the 30th day that its application is being held pending. The household shall also be notified of any action it must take to complete the application process. If the household is found to be eligible during the second 30 day period, it shall be entitled to benefits retroactive to the month of application.

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DELAYS IN PROCESSING

DELAYS BEYOND 60 DAYS - If the agency is at fault for not completing the application process by the end of the second 30 day period, and the case file is otherwise complete, the agency shall continue to process the original application until an eligibility determination is reached. If the household is determined eligible, and the agency was at fault for the delay in the first 30 days, benefits shall be authorized retroactively to the month of application. If, however, the initial delay was the household's fault, benefits shall be authorized retroactively only to the month following the month of application. The original application may be used to determine the household's eligibility in the months following the 60 day period.

If the agency is at fault for not completing the application process by the end of the second 30 day period but the case file is not complete enough to make an eligibility determination, the agency shall continue to process the original application.

If the household is at fault for not completing the application process by the end of the second 30 days, the application shall be denied and the household will be required to file a new application if it wishes to participate. The household shall not be entitled to any lost benefits even if the delay in the initial 30 day period was the fault of the agency.

EXCEPTION: Expedited services (FS 222-2).

Different
Chap. I, Sec. B,

DELAYS CAUSED BY THE AGENCY - When a delay is the fault of the agency do not deny take prompt action to process the application.

If the household is found eligible beyond thirty days of the application date, provide retroactive benefits to the date of application.

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APPLICATION PROCESSING

Approval/Denial Procedures

After processing an application

1. send Notice of Decision.
2. if eligible, authorize benefit.

Same
Chap. I, Sec. B,

The benefit is prorated from the date of application. The certification period will be specified by the Eligibility Specialist, based upon anticipated household circumstances.

If ineligible, send notice explaining reasons for denial.

NOTE: Applications for redetermination are covered in FS 666-9.

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TANF Reference

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ASSET ELIGIBILITY STANDARDS

Maximum Allowable Assets

Different
Chapter III

GENERAL RULE - Count assets of all household members, disqualified individuals and aliens. The value of non excluded assets, except for licensed vehicles, shall be equity value (fair market value less encumbrances).

NOTE: Fair market value is the price a property would bring on the open market, assuming an informed buyer will buy, but is not compelled to buy; and an informed seller will sell, but is not compelled to sell. When the issue is raised, "fair market value" is established by the testimony of competent real estate appraisers or town tax appraisal at 100% valuation rate.

MAXIMUM COUNTABLE ASSETS ALLOWED

1. \$2,000.00 for all households with no members age sixty or over.
2. \$3,250 for households with a member age sixty or over and/or with a member who is disabled (according to the FS definition of disabled).

Same

EXCEPTION:

Chapter III

Jointly Owned Assets - If the household demonstrates that it has access to only a portion of the asset, that portion is counted toward the household's assets. Ownership of a joint bank account is determined as follows: joint bank accounts shall be assumed to be owned by the household unless it presents convincing evidence that a non-household member has contributed all, or part, of the money. That portion proved to have been contributed by a non-household member shall be excluded.

Different
Chapter III

This exception does not apply to jointly owned vehicles. For jointly owned vehicles, see General Rule at FS-333-3.

Same
Chapter III

NOTE: Consider jointly held assets inaccessible, regardless of ownership to persons residing in shelters for battered women and children if agreement by spouse is required (FS 444-6).

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ASSET ELIGIBILITY STANDARDS

Maximum Allowable Assets

Different
Chap II, Sec D Assets of Ineligible Alien/Disqualified Member -
Assets are counted whether or not they receive benefits as part of the household (FS 444-1).

NOTE: Do not count assets of ineligible students (FS 444-7).

Different
Chap II, Sec C Assets of Alien's Sponsor - The total amount of countable assets minus \$2000.00 of the sponsor and his spouse, if living together, shall be counted towards the alien's asset level (\$3,250 , if either is elderly or disabled). FS 444-1

NOTE: This does not apply to refugees.

Examples of Assets:

Liquid Assets

Different
Chap II, Sec. B Cash, checking, savings, Christmas Club accounts, stocks, bonds, credit union shares

Chap II, Sec. C Nonrecurring lump sum payments, Certificates of Deposits (C.D.s), etc.

Non-Liquid Assets

Personal property, licensed and unlicensed vehicles including recreational vehicles (boats, snowmobiles, etc.), buildings and land, recreational property and other property not specifically excluded (FS 333-2).

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Section: **FS-333-2**

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ASSET ELIGIBILITY STANDARDS

Asset Exclusions

GENERAL RULE - Exclude the following when determining assets.

- | | |
|--------------------------|--|
| Different | 1. Exclude the home in which the household lives and the surrounding lot, if not separated by property owned by someone else. Also excluded is the home and lot which is temporarily unoccupied because of employment, job training, illness, or disaster. The household must intend to return in order to qualify for the exclusion of the unoccupied home and lot. |
| Different
Chapter III | 2. Exclude lot on which household plans to build, or is building, if household <u>does not</u> already own (or is buying) their home. |
| Same
Chapter III | 3. Exclude vehicles used as the household's home. |
| Chapter III | 4. Exclude assets with cash value not accessible to the household such as: |
| Same | a. property in probate, or property which is inaccessible due to other legal action; |
| Different | <u>EXCEPTION:</u> This exclusion does not apply to jointly owned vehicles if the household member has possession of, or use of, the jointly owned vehicle. |
| Different
Chapter III | b. real property which the household is making a good faith effort to sell at a reasonable price; |
| | <u>NOTE:</u> Verify "good faith effort to sell" through documentation that the property is offered for sale in a newspaper or through a real estate broker. |

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ASSET ELIGIBILITY STANDARDS

Asset Exclusions

- c. installment contracts for the sale of property (including vehicles), if the agreement is producing income consistent with its fair market value. Fair market value and consistent income may be determined by contacting local realtors, assessors, etc. Treatment of income from installment contracts is found in FS 555-3;
- Different Chapter III
d. certain jointly held assets that cannot be subdivided and the joint owner will not agree to sell;
- e. irrevocable trusts.

Different
Chapter III

NOTE: The following conditions must exist for a trust to be exempt:
The agreement is not likely to cease; no household member has power to revoke or change it; the trustee is either a court, institution, etc. not under control of a household member or is an individual appointed by court which has imposed limitations on the use of funds; investments made on behalf of the trust do not involve or assist any business or corporation under the direction or influence of a household member; the funds held in trust were established either by a non-household member or, if established from the household's own funds, the trustee uses the funds solely for trust investments or to pay the educational or medical expenses of beneficiaries.

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ASSET ELIGIBILITY STANDARDS

Asset Exclusions

5. resources that cannot be sold or disposed of for a significant return.

A resource is considered inaccessible if its sale or other disposition is unlikely to produce any significant return (\$1,500 or more), after estimated costs of sale or disposition and taking into account the ownership interest of the household, that is estimated to be one half or more of the applicable resource limit for the household. Verification that a resource meets this definition of inaccessible is not required unless the information provided by the household is questionable.

NOTE: This section does not apply to financial instruments such as stocks, bonds, and negotiable financial instruments or to vehicles, such as boats, snowmobiles, and airplanes. It also does not apply to homes, including mobile homes, used primarily for vacation purposes.

6. household goods - such as furniture and appliances and gift cards;
7. personal effects - such as clothing and jewelry;
8. prepaid funeral contracts, burial space, and the value of one bona fide funeral agreement per household member;
9. life insurance;
10. pension funds;
11. taxed-preferred retirement accounts. (the value of any funds in a plan contract, or account, described in Sections 401(a), 401(k), 403(a), 403(b), 408, 408A, 457(b) and 501(c)(18) of the Internal Revenue Code of 1986 and IRAs, Keogh Plans and simplified employer pension plans (SEP));
12. vehicles which are totally exempt (FS 333-3);
13. income producing real property - if the property is annually producing income consistent with its fair market value, even if only used on a seasonal basis;
14. tools and equipment necessary for employment - even if the person is not currently employed, the tools and equipment need not be producing income consistent with the fair market value;

* SPECIAL PROVISIONS FOR FARMERS

- * Property, including licensed vehicles essential to self employment farming, shall continue to be excluded for one year from the date self employment farming was terminated.

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ASSET ELIGIBILITY STANDARDS

Asset Exclusions

- | | |
|--------------------------------|---|
| Different
Chap. II, Sec. C, | 15. government payments - to restore a home damaged in a disaster, provided the funds are restricted to this purpose; |
| | <u>NOTE:</u> Payments from private insurance settlements are counted. |
| Same | 16. assets which have been prorated as income such as - |
| | a. student income from grants and loans; |
| | b. self-employment income; |
| | c. contract income; |
| Same
Chap. II, Sec. B, | 17. livestock - used to produce income or intended for family consumption; |
| Same
Chap. II, Sec. B, | 18. Indian lands - held jointly with the Tribe; |
| | 19. assets excluded by Federal statute - |
| Same
Chap. II, Sec. B, | a. payments resulting from Congressional action which specifically exclude such payment (examples - the Maine Indian Land Claims Settlement; The Agent Orange Settlement Fund); |
| Same
Chap. II, Sec. C, | b. payments to Indian Tribal members regarding sub-marginal land held in trust by the U.S.; |
| Same
Chap. II, Sec. B, | c. WIC benefits; |

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ASSET ELIGIBILITY STANDARDS

Asset Exclusions

- | | |
|--------------------------|--|
| Same
Chapter III | d. reimbursement from Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970; |
| Different
Chapter III | e. payments received from JTPA; |
| Same
Chapter III | f. payments from HEAP; |
| Same
Chapter III | g. HUD retroactive tax and utility cost subsidy. |
| | 20. The assets of any household member who receives SSI or AFDC are excluded when a household's total resources are calculated. This excludes certain assets in so-called mixed households. |
| Different
Chapter III | 21. Earned income tax credits shall be excluded as follows: <ul style="list-style-type: none"> a. A federal earned income tax credit received either as a lump sum or as payments under section 3507 of the Internal Revenue Code for the month of receipt and the following month for the individual and that individual's spouse. b. Beginning 9/1/94, any federal, state, or local earned income tax credit received by any household member shall be excluded for 12 months, provided the household was participating in the Food Supplement Program at the time of the receipt of the earned income tax credit and provided the household participates continuously during that 12-month period. Breaks in participation of one month or less due to administrative reasons, such as delayed recertification, shall not be considered as non-participation in determining the 12-month exclusion. |

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22. Matching awards of Savings Offer Success (SOS) made by Rural Opportunities, Inc. (ROI) to households that participate in their program are to be excluded as income and as a resource. The individual's contribution is not excluded as a resource.
23. Funds in the Department of Housing and Urban Developments (HUD) Family Self-Sufficiency Program (FSS) escrow accounts.
24. Family Development Accounts or Separate Identifiable Accounts set up as authorized by state law 2 MRSA 3762 of up to the \$10,000 cap and any accrued interest
25. Federal Thrift Savings accounts as provided in Sec. 8439, Title 5, USC.
26. Education savings accounts established under Sec. 529 (qualified tuition program), and Sec. 530 (Coverdell education savings) of the Internal Revenue Code of 1986.

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AFDC Reference

CFR 273.8

Section: **FS-333-2**

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ASSET ELIGIBILITY STANDARDS

Asset Exclusions

TREATMENT OF EXCLUDED FUNDS

- | | |
|-----------------------|---|
| Same Chapter III | 1. Excluded funds kept in a separate account are exempt for an unlimited time. |
| Different | 2. Excluded funds that are deposited in an account with Chapter III other funds are only exempt for six months from date they are commingled. |
| | EXCEPTION: Earned income tax credits excluded at FS-333-2 #21b continue to be excluded for 12 months even if they are commingled with other funds. |
| Different Chapter III | 3. Student grants, deferred loans and self-employment funds are exempt for the period of time they have been prorated as income (FS 444-8). |

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Section: **FS-333-3**

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ASSET ELIGIBILITY STANDARDS

Vehicles

Different
Chapter III

GENERAL RULE - The fair market value and/or equity value of all nonexempt vehicles is counted. Encumbrances are not considered in determining fair market value.

EXCEPTIONS:

If NADA book value does not apply (antique, custom or classic cars), a dealer appraisal will be required. If the car is not listed in the NADA Book or recipient claims the car is in less-than-average condition, recipient value may be accepted, unless questionable. If value will affect eligibility, require verification from a knowledgeable source.

Vehicles that are jointly owned by a household member and a non-household member who does not live with the household are excluded from countable resources provided that the vehicle is unavailable to the household member because the household member does not have possession of, or use of, the vehicle **and** the household member is unable to sell the vehicle because the signature of the co-owner is needed and he or she will not sign.

Inability to sell the vehicle is only one factor. If the household has use of the vehicle, it is not excluded due to joint ownership. If the household is not using the vehicle, but has possession of the vehicle, it is not excluded due to joint ownership.

NOTE: The fair market value of vehicles is found in NADA Book under Average Trade-in Value (excluding optional equipment, mileage or special equipment for disabled).

NOTE: A household is not limited to a certain number of vehicles per household size or per the number of licensed drivers. Each vehicle is to be evaluated separately.

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VEHICLES WILL BE EVALUATED AS FOLLOVED

	<u>Fair Market Value Test</u> (Average Trade-in Value) Fair Market Value - \$4,650.00 Excess Value	<u>Equity Test</u> Fair Market Value - Amount owed Equity Value
	Producing income Includes vehicles needed to do a particular job. Includes vehicles deemed necessary by the employer. It does <u>not</u> include vehicles necessary for commuting to and from employment.	DO NOT count
Used as a home	DO NOT count	DO NOT count
Transporting a <u>physically</u> disabled household member If disability is not evident, or if the disabled member does not receive disability payments, written proof of impairment must be produced by a physician.	DO NOT count	DO NOT count
Carrying heating fuel or water When such heating fuel or water is anticipated to be the primary source of fuel and water for the household during the certification period.	DO NOT count	DO NOT count
Value is inaccessible (sale would produce less than \$1500)	DO NOT count	DO NOT count
One vehicle per household	DO NOT count	DO NOT count
One licensed vehicle per adult member	USE this Rule	DO NOT count
Commuting to employment or job training or seeking employment	USE this Rule	DO NOT count
Additional licensed vehicles	Count the Greater of Fair Market or Equity Value	
Unlicensed vehicles	DO NOT count	USE this Rule

EXCEPTION: Vehicles on Indian Reservations not required to be licensed will be evaluated the same as licensed vehicles.

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AFDC Reference

CFR 273.8(I)

Section: **FS-333-4**
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ASSET ELIGIBILITY STANDARDS

Transfer of Assets

GENERAL RULE - Disqualify for up to one year households that have knowingly transferred assets for the purpose of qualifying for FS benefits.

Disqualification Applies If the Assets were Transferred in the three-month period prior to application.

OR

any time during the certification period.

Disqualification Does Not Apply If:

assets transferred would not have otherwise affected eligibility.

assets were sold or traded at or near current market value.

transfers were made between members of the same household.

OR

transfers were made for a reason other than attempting to qualify for FS, such as placing funds in an irrevocable trust fund for a child's education.

The length of the disqualification period is based on the amount the assets would have exceeded the limit if the transfer had not occurred.

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Section: **FS-333-4**

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ASSET ELIGIBILITY STANDARDS

Transfer of Assets

DISQUALIFICATION PERIODS

Use the following chart to determine the disqualification period.

<u>Amount in Excess of Asset Limit</u>	<u>Disqualification Period (Months)</u>
\$ 0 to \$ 249.99	1
\$ 250 to \$ 999.99	3
\$1,000 to \$2,999.99	6
\$3,000 to \$4,999.99	9
\$5,000 or more	12

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TANF/PaS: VII

Med: 1210

CFR 273.11(h)

Section: **FS-444-1**

Page 1

HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Sponsored Aliens

GENERAL RULE - Aliens must verify U.S. residency and have eligibility determined according to the rules in FS-111-2.

DEFINITIONS:

1. A sponsored alien is a person lawfully admitted for permanent residence to the U.S. for whom a person (the sponsor) has executed an affidavit of support (INS Form I-864 or I-864A) on behalf of the alien.
2. A sponsor is a person or organization signing an affidavit or document on behalf of the alien as a condition of entry.
3. Date of entry or admission is the date established by the INS as the date the alien was admitted for permanent residence.

EXCEPTIONS TO SPONSORED ALIEN RULES:

1. Aliens who are members of the sponsor's Food Supplement household.
2. Aliens who are sponsored by an organization.
3. Aliens not required to have a sponsor under the Immigration and Nationality Act.
4. Aliens who are determined to be unable to obtain food and shelter in the absence of assistance, taking into account their own income. In these situations the state must decline to deem the sponsor's income for a twelve (12) month period and instead take into account only that income that the sponsor actually provides.
5. A battered alien spouse, alien parent of a battered child, or a child of a battered alien for twelve (12) months after the state determines that the battering is substantially connected to the need for benefits, and the battered individual does not live with the batterer. After twelve (12) months, the state must not deem the batterer's income and resources if the battery is recognized by a Court or the INS, has a substantial connection to the need for benefits and the alien does not live with the batterer.
6. Aliens who are children under the age of 18 regardless of when they entered the United States.

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

EXCEPTIONS TO SPONSORED ALIEN RULES: (for sponsors)

1. If a sponsor is a sponsor of an ineligible immigrant, that portion of the sponsor's income is not deemed to the remaining household members.
2. If a sponsor's income is below 130% of the poverty income guidelines (maximum gross monthly guidelines), he or she is exempt from the sponsored alien rules.

SPONSORED ALIEN RULES

GENERAL INFORMATION - Most sponsored non-citizens will be ineligible because they are immigrants. If they can be credited with 40 qualifying quarters of work, they are eligible and deeming ends (see FS-111-2). Some immigrants who are veterans, or on active duty, or the spouse or child of the veteran or person on active duty may be eligible and subject to deeming.

The income of a sponsor's spouse does not count toward the deeming unless the sponsor's spouse has also signed the affidavit of support.

1. Count the spouse's income and assets even if they were not married at the time the agreement was signed. If the sponsor and spouse do not live together, only the income and assets of the sponsor are counted.
2. If a sponsor sponsors more than one alien, divide the income and assets among the number of aliens that are sponsored by the same sponsor.

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TANF/PaS: VII

Med: 1210

CFR 273.2, 273.4

Section: **FS-444-1**
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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Sponsored Aliens

3. If an alien changes sponsors after being certified for FS, use the new sponsor's income and assets to determine eligibility.
4. Do not count money paid to the alien by the sponsor as income to the alien, unless the amount exceeds the income deemed from the sponsor. Add any excess to the amount deemed.
5. If the alien has applied for TANF and has had income and assets deemed for that program, use the TANF figures.
6. Aliens and their sponsors shall be jointly and separately liable for any overpayment made to the alien during the sponsorship which is due to the sponsor's failure to provide correct information, except when the sponsor is without fault or good cause exists.

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TANF/PaS Reference

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

ENDING OF DEEMING

Deeming of a sponsor's income and resources is to continue until:

1. the alien gains U.S. Citizenship,
2. the alien has worked or received credit for forty (40) qualifying quarters of work, or
3. the sponsor dies.

SPONSOR'S INCOME CALCULATION

1. ADD: Earned income of sponsor's and sponsor's spouse (if the spouse signed an affidavit).
2. SUBTRACT: Earned income deduction.
3. ADD: Unearned income of sponsor and sponsor's spouse.
4. SUBTRACT: Gross monthly income limit for family size (number of dependents who are, or could be, listed on Federal Income Tax Form).
5. DIVIDE BY: Number of alien households sponsored.

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CFR 273.11(h)

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Page 3a

HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

6. EQUALS: Income deemed to each family unit. Treat as unearned income.

SPONSOR'S ASSETS CALCULATION

1. ADD: Allowable assets of the sponsor and spouse.
2. SUBTRACT: \$1500.00.
3. DIVIDE BY: Number of alien households sponsored.
4. EQUALS: Assets deemed to each family unit.

CLAIMS

Different
Chap. II, Sec. C,

Both the sponsor and the alien will be held liable for any over-issuances.
Claims may be established against both parties, unless it can be verified that one of the parties was without fault in providing the information.

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AFDC Reference

CFR 273.11(a), 273.10(c)
273.21(b)Section: **FS-444-2**

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Self-employment, Migrant Farm Workers and Contract Employees

SELF-EMPLOYMENT:

Same
Chap. II, Sec. D,

GENERAL RULE - Self-employment income shall be averaged over a twelve-month period when it represents the household's major source of support. This applies even when it is received in a shorter period of time.

EXCEPTIONS: If the twelve-month average is not an accurate reflection of circumstances or a business has been in operation only a part of a year, income will be averaged for the months in operation or the worker shall calculate the self-employment income based on anticipated earnings.

SELF-EMPLOYMENT - Seasonal self-employment income which supplements other income shall be averaged over the season.

DETERMINING INCOME:

Acceptable Verification - income tax returns, business records, etc.

1. Add all gross self-employment income together including the full amount of capital gains. This means that a household with more than one self-employment enterprise shall have all self-employment gross income added together.
2. Add all costs of producing income together. This means that a household with more than one self-employment enterprise shall have all self-employment costs added together.

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TANF/PaS: III

Med: 2310, 3411

CFR 273.11, 273.10,
273.21

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Self-employment, Migrant Farm Workers and Contract Employees

Expenses not allowed are:

- a. net losses from previous periods;
- b. federal, state and local income taxes, retirement plans, and work-related personal expenses (transportation to and from work);
- c. depreciation.

NOTE: Effective June 1, 2001, the payments on the principal of the purchase price of income producing real estate, capital assets, equipment, machinery, or other durable goods are allowable costs.

The household will need to provide information concerning these payments. It may not be provided on the IRS tax forms.

3. Subtract the total costs of producing the income from the total gross income of the self-employment enterprise(s).

NOTE: The purpose of numbers 1 through 3 above is to arrive at the total self-employment income of the household. This allows the loss from one self-employment enterprise to be subtracted from the gain of another self-employment enterprise within the household.

4. Divide net earnings by number of months over which income has been averaged, when appropriate.
5. Add self-employment income to any other income received by the household.

NOTES: Losses from a farm enterprise shall be deducted from any other countable household income. This special consideration applies only to farms with annual gross sales of \$1,000.00 or more.

Household deriving income from day care may elect actual documented cost of meals or \$3 per day as the cost of non-reimbursed meals provided to individuals.

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TANF Reference CFR 273.11, 273.10 Section:

FS-444-2
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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Self-employment, Migrant Farm Workers and Contract Employees

USE OF RESIDENCE FOR SELF-EMPLOYMENT

1. The proportionate share of shelter costs used for self-employment purposes may be used as self-employment expenses. If this is chosen:
 - a. actual utility expenses, not the standard utility allowances, can be used;
 - b. the interest expense and the principal of loan and mortgage payments can be used;
 - c. that portion of shelter costs used as self-employment expenses cannot be used as shelter expenses (see FS-555-5 for the effect of the self-employment expense decision on the household's allowable utility expenses).

Different
Chapter III

INCOME FROM ROOMERS

If a person rents out a room in his residence, the cost of renting out that room may be claimed as a self-employment expense. Most people with roomers have some rationale for calculating the amount of rent they charge. The renter should be asked what s(he) believes is the cost of renting the room. That statement should be sufficient. In the absence of any reasonable rationale or in the absence of specifically identifiable expenses, it is reasonable to arrive at the costs of lodging the roomer by calculating proportionate shares. For example, divide the costs of operating and maintaining the residence by either:

1. the number of rooms contained in the residence, or
2. the number of individuals sharing the residence, or
3. the square footage contained in the residence, or
4. comparable alternative, or
5. a reasonable combination of alternatives.

Household expenses counted as a cost of doing business may not be counted again as a shelter expense (see 555-5 "Use of Residence for Self-employment").

Excluded costs shall not exceed the payments received from the roomer.

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AFDC: III

Med: 3414

CFR 273.11, 273.10

Section: **FS-444-2**

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Self-employment, Migrant Farm Workers and Contract Employees

MIGRANT FARM WORKERS

GENERAL RULE - Determine benefits prospectively.

DETERMINING INCOME

1. Consider all income received in the month of application prior to the application date.

NOTE: Include travel advances when a written contract stipulates the advance will be subtracted from wages. Treat other travel advances as reimbursements.

2. Consider future income when receipt is reasonably anticipated in the application month.

3. Obtain verification of application month income from employers.

CONTRACT EMPLOYEES

GENERAL RULE - Contract income shall be averaged over a twelve month period when it represents the household's major source of support, provided it is not paid on an hourly or piecework basis. This applies even when it is received in a shorter period of time such as sometimes occurs with teachers and other school employees.

Contract income shall be averaged over the period the income was intended to cover when it is not the household's major source of support, provided it is not paid on an hourly or piecework basis.

DETERMINING ELIGIBILITY - The averaged contractual income shall be added to other household income. Income exclusions and deductions shall then be applied in the usual way.

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TANF/PaS: III Med: 1220, 2150, 3430CFR 273.1(c) 273.11(b)

Section: **FS-444-3**
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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Boarders and Foster Care Payments

GENERAL RULE - Foster care individuals (both children and adults) placed in the home of relatives (including parents and siblings) or other individuals or families by a federal, state, or local governmental foster care program shall be considered boarders. These foster care boarders and all other boarders are ineligible to participate independent of the household with whom they live. Do not count income and assets of a boarder, foster children and foster adults to determine eligibility of a household, unless the household chooses to include him/her as a member.

NOTE: When the household chooses not to include the foster person, do not include foster care payments even though they go direct to the provider household.

EXCEPTION: Consider "boarders" paying less than the Thrifty Food Plan as household members (FS-111-1).

DETERMINING INCOME FROM BOARDERS - Include all direct payments to the household, including contributions for meals, room and shelter.

EXCEPTION: Do not count shelter expenses paid directly to someone outside the household as income or deductions to the household. Do not count any portion of foster care payments unless the foster children or foster adults are included as members.

COSTS OF DOING BUSINESS FOR HOUSEHOLDS WITH BOARDERS WILL BE:

1. actual cost of providing room and meals.

NOTE: Verify these expenses only if questionable.

Count income from boarders, less the cost of doing business, as earned income to the household (FS-555-2).

NOTE: If room and board are being provided, use both the "Income From Roomers" policy at FS-444-2 and the boarder policy described here to determine room and board cost of doing business.

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TANF/PaS: II, VI Med: 1250 CFR 273.11(c)

Section: **FS-444-4**
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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Disqualified Members

GENERAL RULE - Do not include for benefits those household members who are disqualified for:

- Intentional program violation (FS-777-2)
- Work registration noncompliance (non-head of household) (FS-111-5)
- Job quit or voluntary reduction in work effort (FS-111-6)
- Fleeing to avoid prosecution of, or custody or confinement after conviction for, a felony (ineligible while fleeing)
- Violating a condition of probation or parole imposed under a federal or state law (ineligible while in violation of the probation or parole condition)
- Intentional program violation or other noncompliance with federal, state, or local welfare assistance program requirement (FS-444-10)
- Social security number noncompliance (FS-111-4)
- Alien status (FS-111-2)
- Student status (FS-444-7)
- Time limited eligibility for able-bodied adults without dependents (ABAWD) status (FS-111-7)

INCOME, ASSETS, AND DEDUCTIBLE EXPENSES OF DISQUALIFIED MEMBERS

1. Assets - Count in their entirety towards the asset level of the remaining household members.

EXCEPTION: Do not count the assets of household members who are ineligible because of student status or time limited eligibility for ABAWD status.

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Disqualified Members

2. Income - Count all. If the income is earned, the 20% deduction applies.

EXCEPTIONS:

Count all but the disqualified members prorated share for household members disqualified for Social Security noncompliance or alien status.

Do not count the income of household members disqualified for student status or time limited eligibility for ABAWD status.

3. Deductible Expenses - Allow all deductible expenses of the entire household, regardless of who is billed or who pays.

EXCEPTIONS:

Allow all but the disqualified member's prorated share if paid by or billed to the disqualified member for household members disqualified for Social Security number noncompliance or alien status. If a household expense is not paid by or billed to the disqualified member, allow the entire expense.

Do not allow expenses paid by or billed to disqualified household members who are disqualified for student status or time limited eligibility for ABAWD status. If a household expense is not paid by or billed to the disqualified member, allow the entire expense.

4. Number in Household - Do not include disqualified members.

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Med: 1250

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Disqualified Members

PRORATING INCOME AND EXPENSES OF SOCIAL SECURITY NUMBER
NONCOMPLIANCE AND ALIEN STATUS DISQUALIFIED MEMBERS.

CALCULATION:

1. ADD: Countable gross income of disqualified member(s)
2. DIVIDE: Evenly among all household members, including the disqualified member(s)
3. SUBTRACT: Disqualified member's(s') share
4. ADD: Result to income of other household members
5. SUBTRACT: Allowable deductions

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TANF/PaS Reference

CFR 273.11(e)(F)

Section: **FS-444-5**

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Residents of Drug and Alcohol Treatment Centers or Group Living Arrangements for the Disabled

Not applicable

GENERAL RULE - Residents of alcohol treatment centers or group living arrangements for the disabled have the same rights to notices of adverse action, fair hearing and entitlement to lost benefits as do all other FS households.

Application for residents of drug and alcohol treatment centers together with their spouse and children who reside at the center must be made through an authorized representative who is an employee of the center. Residents together with their spouse and children shall have their eligibility determined separately from other residents of the facility. Each application must be for an individual household. The recipient's benefits will be controlled by the center.

The center must be certified by the Office of Substance Abuse as providing residential treatment that can lead to the rehabilitation of drug addicts or alcoholics.

A center which knowingly provides false information or does not handle coupons properly may be disqualified from participation in the Food Supplement Program. Repeated occurrences shall be referred to the Director, Food Supplement Program, for review.

PROCEDURE:

1. Determine that the center is a certified treatment program as defined under the general rule.
2. Review the rights and reporting responsibilities of the center with the center representative. Include the treatment of coupons and ID cards when a recipient leaves the center.

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Residents of Drug and Alcohol Treatment Centers or Group Living Arrangements for the Disabled

- Not applicable
3. Process applications by using the same provisions that apply to all other applicant households, except that certification is completed through use of the authorized representative.
 4. Contact the applicant or authorized representative for any information needed. The applicant or authorized representative must agree to be interviewed and sign any required forms.
 5. Issue benefits and provide notices in care of the authorized representative.
 6. Use appropriate budgeting procedures (FS-555-6).
 7. Regular participants in a drug addiction or alcoholic treatment and rehabilitation program are exempt from work requirements.

WHEN PARTICIPANT LEAVES THE CENTER

- a. When the individual leaves the center and no coupons have been spent on his behalf, the center shall provide the individual with his ID Card and full allotment for that month, regardless of what day he leaves.

If coupons have already been issued and any portion has been spent on behalf of the individual, and he leaves the center prior to the 16th of the month, the center shall provide the individual with one-half of his monthly allotment.

If the individual leaves after the 16th of the month, and the coupons have already been issued and used, the household does not receive any coupons.

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Residents of Drug and Alcohol Treatment Centers or Group Living Arrangements for the Disabled

- b. Once the household leaves the treatment center, the center is no longer allowed to act as the household's authorized representative. The treatment center shall return any coupons received on behalf of households which are no longer residents of the center.
- c. It is the household's responsibility to report their new address and other changes in their circumstances to the Food Supplement Program Office after leaving the center.

RESIDENTS OF GROUP LIVING ARRANGEMENTS FOR THE DISABLED

GENERAL RULE - A group living arrangement for the disabled is a public or private nonprofit facility, serving no more than 16 residents (the majority of whom are SSI recipients), that is approved by the Department of Health and Human Services or the Department of Mental Health and Retardation.

A disabled person ("Disabled" as defined in FS 999-1) living in an approved group living arrangement for the disabled may be eligible for benefits. The group living arrangement for the disabled shall determine whether a resident may apply on his own behalf.

If the resident has made application on his own behalf, he is responsible for reporting changes in his situation to the Food Supplement Program Office. If the group living arrangement is acting as authorized representative, it is responsible for reporting changes in the household's circumstances, and when the household leaves the facility.

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Residents of Drug and Alcohol Treatment Centers or Group Living Arrangements for the Disabled

WHEN PARTICIPANT LEAVES THE FACILITY

When the household leaves the facility, regardless of the method of application or the time of the month, the facility shall provide residents with their ID Card (if applicable), and the departing household shall receive its full allotment if no coupons have been spent on its behalf.

If the coupons have already been issued, and any portion spent on behalf of the household and the departure is prior to the 16th of the month, the facility shall provide the household with its ID Card and one-half of its monthly allotment. If the household leaves after the 16th of the month and the coupons have already been issued and used, the household does not receive any coupons.

If a group of residents have been certified as one household and have returned the coupons to the facility to use, the departing residents shall be given a pro rata share of one-half the household's monthly allotment if they leave prior to the 16th of the month.

If a resident or a group of residents have applied on their own behalf and if they retain use of their own coupons, these residents are entitled to keep the coupons when they leave. If a group of residents have applied as one household, a pro rata share of the remaining coupons shall be provided to any departing member

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CFR 273.11(g)

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Shelters for Battered Women and Children

GENERAL RULE - Residents of Shelters for Battered Women and Children may be eligible for benefits.

An eligible resident who has authorized the shelter management to act as authorized representative can use the coupons to purchase meals prepared at the shelter; the shelter management can then act as authorized representative to purchase food with the coupons.

SPECIAL PROCEDURES

1. Persons who have left a participating household containing the person who abused them may receive an additional allotment as a separate household once in a calendar month.
2. Certify persons at the shelter as a separate household on the basis of their income and assets only.

NOTE: Adjust the FS allotment of the former household based on reduced household size within the prescribed rules for adverse action.

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GENERAL RULE FOR POST-SECONDARY STUDENTS ONLY - Students enrolled at least half-time in post-secondary schools, colleges, universities, etc., are treated differently from other applicants and recipients.

In order to be eligible, such students must meet at least one of the following conditions. The requirement that one of these conditions be met in order to be eligible continues throughout the student's enrollment, including vacations (e.g. in order to continue to be eligible for Food Supplement benefits, a student who is eligible because of the work study condition must meet one of the other conditions if the work study condition is not being met during summer vacation).

1. be 17 years old or under or 50 years old or older

OR

2. be engaged in paid employment of twenty hours or more per week. If self-employed, be employed for 20 hours or more per week and receive weekly earnings at least equal to Federal minimum wage multiplied by 20 hours.

OR

3. be participating in a state or federally financed work study program.

OR

4. be physically or mentally unable to work twenty hours per week while attending school at least half-time. In the absence of physical evidence, disability must be verified by a statement from a doctor or licensed psychologist.

OR

5. be responsible for care of household member under six, or when adequate child care is not available for children between six and twelve years of age to enable the student to attend class and satisfy the 20 hour work requirement or participate in a work study program (if an individual is a full time student and a single (only) parent with the responsibility for a dependent child under age 12 regardless of the availability of adequate child care, eligible student status is met).

NOTE: Exemption is still allowed when child care is purchased for a child under six.

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6. be receiving TANF/PaS. or
7. be assigned to or be placed in post secondary institution through one of the following programs:
 - a. WIA (Workforce Investment Act of 1998);
 - b. ASPIRE/JET or ASPIRE/JET contracted agency;
 - c. the Trade Adjustment Assistance Program of the Department of Labor (for workers dislocated due to imports); or,
 - d. an employment and training program for low income households operated by a state or local government where one or more of the components of such program is at least equivalent to a Food Supplement Program employment and training program component (i.e., 8 weeks per year job search; job search training and support activities; workfare; work experience; education program that directly enhances employability). Example: Maine Department of Labor Competitive Skills Scholarship Program (CSSP).

NOTE: Self-initiated post secondary institution placement during the time the person is enrolled in one of these employment and training programs is acceptable if the person's employment and training program has a component for enrollment in an institution of higher education and that program accepts the placement.

8. be participating in an on-the-job training program.

NOTE: A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer (i.e., to meet this student eligibility condition, the person must continue to work; only attending classes does not meet the condition).

Once a student enrolls in post-secondary education, he shall be considered enrolled through normal periods of attendance, vacations, and recesses until he graduates, is dismissed, drops out, or does not plan to enroll for the next normal term (summer sessions are not considered normal terms).

The income and assets of an ineligible student living with a household shall not be considered in determining the benefits of the remaining household members.

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TREATMENT OF STUDENT INCOME

Exclusion of Certain Federal Aid Monies

For school periods beginning on or after July 1, 1993, student financial assistance received under Title IV or under Bureau of Indian Affairs (BIA) student assistance programs, shall not be considered as income. In addition, effective 10/1/92, loans provided under Title XIII Indian Higher Education Programs, Part E, Tribal Development Student Assistance Revolving Loan Program shall not be considered as income.

In some situations only part of the education assistance is from such a totally excluded source. For example, part of a student loan may be funded under Title IV and part under a State program. If a single loan or grant or work study is funded in whole or in part under Title IV or BIA, the total amount of that loan or grant would be excluded.

Most federal financial aid will now be completely excluded as income, without regard for how the aid is spent. When calculating allotments for students, begin by identifying the types of federal financial assistance the student will receive, and exclude all pertinent assistance as income.

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The Following is a List of Excluded Educational Assistance Authorized under Title IV:

- Basic Educational Opportunity Grants (BEOG or PELL Grants)
- Presidential Access Scholarships (Super PELL Grants)
- Federal Supplemental Educational Opportunity Grants (SEOG)
- State Student Incentives Grants (SSIG; Maine State Incentive Grant)
- Federal Direct Student Loan Programs (FDSLSP) (Formerly GSL and FFELP):
- Federal Direct Supplemental Loan Program (provides loans to students)
- Federal Direct PLUS Program (provides loans to parents)
- Federal Direct Stafford Loan Program,
- Federal Direct Unsubsidized Stafford Loan Program, and
- Federal Consolidated Loan Program
- Federal Perkins Loan Program - Direct Loans to students in institutions of higher education (Perkins Loans, formerly NDSL)
- Federal Work Study Funds (Note: Not all Federal work study funds come under Title IV of the Higher Education Act.) (See NOTE)
- TRIO Grants (Go to organizations or institutions for students from disadvantaged backgrounds):
- Upward Bound (Some stipends go to students)
- Student Support Services
- Robert E. McNair Post-Baccalaureate Achievement
- Robert C. Byrd Honors Scholarship Program
- College Assistance Migrant Program (CAMP) for students whose families are engaged in migrant and seasonal farm work.
- High School Equivalency Program (HEP)
- National Early Intervention Scholarship and Partnership Program.

NOTE: Effective January 1, 2005, all grants, loans and scholarships to students made under any program administered by the U.S. Secretary of Education including, but not limited to, PELL, SEOG, Perkins, and work study are excluded. This is regardless of any portion used on actual educational costs.

The dependent portion of VA educational assistance shall be counted as income.

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Treatment of Bureau of Indian Affairs Financial Aid

There is only one BIA student assistance program per se. It is the Higher Education Grant Program, which is sometimes called the Scholarship Grant Program. However, education or training assistance received under any BIA programs must be excluded. There is an Adult Education Program that provides money to adults to get a GED, attend technical schools, and for job training. There is also an employment assistance program. In addition, education and training may be made available under separate programs like the Indian Child and Family Programs. Each tribe has a BIA agency that may be contacted for more information about education and training assistance. BIA student assistance is provided by the tribes, is not denoted by any particular name, and is not usually listed on institutions' financial aid statements.

Treatment of Other Financial Aid

Other scholarships, educational grants, fellowships, work study, deferred payment loans for education, veteran's educational benefits, and the like are considered income. However, these educational monies are excluded from consideration as income:

- when they are awarded to a person enrolled at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent thereof,

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- to the extent that they do not exceed the amount used for or made available as an allowance determined by such school, institution, program, or other grantor, for tuition, mandatory fees (including the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved), books, supplies, transportation, other miscellaneous personal (other than expenses specified as "room and board"), and dependent care of the student incidental to attending such school, institution, or program, and
- to the extent loans include any origination fees and insurance premiums.

NOTES: A loan in which repayment must begin within 60 days after receipt of the loan is not considered a deferred payment loan.

Only that portion of such assistance earmarked for board and room is not excludable under this provision. This means that expenses for which assistance is earmarked are excluded from that assistance even if the expenses are paid or contributed to by someone else, such as ASPIRE.

Any expense, in whole or in part, covered by educational income which has been excluded is not deductible.

Dependent care costs which exceed the amount excludable from income is deductible up to the dependent care deduction cap (see FS-555-5).

Reimbursements for past or future expenses other than normal household expenses such as rent, mortgage, personal clothing, or food eaten at home are excluded if they are specifically earmarked for educational expenses.

Student financial assistance in the form of grants, scholarships, and deferred payment loans is averaged over the period of intended coverage (usually a semester or school year). Do not start counting averaged student income until the month in which it can be reasonably anticipated. Continue to budget it through the last month of the period of intended coverage, regardless of whether or not the student is still in school. The most common school year is divided into two unequal semesters - one is four months, and the other is five months. Most financial assistance is received one semester at a time.

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The exclusion provisions of financial assistance is not based solely upon the actual expenditures by the student. Student assistance "which is either used for or made available for" attendance costs is excluded as income and resources. This language allows the institution or grantor to merely indicate that the assistance is meant to be used for allowable costs of attendance, but does not require the student to verify how the assistance is actually used. Budget sheets and the like developed by the institutions or grantors shall be used as the verification of the amount of assistance and the attendance costs for which it is intended. If the institution does not indicate attendance costs or if the amounts indicated by the institution are less than the student claimed to be using, students must be allowed to provide verification for the exclusion of these amounts.

NOTE: If the student claims to be incurring higher transportation costs than the amount of transportation costs indicated by the institution, actual verified costs or the standard mileage allowance may be used. The Maine state employee mileage allowance reimbursement rate is the amount to be used if the standard mileage allowance is claimed.

Since students are not required to accept all of the financial assistance offered it will be necessary to verify with the institution or donor the actual amount which will be received.

Institutions vary a great deal in the way they arrive at "TOTAL NEED"; however, they all base the amount of assistance on the estimated cost minus the student's resources.

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Treatment of Work-Study Income

Most work-study income is fully excludable under the Higher Education Act amendments. The further discussion of work-study monies applies only to those few work-study grants that are not funded by the excluded sources mentioned earlier in this section.

Special attention must be paid to earnings from work study. Normally, the institution's financial aid unit will offer a student a maximum dollar amount of work study income, which the student may or may not utilize. If utilized, they are subject to the same exclusion provisions as other student financial assistance. In most instances, the dollar amount of the expenses which are allowed to be excluded from student income will equal or exceed the combination of grants, loans, scholarships granted the student and the maximum potential work study income. In those situations where there is the possibility that the work study income is not excluded, it will be necessary to track the potential countable income and to assure that the student is aware that he/she must report such income as it occurs. The work study income that remains, after the exclusions are applied, is entitled to the earned income deduction (see FS-555-5).

NOTE: The procedures outlined above regarding work study income also apply to other educational assistance which have a work requirement.

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The typical work sheet, award letter, etc. will outline the estimated costs (usually called "Budget") and the financial assistance that is offered. For example:

BUDGET	FINANCIAL ASSISTANCE OFFERED				
			<u>Fall</u>	<u>Spring</u>	<u>Total</u>
Tuition and Fees	\$2,000	* Pell Grant*Pell Grant	\$ 1,200	\$ 1,200	\$ 2,400
Books and Supplies	\$ 500	* SEOG*SEOG	\$ 100	\$ 100	\$ 200
Transportation	\$ 400	Work Study (State Funded)	\$ 500	\$ 500	\$ 1,000
Child Care	\$1,000	* Maine State Incentive	\$ 500	\$ 500	\$ 1,000
Room and Board	\$4,370	Institution Grant	\$ 1,400	\$ 1,400	\$ 2,800
Miscellaneous	\$ 150	* Stafford Loan	\$ 500	\$ 500	\$ 1,000
		Other Loan		\$ 400	\$ 400
	<u>\$8,420</u>		<u>\$ 4200</u>	<u>\$ 4600</u>	<u>\$ 8800</u>

Other Contributions

ASPIRE \$250 for books/supplies, \$900 for transportation,
\$2250 for child care

Steps to Follow to Determine Countable Financial Assistance

(Results from the above example follow within each step):

1. Exclude Title IV and Bureau of Indian Affairs Aid (aid with an *) and add up what is left.

FALL	SPRING	
\$500	\$500	State Funded Work Study
\$1400	\$1400	Institution Grant
0	\$400	Other Loan
<u>\$1900</u>	<u>\$2300</u>	TOTAL NON-EXCLUDED INCOME

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2. Figure out the countable expenses. Reminder: room and board is not an allowable expense.

\$	2000	Tuition and fees
\$	500	Books and supplies (although ASPIRE contributed \$250, \$500 is excluded because it was earmarked)
\$	400	Transportation (although ASPIRE contributed \$900, \$400 is excluded because it was earmarked)
\$	1000	Child Care (although ASPIRE contributed \$2250, \$1000 is excluded because it was earmarked)
\$	150	Miscellaneous
\$	4050	TOTAL ALLOWABLE EXPENSES

NOTE: That portion of the actual child care expense which exceeds the amount earmarked by the institution and the ASPIRE contribution would be budgeted based on policy at FS-555-5.

3. Prorate and Subtract the countable expenses from the non-excluded income:

Allowable EXPENSES = \$4050/9 months = \$450 a month

Fall Non-Excluded INCOME = \$1900/4 months = \$475 a month

\$	475	monthly income
-	450	monthly expenses
=	\$ 25	net countable

Spring Non-Excluded INCOME = \$2300/5 months = \$460 a month

\$	460	monthly income
-	450	monthly expense
=	\$ 10	net countable

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4. If non-excluded work study income is used, budget the net countable financial assistance as earned income up to the amount of the work study award. Budget as unearned income that net countable financial assistance which exceeds the work study award.

Fall Work Study = $\$500/4$ months = $\$125$ a month

Because the $\$25$ /month net countable is less than the $\$125$ /month work study, the $\$25$ /month is budgeted as earned income.

Spring Work Study = $\$500/5$ months = $\$100$ /month

Because the $\$10$ /month net countable is less than the $\$100$ /month work study, the $\$10$ /month is budgeted as earned income.

NOTE: Had spring's net countable been $\$110$ for example, $\$100$ would have been budgeted as earned income and $\$10$ as unearned income.

5. Do not budget the financial assistance until it is anticipated to be received.

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None

HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Categorically Eligible Households

TANF or PaS AND SSI

GENERAL RULE - Households in which all members receive SSI will be considered categorically eligible for FS. Do not include as members: Ineligible aliens, ineligible students or residents of nonexempt institutions. The factors listed below are considered to be met for categorically eligible households.

1. asset limits;
2. transfer of assets;
3. gross and net income limits; (See Exception)
4. Social Security Number requirements;
5. sponsored alien requirements;
6. residency and identification requirements.

Receipt of TANF-Funded Service or Benefit

All households will be considered categorically eligible for FS if at least one member of the household receives a TANF funded service or benefit. (See Exception on following page)

1. Narrow Categorical Eligibility

All households, with gross income at or below 185% of the Federal Poverty Level, that have a child under the age of eighteen (18), or eighteen (18) and a full time high school student, who lives with a parent or caretaker relative are eligible for the Maine Department of Health and Human Services Resource Guide for Families, a TANF-funded service.

2. Broad-Based Categorical Eligibility

All households with gross income that is at or below 185% of the Federal Poverty Level, that **do not include** a child under the age of eighteen (18), or eighteen (18) and a full time high school student, will be eligible for the Maine DHHS Resource Guide for Families; a TANF-funded service.

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NOTE: Current FPL amounts are issued annually by the U.S. Department of Health and Human Services and can be found on the Internet at:
<http://aspe.os.dhhs.gov/poverty/index.shtml>

An individual can also receive a copy of the current FPL amounts by contacting his/her local DHHS office, or by writing to:

OFFICE FOR FAMILY INDEPENDENCE
11 State House Station, 442 Civic Center Drive
Augusta, Maine 04333-0011

and requesting a copy. Department staff making eligibility determinations will also have current FPL information and can share that information with an applicant upon request.

Even though these households are considered to be categorically eligible for Food Supplement benefits, all individuals who are not SSI or GA benefit recipients must have the following factors verified:

1. Social Security Number requirements,
2. sponsored alien requirements,
3. residency and identification requirements.

EXCEPTION: The above households will not be considered categorically eligible for FS if:

1. the entire household is institutionalized in a nonexempt facility,
2. a member of the household is presently disqualified for an intentional program violation,
3. the household fails to complete recertification requirements.
4. the head of household fails to comply with work requirements, including job quit.

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Categorically Eligible Households

GENERAL ASSISTANCE (GA)

GENERAL RULE - All pure GA households will be considered eligible for Food Supplement benefits. The factors listed below are considered to be met for these households. Do not include as members any of the following: ineligible aliens, ineligible students, residents of nonexempt institutions, individuals disqualified for failure to provide or apply for a social security number, household members disqualified for failure to comply with work requirements, and individuals disqualified for intentional program violation.

1. assets limits;
2. gross and net income limits;
3. sponsored alien requirements;
4. residency and identification requirements.

EXCEPTION: The GA Household will not be considered categorically eligible if:

1. a member of the household refuses to cooperate in providing information to the Food Supplement Program office that is necessary to determine eligibility or to complete any subsequent review of eligibility;
2. the household is ineligible under the striker provision at FS 444-9;
3. the household is ineligible because it knowingly transferred resources for the purpose of qualifying or attempting to qualify for Food Supplement benefits.

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Categorically Eligible Households

PROCEDURE - Applicants may apply for TANF or PaS and Food Supplement Program at the same time. SSI applicants may apply for FS at the Social Security Office (FS 222-1) or at the Department of Health and Human Services. GA applicants can get an application at the GA office but must apply at the Department of Health and Human Services.

If TANF or PaS/SSI/GA eligibility has not been determined, FS eligibility is based upon FS criteria. Denial of a potential categorically eligible household will be delayed for thirty days from the FS application date. Households denied Food Supplement benefits that have a pending SSI or GA application shall be notified of the possibility of categorical eligibility should they become SSI or GA recipients.

If FS were denied prior to the granting of TANF or PaS/SSI/GA, FS benefits for the initial month must be prorated from the date from which the TANF or PaS, SSI, or GA benefits are payable, or the date of the original Food Supplement Program application date, whichever is later.

NOTE:

1. One and two-member categorically eligible households are entitled to at least \$16.00 per month, regardless of the amount of net income.
2. Three or more member categorically eligible households will be entitled to at least \$2.00 per month if the full monthly benefit reduced by 30% of net income is at least \$1.00. All households with three or more members who are eligible for zero benefits cannot be denied - they must be suspended. Such households are determined to be "authorized to receive benefits."

2a. Exception: Broad-Based Categorically eligible households with three or more members who are eligible for zero benefits will be denied, or if an ongoing case, will be closed.

Exception:

Individuals are considered recipients of SSI or GA even if not receiving payments due to:

1. benefits have been authorized but payment has not yet been received;
2. benefits are suspended or recouped; or

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3. benefit amount is less than minimum grant paid.

Households are considered to be categorically eligible due to TANF or PaS authorization even if not receiving payments because

1. benefits have been authorized but payment has not yet been received;
2. benefits are suspended or recouped;
3. benefit entitled to is less than minimum grant paid; or
4. benefits or services are authorized but not used.

Categorical eligibility related to TANF or PaS continues until the benefit or service is no longer funded by TANF funds.

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Categorically Eligible Households

Categorically eligible households must be automatically terminated from the Food Supplement Program for failure to become timely re-certified, even though they continue to receive TANF or PaS, SSI, GA or a TANF funded service or benefit.

Categorically eligible individuals are subject to re-certification, work registration, employment/training requirements, and exemption criteria. Job quit penalties also apply.

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AFDC Reference

CFR 273.1(g), 273.7(j)

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HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

Strikers

Different

GENERAL RULE - A household with a striking member is ineligible, unless it was eligible on the day prior to the strike. Households receiving benefits on the day prior to the strike cannot receive an increase in benefits due to the decreased income of a striking member.

Pre-strike income is determined by comparing the striker's income prior to the strike to his current income, and then adding whichever is more to the rest of the household's current income. The earnings deduction is allowable.

NOTE: Vehicles normally exempt from equity consideration retain the exempt status during the strike.

Striking members of eligible households are subject to work requirements. Those members who are exempt from work registration are not considered strikers.

A striker is anyone involved in a strike or concerted stoppage, slowdown, or interruption of work by employees.

Some examples of non-strikers are:

1. Employees unable to work as a result of other employees striking;
2. employees whose place of employment is closed by an employer;

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Strikers

3. employees who are not part of the unit on strike, but do not want to cross a picket line due to fear of injury or death.

In all cases of a strike where permanent replacements have been hired by the company, the persons whose jobs are replaced, are no longer considered strikers. They must be able to return to the same job they left when the strike began to be considered a strike.

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Noncompliance with Federal, State, or Local Public Assistance Program Requirements

GENERAL RULE - An individual disqualified for intentional program violation or disqualified or sanctioned for any other failure to comply with a requirement of another means-tested federal, state, or local public assistance program (such as but not limited to TANF, SSI, GA) shall also be disqualified from participation in the Food Supplement Program. Do not disqualify individuals who have been sanctioned or disqualified from MaineCare (Medicaid).

In order to be disqualified from the Food Supplement Program due to a sanction from another program, the individual must be receiving Food Supplement benefits at the time of the sanction.

NOTE: If the other public assistance program disqualifies the entire household because of one household member's intentional program violation or failure to comply with a requirement, only the individual who caused the disqualification or sanction may be disqualified from participation in the Food Supplement Program.

The disqualification period shall continue until the program, which imposed the disqualification, no longer considers the individual disqualified. If an individual was disqualified for an unlimited period (e.g. "until complies"), the disqualification causes the participation of the disqualified individual's household in the other program to cease, and the household has not resumed participation in that program, the disqualified individual will no longer be considered disqualified from participation in the Food Supplement Program starting with the first day of the second month after benefits from the other program ceased (e.g. if the other program's last benefit was issued in December, Food Supplement participation may resume February

1). *This rule also applies if the household participation in the other program ceases for any other reason such as voluntary withdrawal.*

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Households in which some individuals are eligible for Federally funded Food

- Income belongs to the individual in whose name it is received.

EXCEPTION: TANF income must be prorated for all household members receiving TANF benefits. Income from ineligible aliens is to be prorated among all household members regardless of funding source(s) of the household's benefits.

- Shelter expenses for the household are to be attributed to the individual in whose name the expense is billed.

EXCEPTION: Shelter expenses of ineligible aliens are to be prorated among all

NOTE: If the bill is paid by another household member on a regular basis, the expenses will be attributed to the member paying the bill.

State funded Food Supplement benefit will be equal to the difference between the Federal Food Supplement grant and the amount of Food Supplement benefits the household would have received had all members been citizens.

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INCOME AND DEDUCTIONS

Treatment of Income

GENERAL RULE - For purposes of determining eligibility and benefit level the income already received during the certification period and any income which can be reasonably anticipated during the remainder of the certification period shall be taken into account. If the amount of income anticipated or month of receipt is uncertain, that portion of the household's income which is uncertain shall not be counted. For example, a household anticipating income from a new source, such as a new job or pending AFDC benefits, may not be sure of the timing or amount of the first payment. Such income shall not be anticipated unless there is reasonable certainty concerning the month in which it will be received and what the amount will be. When the exact amount is not known, only that portion of it which can be anticipated with reasonable certainty shall be considered as income.

NOTE: For households with members who are non-citizens funded by Federal and State funds, see Sect. 444-11.

The best estimate of income is based on the recipient's and the Eligibility Worker's reasonable expectations and knowledge of current, past and future circumstances. In determining the best estimate of income, the Eligibility Worker shall use the concepts of significant and non-significant income changes and the income averaging techniques described below. The method of determining the best estimate of income must be clearly documented in the case record.

SIGNIFICANT INCOME CHANGES

Significant income changes are defined as changes in sources of income or amounts greater than \$25 per month which are:

- a. expected to continue into the future; or
- b. short term, but will continue long enough to affect at least one allotment.

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INCOME AND DEDUCTIONS

Treatment of Income

Some examples of significant income changes include starting a job, gaining a new source of unearned income, losing a job or unearned income, permanent or long term changes in hours worked and/or rate of pay, permanent full-time employment, beginning to work piecework or overtime, promotion, changing employers, short term plant closings or periods of absence without compensation, and other similar changes.

The Eligibility Worker shall use information about past significant changes of a continuous nature in estimating future income. For example, if a client had received an increase in the hourly wage in the recent past, the worker will not use wages received prior to the pay raise in determining the best estimate of future income. An average of the hours worked per week multiplied by the new hourly wage shall be used in determining the estimate.

NON-SIGNIFICANT INCOME CHANGES

Non-significant income changes are defined as temporary, very short term variations in the earned or unearned income amount caused by a situation which is not of an ongoing nature or which is of a variable nature. Some examples are previously anticipated fluctuations in wages, occasional changes in wages due to unpredictable overtime, unpaid absences, or occasional illness.

When non-significant income changes are reported between reviews, it may not be necessary to redetermine eligibility and benefits. Non-significant changes are, however, taken into consideration when determining the best estimate of income at the next regularly scheduled redetermination.

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INCOME AND DEDUCTIONS

Treatment of Income

Unless the income is averaged, it shall be counted as income only in the month it is received. Whenever a full month's income is anticipated but is to be received on a weekly or biweekly basis, it shall be converted to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15. When less than a full month's income is anticipated, the actual amount of anticipated monthly income shall be used.

With the exception of migrant farm worker households which are destitute, households may elect to have income averaged. Households which, by contract or self-employment derive their annual income in a period of time shorter than a year shall have that income determined in accordance with FS-444-2.

Households receiving scholarships, deferred loans, or other educational grants shall have such income averaged over the period for which it was provided (FS-444-7).

Nonrecurring lump sum payments shall be counted as assets starting in the month it is received. They shall not be counted as income in determining Food Supplement Program eligibility and benefits amounts.

Annuities and lottery winnings that are paid annually will be averaged over a twelve (12) month period.

Wages held at the request of the employee shall be considered income in the months they would otherwise have been paid. Wages held by an employer as a general practice shall not be counted until they are expected to be received. Advances on wages shall be counted when reasonably anticipated.

Households receiving income on a recurring monthly or semimonthly basis shall not have their monthly income varied merely because of changes in mailing cycles or pay dates or because weekends or holidays cause additional payments to be received in a month.

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INCOME AND DEDUCTIONS

Treatment of Income

INCOME AVERAGING

The steps below are followed to determine the best estimate of income.

1. Income received within a minimum time frame of four weeks immediately preceding the application or review must be verified. All earned and unearned income received within this four week period **MUST** be verified even if all four weeks income is not used to calculate the best estimate.

If all pay stubs for the four week period are not available, but the gross income can be verified for each pay interval through year-to-date information, the four week period's income is deemed to be verified.

2. Determine, through a careful review of the income documentation and discussion with the client, if there have been any significant income changes during the four week period. If there have been, and the change is of a continuous nature, the changes must be taken into consideration when determining the best estimate. For example, if a recipient has received an increase in hourly rate, the new hourly rate must be multiplied by the appropriate number of hours (either stable or averaged) to determine the anticipated income.
3. Determine if any significant income changes are expected in the future. If yes, and the exact nature of the significant income change is known, the worker shall use that information in determining the best estimate of income. If the exact nature of the anticipated change is not known a recall shall be scheduled to coincide with the expected date.

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INCOME AND DEDUCTIONS

Treatment of Income

INCOME AVERAGING

4. Determine, through careful review of the documentation, the case record, and discussion with the recipient if any of the income received is not expected to be representative of the future. For instance, the first pay check of new employment may not represent a full pay period, or a missing week's income may represent a summer plant closing which is not anticipated to occur in the next review period. Non-representative income (or lack of income) is not used in calculating the best estimate. The case record must be clearly documented to explain why any income was not used, and to show how the best estimate was figured.
5. If income fluctuates to the extent that a four week period is not expected to provide the best estimate of income for the future review period, the Worker can use information covering a longer period of time. If the income is from self-employment the Worker may use the most recent tax year's income. Similarly, if income fluctuates seasonally, it may be more appropriate to use the most recent season comparable to the upcoming review period as a basis for determining the best estimate taking into account any anticipated changes.
6. The final step is to average the income that has been determined representative by the Eligibility Worker. If there were significant income changes, averaging is used only for the period of time not affected by the significant change; e.g., if the rate of pay increased, only the hours worked are averaged. The average hours multiplied by the increased rate of pay is then used to determine eligibility and benefits for the next review period.

NOTE: If income does not fluctuate it is not necessary to average the income, but simply enter it as received.

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TANF Reference

7 CFR 273.9(b)(i)

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INCOME AND DEDUCTIONS

Earned Income

GENERAL RULE - Count all earned income from any source, excluding only those items listed under Exempt Income (FS 555-4).

EARNED INCOME INCLUDES:

Same
Chap. II, Sec. C,

1. Wages and Salaries - Include payments such as: gross earned income (before any payroll deductions), garnished wages, tips, commissions, etc. Workfare assistance payments are considered unearned income.

2. Self-Employment - Income derived from any self-employment activity (FS-444-2)

Types of self-employment may include:

a. Independent contractors, franchise holders, owners/operators, farmers, people who produce and sell a product, and service-type businesses;

Same
Chap. II, Sec. C,

b. seasonal self-employment such as fishing, clamming, worm digging, logging, etc.;

Different
Chap. II, Sec. D,

c. income from boarders (FS444-3);

d. income from roomers (FS 444-2);

e. ownership of rental property if a household member is actively engaged in the management of the property on an average of at least twenty hours per week. See FS 555-3 for those households not actively engaged in property management.

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INCOME AND DEDUCTIONS

Earned Income

3. Training Allowances - That portion of training allowances which exceeds expenses, and represents a gain or benefit to the household.
4. W.I.A. - On the job training WIA earnings of household members except for dependents less than 19 years old and, regardless of age, except for participants in the Summer Youth Employment and Training Program and comparable summer youth employment and training programs under Americorps.

NOTE: Americorps does not provide OJT

5. Attendant Care Payments - Attendant care payments provided by an outside source if the person providing the care is a household member.

NOTE: see FS-555-3, page 2, #9 for treatment of similar income as unearned income and FS-555-4, page 2, #7 for treatment of similar income as excluded income.

VERIFYING EARNED INCOME:

ACCEPTABLE VERIFICATION (Not all Inclusive):

- Pay stubs (if complete)
- Pay envelopes (if complete)
- W-2 Form
- State or Federal Income Tax Return
- Self-employment bookkeeping records
- Sales and expenditure records
- Employer's statement (signed and dated by employer)
- Employer's wage record
- Employment Security Office records

HOUSEHOLDS HAVE THE PRIMARY RESPONSIBILITY TO PROVIDE VERIFICATION OF EARNED INCOME - If necessary, the agency will assist the household in securing the required verification.

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CFR 273.9(b)(2)

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INCOME AND DEDUCTIONSUnearned Income**GENERAL RULE** - Countable unearned income includes, but is not limited to:

- | | |
|--------------------------------|---|
| Different
Chap. II, Sec. C, | 1. <u>Assistance Programs</u> - Payments from SSI, AFDC, or other means tested assistance. AFDC payments which are diverted to a third party shall be counted as income. See FS 555-4 for certain exclusions. Assistance payments from programs which require the performance of work without compensation other than the assistance payment shall be considered <u>unearned income</u> . |
| Different
Chap. II, Sec. C, | 2. <u>Other Payments</u> such as, but not limited to: Pensions, annuities, retirement, disability or veteran's benefits, unemployment insurance, workers comp., social security, dividends, interest, royalties, income from installment contracts (both principal and interest), strike benefits, and payments from government programs not specifically excluded by law. |
| Same
Chap. II, Sec. B, | 3. <u>Trust Funds</u> - Money received from a trust is income |
| Different
Chap. II, Sec. D, | 4. <u>Rental Income</u> - Gross income, less the cost of doing business (FS 444-2). |

EXCEPTION: If any household member is actively engaged in management of the property on an average of at least 20 hours per week, consider as earned income (FS 555-2).

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INCOME AND DEDUCTIONSUnearned Income

- | | |
|--------------------------------|---|
| Different
Chap. II, Sec. A, | 5. <u>Child Support or Alimony</u> - Payments made directly to the household, including the pass through and gap supplements. Money deducted or diverted from court ordered support or alimony to pay household expenses is also counted as income. |
| Different
Chap. II, Sec. C, | 6. <u>Income from Sponsors of Aliens</u> - See FS 444-1. |
| Different
Chap. II, Sec. C, | 7. <u>Students with Educational Income</u> - count portion of loans, grants, scholarships and other educational benefits not excluded (FS 444-7). |
| Same | 8. Money that is <u>legally due</u> the household which is diverted to a third party to pay household expenses is counted as income. |

EXAMPLES:

- a. Diversion of all or part of an AFDC grant to a landlord;
- b. that portion of a UIB check intercepted by SELU;

NOTE: GA vendor payments are excluded. See FS 555-4.

9. Money that is legally due a household member but is received and used for that household member by a non-household member.

Same

VERIFYING UNEARNED INCOME - Documentary evidence is the primary source of verification. Whenever attempts to verify income have failed for reasons other than client non-cooperation, an amount to be used shall be determined based on the best available information. If verification (other than documentary evidence) is used, the reason why shall be explained in the case file.

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INCOME AND DEDUCTIONS

Unearned Income

The following documents are generally available to verify unearned income:

- All types of award letters
- Income tax records
- Support and alimony payments evidenced by court order, divorce or separation papers, or check copies.
- BENDEX and SDX
- Social Security Query Card Response
- Social Security District Office files
- Maine Employment Security Commission
- Worker's Compensation records
- Insurance company records
- GA Agency records (Social Service Agencies)

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TANF or PaS Reference

7 CFR 273.9

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INCOME AND DEDUCTIONS

Excluded Income

GENERAL RULE - All income, except that listed in this section, is counted.

Different
Chapter III

1. Loans - All loans, except loans on which repayment is deferred until completion of that member's education. (A statement signed by both parties indicating the money is a loan is acceptable verification.) For repayment of home equity loans see allowable shelter costs at FS 555-5, Page 5.

Same
Chapter III

2. Certain Vendor Payments
 - a. Money payments by a non-household member which are not legally due the household and are paid directly to a third party for a household's expense. For example, a relative pays the rent or an employer pays the rent in addition to wages.
 - b. TANF vendor payments made to a third party which are not normally included in the TANF check or which are over and above the normal TANF payment (currently, Maine does not restrict any part of TANF assistance to a vendor payment; therefore, this exclusion does not apply to TANF in Maine).
 - c. Vendored assistance from state or local programs which provide no cash assistance. This includes General Assistance vendor payments made to a third party after July 31, 1991. Effective June, 1991 all General Assistance payments must be made in the form of a third party vendor payment, and are excluded under provisions of the Food and Nutrition Act beginning August, 1991.
 - d. When a court has ordered a vendor payment in lieu of a direct payment, it is not counted.

Different
Chap. II,
Sec. C

3. Income in Kind - Any gain or benefit which is not money such as shelter provided by an employer or a landlord, produce from a garden, clothing, gift cards, etc.

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INCOME AND DEDUCTIONS

Excluded Income

4. Repayments - Monies withheld or returned from an assistance payment, earnings, or other source to repay a prior overpayment.
Exception: Count the gross amount when the overpayment is the result of an intentional violation in a means-tested program, such as TANF/PaS and SSI. An intentional violation in TANF/PaS must be determined by a court or an administrative hearing. It can be determined by the signing of a waiver.
5. Child Support Payments - Received by TANF/PaS recipients that are turned over to the Department of Health and Human Services.
NOTE: See #18 for treatment of child support payments made by FS recipients.
6. Excluded Reimbursements and Allowances - Payments which do not exceed the actual costs for job-related or training-related expenses, medical expenses, or dependent care expenses. This includes allowances from ASPIRE/JET and WIA.
NOTE: Exclude all ASPIRE work related expense payments, even when received prospectively.
7. Third-Party Payments - Monies received and used for the care of a third-party beneficiary who is not a household member.
NOTE: Payment made to both household/non-household members. Identify and exclude any 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 identified, prorate the payment among intended beneficiaries. Apply the exclusion to the member's prorated share or the amount actually used for the non-household member's care and maintenance, whichever is less.

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INCOME AND DEDUCTIONS

Excluded Income

8. Earned income of an elementary or secondary school student 17 years of age or younger who lives with his or her natural, adoptive, or stepparent, or who is living under the parental control of a household member other than a parent.

An elementary or secondary school student is someone who attends elementary or secondary school enough time for that person's state or local school district to consider the person a "student". This includes a student who attends GED or home-school classes recognized, operated, or supervised by the student's state or local school district.

The exclusion of this income will not be altered by semester breaks, summer vacations, etc., provided the student will resume enrollment after the break (FS 444-7).

NOTES: The student's income will be excluded until the month following the month in which the student turns eighteen for both new applicants and students who turn eighteen during the certification period. If the household receives one payment for work performed by all members and the student's portion is not defined, divide the income equally among the number of household members working and exclude portion allotted to the student.

9. Losses from Farming Enterprise (FS 444-2)
10. Nonrecurring Lump-Sum Payments are excluded. Treat as assets.

Some examples are:

Income tax refunds, including EITC, Alternative Aid and Emergency Assistance payments. That portion of retroactive lump-sum Social Security, SSI, railroad retirement or insurance settlements intended to cover a period prior to the budget month.

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NOTE: That portion of an TANF or PaS retroactive payment which covers a period prior to the payment month is treated as an asset, rather than income. The same is true of a nonrecurring SELU pass through and gap payment which is for a prior period.

11. Specified Student Income Exclusions - See FS 444-7.
12. Wages from Youth Employment and Training programs under Title IV of CETA are excluded.
13. Certain cash donations, based on need, received on or after February 1, 1988 from one or more private, nonprofit charitable organizations. The first \$300 of such cash donations per federal fiscal year quarter shall be excluded.

NOTE: FY Quarters are as follows Jan. - Mar., April - June, July - September, and October - December.

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INCOME AND DEDUCTIONS

Excluded Income

14. Income excluded by Federal statute such as:

- a. Energy Assistance - Payments or allowances made under any federal energy assistance law except that provided under Title IV-A (Welfare Block Grant). Beginning 8/1/94, Department of Housing and Urban Development (HUD) and Farmer's Home Administration (FmHA) utility payments and reimbursements are considered federal energy assistance.

NOTE: If a household incurs utility expenses in excess of the HUD or FmHA utility payments or reimbursement, it is entitled to claim the appropriate utility standard or actual costs, whichever is higher (see FS-555-5).

NOTE: An expense paid on behalf of the household under state law to provide energy assistance is considered an out of pocket expense incurred and paid by the household.

- b. Workforce Investment Act (WIA) payments.

NOTE: Payments from WIA's on-the-job training program (OJT) count as income unless they are received by dependents less than 19 years old or, regardless of age, unless they are received by participants in the Summer Youth Employment and Training Program and comparable summer youth employment and training programs under Americorps. Americorps does not provide OJT.

- c. VISTA - These payments will be excluded only if the recipient was receiving FS or public assistance at the time he joined VISTA. Temporary interruptions in FS participation do not change the exclusion once an initial determination of exemption has been made. Applicants not receiving public assistance or FS when they joined VISTA will have VISTA payments counted as earned income. This rule also applies to Americorps/VISTA payments.

Exception: VISTA volunteers who were receiving FS prior to January 1, 1979 will continue to have VISTA income excluded.

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INCOME AND DEDUCTIONS

Excluded Income

- | | |
|---------------------|---|
| Same
Chapter III | d. <u>National Older Americans Volunteer Programs</u> (not all inclusive) -

- Retired Senior Volunteer Program (RSVP)
- Foster Grandparent Program
- Older American Community Service Programs
- Senior Health Aides and Senior Companions
- Service Corps of Retired Executives (SCORE)
- Active Corps of Executives (ACE) |
| Same
Chapter III | e. <u>Payments Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</u> |
| Same
Chapter III | f. <u>Women, Infants and Children (WIC) Program</u> |
| Same
Chapter III | g. <u>Special Indian Payments</u> - Excluded by law, such as payments under the Maine Indian Land Claims Settlement Act. |
| Same
Chapter III | h. Wages under the Senior Community Service Employment Program of the Older Americans Act currently administered by the national Able Network are excluded (Retroactive to 10/1/87). |
| Same
Chapter III | i. Payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the Agent product liability litigation. This exclusion is retroactive to January 1, 1989. |
| Same
Chapter III | j. Federal EITC is excluded as income whether received as advanced payment in weekly wages or received in one sum after filing annual income tax return. |
| Different | 15. Amounts necessary for the fulfillment of a plan to achieve self support (PASS) excluded by the Social Security Administration in figuring SSI payments are excluded for Food Supplement Program benefits, also |

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16. State or federal one-time assistance for weatherization or emergency repair or replacement of an unsafe inoperative or other heating or cooling device is excluded.
17. Matching awards of Savings Offer Success (SOS) made by Rural Opportunities, Inc. (ROI) to households that participate in their program are to be excluded as income and as a resource. The individual's contribution is not excluded as a resource.
18. Funds in the Department of Housing and Urban Developments (HUD) Family Self-Sufficiency Program (FSS) escrow accounts.
19. Nutritional Assistance Program (NAP) Benefits from Puerto Rico, American Samoa and the Commonwealth of the Northern Marinas.
20. Payments to a former spouse made under the Uniformed Services former Spouses' Protection Act. These are part of a property settlement involving military retirement.
21. Legally obligated child support payments.
Beginning October 1, 2002, exclude legally obligated child support payments made by a household member to or for an individual who is not a member of the household.

NOTE: The exclusion is allowed when a child support payment is made to an individual or an agency outside the household even if the child for whom the support is paid is a household member. However, child support paid by a household member which is received by a member of that household will not be allowed as a child support exclusion or counted as child support income (e.g., child support arrearage that is paid to the state by a household member and is forwarded by the state to a child entitled to the support payment who resides in that household is not counted as an exclusion to the payer of the child support or counted as income to the child).

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Exclude legally obligated child support payments, which are:

1. Payments made for current obligation.
2. Payments made for unmet past obligation.
3. In-kind payments if the in-kind nature of the payment is ordered by the court or administrative child support hearing (ex. the court ordered the individual to pay for a child's health insurance).

Verification: Household must verify child support payments and that they are legally obligated before they are excluded. Copies of legal procedures, canceled checks, signed statements from payee, and information from the Division of Support Enforcement and Recovery are sufficient.

Do not exclude:

1. Child support payments which are not legally obligated (ex. voluntary payments).
 2. Child support payments which divert from the court order (ex. purchasing clothing instead of paying the \$50/wk ordered by the court).
 3. Spousal or any other non-child support payments.
 4. Child support collected through tax intercept.
22. Monies received as accrued interest on a recipient's Family Development Account or Separate Identifiable Account.
23. Monies received as a match on deposits a recipient makes in their Family Development Account or Separate Identifiable Account set up as authorized by state law 2MRSA 3762 up to the \$10,000 cap.
24. Effective October 1, 2004, any additional money from military personnel during the time of deployment to a combat zone that is made available to the FS household.

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INCOME AND DEDUCTIONS

Deductions

Different Chapter III **GENERAL RULE** - Allow certain expenses to be deducted from countable income. These expenses must be incurred by the household. They shall only be deductible if the service is provided by someone outside the household. Determine deductible expenses prospectively. Only the following expenses are allowed:

1. Earned income deduction
2. Standard deduction
3. Excess medical deduction (elderly and disabled only)
4. Dependent care deduction (even if dependent is not included in the household)
5. Excess shelter deduction

EARNED INCOME DEDUCTION:

Different Chapter III Deduct 20% of total gross earnings.
Exceptions: the earned income deduction is not allowed for that portion of earned income

- earned under a work supplementation or support program that is attributable to public assistance; or,
- which the household failed to report in a timely manner (when determining an overissuance).

NOTE: Workfare assistance payments are considered unearned income and not subject to this deduction.

STANDARD DEDUCTION:

Not Applicable The standard deduction will vary according to household size and will be adjusted annually for cost-of-living increases.

For the time period of October 1, 2011 through September 30, 2012, the Standard Deduction will be:

Household of 1 to 3 members	\$147
Household of 4	\$155
Household of 5	\$181
Household of 6 or more	\$208

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INCOME AND DEDUCTIONS

Deductions

EXCESS MEDICAL DEDUCTION:

Not Applicable

Allow medical expenses, excluding special diets, incurred by elderly or disabled persons only (FS 999-1). Deduct non-reimbursable allowable medical expenses which exceed \$35.00 per month per household.

Allowable medical costs are:

1. Dental and medical care. Also, psychotherapy and rehabilitation services by qualified health professionals.
2. Hospitalization, outpatient treatment, nursing care and nursing home care (including payments for persons who were household members immediately prior to entering a hospital or nursing home) recognized by the State.
3. Prescription drugs when prescribed by a licensed practitioner and other over the counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional; in addition of medical supplies, sick room equipment (including rented) or other prescribed equipment.
4. Medicare premiums, health and hospitalization insurance policy premiums.

EXCEPTION: Health and accident policies (such as those payable in lump-sum settlements for death or dismemberment), or OFFICE FOR FAMILY INDEPENDENCE policies are not allowed.

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INCOME AND DEDUCTIONS

Deductions

5. Dentures, hearing aids and prosthetics.
6. Securing and maintaining a seeing eye, hearing ear dog or any service animal specifically trained to serve the needs of a disabled or aged individual. Dog food and veterinarian bills are allowed.
7. Prescription eyeglasses.
8. Costs of transportation and lodging for person obtaining medical treatment. Allow costs for an attendant when necessary.

NOTE: For transportation costs, actual verified costs or the standard mileage allowance may be used. The Maine state employee mileage allowance reimbursement rate is the amount to be used if the standard mileage allowance is claimed.

9. Costs of attendant, homemaker, home health aide, child care services or housekeeper necessary because of age, infirmity or illness. Also, deduct an amount equal to the one-person Food Supplement benefit if the household provides the majority of the attendant's meals. If the attendant care costs qualify under both medical and dependent care deduction, allow as a medical deduction.

VERIFICATION: Household must verify medical expenses before they are allowed. Copies of paid or unpaid bills are sufficient.

DEPENDENT CARE DEDUCTIONS:

Beginning 10/01/08, there is no cap. Allow out of pocket costs for all dependents when care is necessary for a household member to

1. accept or continue employment.
2. seek employment
3. attend training or schooling in preparation for employment.

VERIFICATION: Household must verify dependent care expenses at certification and recertification (review) before they are allowed. Copies of paid or unpaid bills, or statement from provider are sufficient.

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TANF: III

Med: 2461

CFR 273.9(d)

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DEPENDENT CARE DEDUCTIONS cont.

From 9/1/94 to 9/30/08, allow costs up to \$200 a month for each dependent child under 2 years of age and \$175 for each other dependent when care was necessary for a household member to

1. accept or continue employment.
2. seek employment.
3. attend training or schooling in preparation for employment.

NOTE: If the child's second birthday was reached within the certification period, the \$200 maximum dependent care deduction shall be adjusted no later than the household's next regularly scheduled recertification.

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TANF: N/A

Med: 4220

CFR 273.9(d)

Section: **FS-555-5**

Page 5

INCOME AND DEDUCTIONS

Deductions

HOMELESS SHELTER DEDUCTION:

Beginning 11/96, homeless households which incur or reasonably expect to incur shelter costs during a month shall be eligible for a \$143 per month deduction unless higher shelter cost can be verified.

Notice: This is a deduction and no longer a shelter expense.

EXCESS SHELTER DEDUCTION:

Excess shelter costs are those over 50% of the household's income after all other deductions.

Effective October 1, 2011, the Excess Shelter deduction cannot exceed \$459.

EXCEPTION: No maximum shelter cap applied to households with one or more elderly or disabled persons (FS 999-1).

NOTE: For households with members who are non-citizens funded by Federal and State funds see Sect. 444-11.

Allowable shelter costs are:

1. rent, mortgage, or other continuing charges leading to ownership of shelter occupied by household. Security deposits are not allowed. Condominium fees are allowed. Condominium association fees, if required, are also allowed. Payments on second mortgages and home equity loans are allowable shelter costs.
2. property taxes, state and local assessments, and insurance on the structure. DO NOT allow separate costs for insuring furniture or personal belongings.
3. electricity, gas, heating/cooling costs, cooking fuel, water, sewer, trash collection, basic fee (and tax on basic fee) for one telephone and initial installation of utilities.
4. charges for repair of home when damaged by natural disaster, unless reimbursed by private or public relief agencies, insurance, etc.

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TANF/PaS: N/A

Med: Appendix C

7 CFR 273.9(d)

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Page 6

INCOME AND DEDUCTIONS

Deductions

UTILITY EXPENSES:

Households that incur expenses for heating or air-conditioning bills that are separate and apart from rent/mortgage bills must be given the Full Standard Utility Allowance (FSUA). Households not eligible for the FSUA may claim actual expenses or, if eligible, may elect to use the Non-Heat Utility Allowance (NHUA). See page 7 for NHUA rules. Households not eligible for FSUA or NHUA may elect to use the Telephone Only Utility Allowance (PHUA). See page 7 for PHUA rules.

FSUA

Effective October 1, 2012 the Full Standard Utility Allowance (FSUA) is \$634.

A household that incurs these expenses on an irregular basis may use the full standard allowance between billing periods. A household which lives in a **private** rental unit which has central utility meters and charges the household only for excess heating or air conditioning costs may not deduct the FSUA. When someone outside the household is paying the entire cost of heating/cooling, and the payment is excluded as a vendor payment, the FSUA may not be deducted.

NOTE: Assistance from Home Energy Assistance Program (HEAP) or ECIP automatically entitles the household to the FSUA. This policy is retroactive to 10/1990.

Households living in a **public** housing unit which has central utility meters and are charged only for excess utility costs are allowed the FSUA.

SHARED RESIDENCE:

In a situation in which multiple households share heating and cooling expenses, each household is eligible for the full standard deduction. (See FS-555-5, page 7 for shared residence proration rules in NHUA and PHUA situations).

The FSUA may not be deducted when utility expenses are included in the rent, unless the household receives or anticipates receiving assistance from HEAP or ECIP (use the Excess Shelter Deduction Handbook for guidance).

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TANF/PaS: N/A Med: Appendix C 7 CFR 273.9(d)

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INCOME AND DEDUCTIONS

Deductions

If the entitlement to the FSUA is based on receipt of a HEAP or ECIP payment, the Eligibility Specialist must anticipate with reasonable certainty if such a payment will be received. This determination must be made on an individual household basis using the best available information. The following are some guidelines which may be used:

- a. If a household does not incur any direct or indirect energy costs, it does not plan to apply for a HEAP or ECIP payment, or there are no HEAP/ECIP funds left for the period in question, it is very unlikely that the household will receive a HEAP/ECIP payment.
- b. If the household incurs energy costs, it plans to apply for a HEAP/ECIP payment, HEAP/ECIP funds are available, and the household is receiving Food Supplement benefits, it is likely that a HEAP/ECIP payment will be received. Households in which one or more individuals are receiving TANF, SSI, Food Supplement benefits, or certain needs - based veterans' and survivors' payments do not have to meet the income test that other HEAP/ECIP applicants must meet.
- c. If a household received a HEAP/ECIP payment last year and there is no indication that the household's financial circumstances will change, assume that the household will continue to be eligible for a HEAP/ECIP. Determine if the household plans to apply for HEAP/ECIP benefits and if it is likely that funds will be available.
- d. If a household received a HEAP/ECIP benefit last year and anticipates receipt of one this year, the household's entitlement to the FSUA shall continue.
- e. If the household anticipates receipt of HEAP/ECIP benefits this year and appears to be eligible, allow the use of the FSUA even if the household said it was going to apply for HEAP/ECIP benefits last year but did not.
- f. If eligibility for the FSUA is dependent on receipt of a HEAP/ECIP payment and anticipation with reasonable certainty that the household will receive another HEAP/ECIP payment cannot be determined, a certification period may be assigned which runs concurrently with the period of the household's eligibility for HEAP/ECIP benefits.

Households whose units are metered separately or where they are otherwise able to provide verification that they are charged separately for heat and/or air conditioning shall be allowed the FSUA.

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TANF/PaS: N/A

Med: Appendix C

7 CFR 273.9(d)

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Page 7

INCOME AND DEDUCTIONS

Deductions

NHUA

Effective October 1, 2012, the NON-HEAT UTILITY ALLOWANCE (NHUA) is \$211

Households not entitled to the FSUA may claim the actual expenses incurred or elect to use the non-heat utility allowance (NHUA) provided they incur at least two of the following expenses: cooking, lights, water, sewer, trash collection, or telephone. Expenses for trash collection include the costs of trash bags, land fill fees, etc.

If a household has only one of the above expenses, actual expense must be used.

The household may switch between actual expenses and the non heat standard at the period of re-determination. If a household moves during the certification period, the household may choose between the standard and actual utility costs at the time of the move.

NOTE: In a situation in which multiple households share utility expenses, each household will receive the appropriate prorated share of the NHUA.

PHUA

Effective October 1, 2012, the TELEPHONE ONLY UTILITY ALLOWANCE (PHUA) is \$41

Households not entitled to the FSUA or the NHUA are entitled to the telephone only utility allowance (PHUA) if the only utility expense they incur is for telephone service. Telephone expenses include basic line charges, etc. They also include cellular phone fees if the household only has cellular phone(s) and telephone cards if this is the household's only means of telephone communication. Households may not deduct actual telephone costs.

NOTE: The cost of telephone service has already been included in figuring the FSUA and NHUA amounts, so PHUA may not be deducted along with either the FSUA or NHUA.

In a situation in which multiple households share telephone expenses, each household will receive the appropriate prorated share of PHUA.

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TANF Reference

7 CFR 273.9(d)

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INCOME AND DEDUCTIONS

Deductions

USE OF RESIDENCE FOR SELF EMPLOYMENT

That portion of the shelter costs used as self-employment expenses (FS 444-2) cannot be used as shelter expenses.

Unless the utility expense is measured and billed separately, the household cannot receive a standard utility allowance (SUA) if the utility expense is used as a self-employment expense.

EXCEPTION: If the household charges the renter for utilities separately from rent (either actual, a percentage, or a flat amount), the SUA or actual costs are prorated between the renter and the household and allowed as shelter costs. The renter's utility payment to the household is counted as income to the household, and the household is entitled to a self-employment exclusion in this amount for the costs of providing utilities to the renter.

If the renter or the household receives LIHEAP or pays for heat, they are entitled to the FSUA.

Not Applicable

HOME TEMPORARILY VACATED:

Allow additional shelter costs for a home temporarily vacated by the household because of employment or training, illness, natural disaster or casualty loss ONLY if:

Not Applicable

1. household intends to return.
2. current occupants are not claiming shelter costs for FS purposes.
3. home is not leased or rented while household members are absent.

NOTE: Verification of actual utility costs for unoccupied homes is required if it would result in a deduction. The SUA shall not be allowed for unoccupied homes.

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TANF Reference

CFR 273.9(d),273.10(d)(1)(i)

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INCOME AND DEDUCTIONS

Deductions

HANDLING OF EXPENSES

Different
Chapter III

1. Except when expenses are averaged, a deduction is allowed only in the month the expense is billed or otherwise becomes due, regardless of when the household plans to pay the expense. For example, rent which is due each month shall be included even if the expense is not yet paid. Amounts from past billing periods are not deductible.

NOTE: When household occupies a residence that has a monthly rent structure, the monthly amount of rent should be taken into consideration as an allowable expense for each month when the shelter deduction is determined, without regard to when the rent was actually paid. For example: A Food Supplement household has a monthly rent of \$500.00. The household received a financial windfall in November and pays rent for the next six (6) months. Allow the \$500.00 rental payment for each of those pre-paid months.

2. Deductible expenses must be payable to someone outside the household.
3. Fluctuating expenses may be averaged. Expenses which are billed less often than monthly may be averaged forward over the interval between scheduled billings or if there is no schedule over the period the expense is intended to cover. Onetime only medical expenses may be averaged over the certification period or in the instance of installment purchases over the life of the repayment schedule. Interest, carrying charges insurance, or penalties are not allowable expenses. (Interest portions of mortgage payments are allowable.)

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TANF Reference

CFR 273.9(d),273.10(d)(1)(i)

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INCOME AND DEDUCTIONS

Deductions

Both one time and recurring medical expenses that are reported and verified at certification or recertification and which are reasonably anticipated to occur in the certification period shall be allowed. Further reporting or verification of any change in medical expenses during the certification period is no longer required. However, should a change be reported and verified, that change shall be processed according to change processing policy (see FS-666-6). If the agency finds out about a change in medical expenses from a source other than the household (e.g. Medicaid in an office with generic workers), the agency shall act on the change if it is considered verified upon receipt and the agency can act on it without contacting the household for additional information or verification. If the change would require the agency to contact the household, the agency would not act on the change during the certification period.

One time only medical expenses which are reported during the certification period may be treated as a one time only deduction or averaged over the remaining months of the certification period or the installment contract. Averaging would begin the month the change would become effective. If the change cannot be reflected within the certification period, a supplemental allotment shall be issued.

4. That portion of the household's shelter expenses which has been allowed as a cost of doing business shall not be considered as a deductible shelter expense.
5. That portion of the household's shelter expense which is paid in the form of an excluded vendor payment shall not be allowed. Shelter or expenses paid via a countable vendor payment shall be allowed.

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TANF Reference

CFR 273.9(d),273.10(d)(1)(i)

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INCOME AND DEDUCTIONS

Deductions

6. The household's expenses shall be calculated based upon the expenses expected to be billed during the certification period. Anticipation of the expense shall be based upon the most recent month's bills unless it is reasonably certain that a change will occur. Changes may also be anticipated based on last year's bills for the same period updated to reflect overall price changes. Averaging past expenses, such as utility bills, for the last several months as a method of anticipating is not allowed.

VERIFICATION:

Utility expenses must be verified if household claims expenses in excess of standard and this would result in a deduction. Also, verify if shelter expenses are questionable.

A move to a new residence requires reassessment of shelter expenses, including utilities.

VERIFICATION AT REDETERMINATION:

Verify actual utility expenses if the household claims expenses in excess of the SUA.

DO NOT ALLOW

- a. past due bills or amounts carried forward.
- b. questionable expenses not verified - if not allowed, document the reason.
- c. expenses paid by excluded vendor payment.
- d. costs that will be reimbursed.
- e. security deposits.

DO ALLOW

Expenses paid by a countable vendor payment (payments to which the household is otherwise entitled).

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TANF: IV

Med: N/A

CFR 273.10(e)

Section: **FS-555-6**

Page 1

INCOME AND DEDUCTIONS

Calculating Eligibility and Monthly Benefit

Add the household's total countable prospective gross income and compare it to the gross income standard (FS-000-1).

EXCEPTION: Households containing an elderly or disabled person are not subject to the gross income test.

If eligible, follow this step-by-step procedure for calculating net monthly income and benefits.

1. Add all gross earned and unearned income.
2. Subtract legally obligated child support payments.
3. Compare total to gross income limit. (Categorical households and those with an elderly or disabled person have no gross test.)
4. Subtract 20% of earned income (FS-555-5).
5. Add unearned income of all household members (FS-555-3).
6. Subtract legally obligated child support payments.
7. Subtract the standard deduction (FS-555-5).
8. If the household contains an elderly or disabled person, subtract that person's non-reimbursable medical expenses in excess of \$35.00 a month per household (FS-555-5).
9. Subtract dependent care expense.
10. Subtract homeless shelter deduction to determine adjusted net income (FS-555-5).
11. Determine total shelter costs (FS-555-5).
12. Subtract half the adjusted net income from the shelter costs to determine the shelter deduction.

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TANF: IV

Med: N/A CFR 273.10(e)

Section: **FS-555-6**
Page 2

INCOME AND DEDUCTIONS

Calculating Eligibility and Monthly Benefit

13. Subtract the shelter deduction up to the cap from the adjusted net income to determine the net Food Supplement income (NFSI) (FS-555-5).

EXCEPTION: There is no shelter cap for a household containing an elderly or disabled person.

14. Compare NFSI to the net income standard (FS-000-1).

15. If eligible, determine the benefit by subtracting 30% of the NFSI from the Thrifty Food Plan for that size household (FS-000-1).

EXCEPTION: Except for the initial month, eligible one and two member households shall be entitled to a minimum allotment of \$16.00.

16. The allotment to be issued for the initial month shall be prorated from the date of application, using the "Table of Percentages for First Month Benefit" chart at FS-555-7, page 2. When the resulting allotment ends in 1 through 99 cents, round down to the nearest whole dollar.

NOTE: For migrant and seasonal farm worker households which previously participated in the program, benefits are prorated only if there was a break of more than one month since their last participation. For all other households benefits are prorated if there is any break in participation (e.g., a recertification submitted after the certification period has expired).

REMINDER: Benefits are not prorated if the household timely reapplies for recertification but the agency causes the delay.

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TANF/PaS: IV Med: N/A

CFR 273.10(e)

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INCOME AND DEDUCTIONS

Calculating Eligibility and Monthly Benefit

17. An eligible household which applied after the 15th of the month shall be issued an allotment which represents the initial month's allotment plus the first regular month's allotment.

NOTE: If a household reapplies with less than a 30 day break since previous participation, the resulting benefits are not an "initial" issuance and do not qualify for the combined two month allotment provision.

18. No allotment for the initial month shall be issued if the value is less than \$10.00.
19. No initial month's allotment is to be reduced to pay off a claim without the household's permission.

BUDGET WORKSHEET

CASE NAME _____ CASE I.D. NO: _____

Pre-Test For Those Household Making Child Support Payments

<u>GROSS MONTHLY EARNINGS</u> NAME	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____
x .20	
=	\$ _____

TOTAL GROSS EARNED AND UNEARNED INCOME
 \$ _____
 SUBTRACT LEGALLY OBLIGATED CHILD
 SUPPORT PAYMENTS

TOTAL GROSS EARNINGS	\$ _____
LESS 20 PERCENT	\$ _____
NET EARNED INCOME	\$ _____

<u>UNEARNED MONTHLY INCOME</u> TYPE	AMOUNT
AFDC	\$ _____
UIB	\$ _____
SSA	\$ _____
SSI	\$ _____
OTHER	\$ _____
TOTAL	\$ _____

ADD TOTAL UNEARNED INCOME	\$ _____
TOTAL EARNED AND UNEARNED	\$ _____
LESS LEGALLY OBLIGATED CHILD	\$ _____
SUPPORT PAYMENTS SUBTOTAL	\$ _____
LESS STANDARD DEDUCTION	\$ _____
SUBTOTAL	\$ _____
LESS EXCESS MEDICAL EXPENSE	\$ _____
SUBTOTAL	\$ _____
LESS DEPENDENT CARE	\$ _____
PER DEPENDENT	\$ _____
SUBTOTAL	\$ _____
LESS HOMELESS SHELTER	\$ _____
DEDUCTION	\$ _____
NET INCOME BEFORE SHELTER	\$ _____

<u>MONTHLY MEDICAL EXPENSES</u> (AGED/DISABLED ONLY)	
TYPE	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____
LESS	\$ <u>35.00</u>
= EXCESS MEDICAL	\$ _____

TOTAL SHELTER	\$ _____
LESS 50% NET INCOME	\$ _____
EXCESS SHELTER	\$ _____
LESS SHELTER DEDUCTION	\$ _____
(TO CAP, UNLESS AGED/DISABLED)	\$ _____
NET FOOD STAMP INCOME	\$ _____

<u>SHELTER EXPENSES</u>	
TYPE	AMOUNT
RENT	\$ _____
MORTGAGE	\$ _____
TAXES	\$ _____
INSURANCE	\$ _____
SUA OR	\$ _____
UTILITIES AS BILLED	\$ _____
TOTAL	\$ _____

<u>THRIFTY FOOD PLAN</u>	
FOR _____ PERSONS	
LESS 30% OF NFSI (ROUND UP)	\$ _____
MONTHLY BENEFIT	\$ _____
PRORATION	\$ _____
MONTHLY BENEFIT	\$ _____
x PRORATE FACTOR	\$ _____
= FIRST MONTH BENEFIT	\$ _____

**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
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TANF Reference

7 U.S.C. §§2020(s)(1) and (s)(3)(B)

Section: **FS-666-5**

Page 1

None

TRANSITIONAL FOOD ASSISTANCE (TFA)

Transitional Food Assistance (TFA) benefits are a fixed monthly amount of Food Supplement benefits that are provided for up to five months to certain families whose TANF cash assistance has ended. TFA eligibility is based on the TANF closure so the household must have received TANF or TANF/PaS cash assistance within the past 30 days and Food Supplement Program benefits within the past 60 days to be considered for TFA eligibility. The household does not have to lose eligibility for regular Food Supplement benefits to become eligible for TFA, however, the household cannot receive TFA and regular Food Supplement benefits at the same time.

Eligibility for Transitional Food Assistance (TFA)

All included members in an open Food Supplement household, that includes at least one member from a TANF financial assistance group at the time the TANF closes, are eligible for TFA.

Approved TANF closure reasons are:

1. Assets over limits;
2. Gross or net income over limits;
3. No eligible child in the home;
4. Failure to complete the review;
5. All voluntary withdrawals;
6. Increase in work hours, transitional services; or
7. Lump sum payments.

Households eligible for TFA will receive a TFA Start Letter, which contains information about who is eligible for TFA, the amount of the benefit, how the benefit was determined, and the length of the TFA period. The letter will also explain the process for reporting household changes for those receiving TFA. Households will be notified that they are not required to report any changes in circumstances until the time that they must apply for recertification. Finally, the letter will notify families that their benefit allotment can be changed if the household experiences a decrease in income, an increase in expenses or an increase in household size that could lead to a higher Food Supplement allotment.

Households are not eligible for TFA if TANF cash assistance closed in part or solely due to any of the following:

1. a sanction, being a fugitive felon, or Intentional Program Violation;
2. a transfer of assets or property to qualify for assistance;
3. failure to cooperate with quality control or child support;
4. failure to provide verification required to determine eligibility;
5. not residing in Maine;
6. a case head has left the household.

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TANF Reference

7 U.S.C. §§2020(s)(1) and (s)(3)(B)

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Page 2

Households in which all members are ineligible for the Food Supplement Program are also ineligible for TFA.

Individuals ineligible or excluded from the Food Supplement Program at the time that TFA is initially determined will remain ineligible for the duration of the TFA period.

None

Determining the Transitional Food Assistance (TFA) Benefit Allotment

The TFA benefit amount is based on information already known at the time the TANF ends. No further contact is required with the household until the end of the TFA period.

The TFA benefit amount is determined by using the Food Supplement Program budget for the last month that TANF cash was issued and deducting the TANF grant that the household is no longer receiving.

The resulting net income is used to calculate the TFA benefit amount

The TFA benefit amount is frozen for the duration of the TFA period regardless of any changes to the household's circumstances. See Transitional Food Assistance Requirements and Changes During the Transitional Food Assistance (TFA) Period below.

EXCEPTIONS: Only under the following circumstances are TFA benefits recalculated during the TFA period:

1. federally mandated updates to Food Supplement Program allotments and deductions in October;
2. recoupment; and
3. if a member of an TFA household moves out and either reapplies on their own or is reported as a new member in another Food Supplement household.

Transitional Food Assistance (TFA) Period

The TFA benefit period begins the first month following the last month TANF financial assistance was received and continues for five consecutive months, unless during the TFA period the household:

1. opens for TANF cash;
2. reapplies for regular Food Supplement benefits; or
3. requests that TFA close.

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TANF Reference

7 U.S.C. §§2020(s)(1) and (s)(3)(B)

Section: **FS-666-5**

Page 3

None

Transitional Food Assistance (TFA) Period (Cont)

The recertification period for Food Supplement Program will be reset to match the last month of TFA at the time the household is found eligible for TFA. See FS-666-8, Shortening a Certification Period.

Households will be mailed a special review form the end of month four of the TFA period. Households must recertify for regular Food Supplement benefits by completing the review form during TFA month five to have eligibility for regular Food Supplement benefits redetermined. During the recertification, all changes that were reported during the TFA period, and any new information, will be used to determine ongoing Food Supplement Program eligibility. If the household fails to complete and submit the review form or reapply, TFA automatically terminates on the last day of month five.

Transitional Food Assistance (TFA) Work Requirements

There are no work registration requirements or ABAWD work requirements during the TFA period.

Changes During the Transitional Food Assistance (TFA) Period

If the household only receives TFA, and is not open for another assistance program, the household has no reporting requirements. If the household is open for other programs in addition to TFA, the household must continue to report all changes as required by those programs.

Since TFA benefits are frozen and cannot be altered during the TFA period, any changes acted upon for other programs will not impact the TFA benefit amount. See **EXCEPTIONS** on previous page.

If a household experiences a decrease in income, an increase in expenses, or an increase in household size, the household's benefits could potentially be higher if the household stopped TFA and requested regular Food Supplement benefits. Because benefits are frozen during the TFA period, the household must reapply for regular Food Supplement benefits to have the household's benefit allotment amount changed.

Terminating Transitional Food Assistance (TFA)

TFA will automatically end under the following circumstances:

1. the household opens for TANF cash;
2. the household reapplies for regular Food Supplement benefits. See Changes During the Transitional Food Assistance (TFA) Period above; or
3. the household fails to complete and submit the review form during month five of the TFA benefit.

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TANF: I

Med: 1420, 1521 CFR 273.12/ 7 CFR 273.24

Section: **FS-666-6**
Page 1

CERTIFIED HOUSEHOLDS

Changes during the certification period

Effective February 1, 2009, reporting requirements during certification period have been simplified. All households will be placed on a reporting requirement at the time of certification or recertification. The specific reporting requirement will continue until the next certification or recertification, regardless of any changes during the certification period.

EXCEPTION: Historical information only – Effective July 2006 new reporting requirements for ABAWD households were established. (Section FS-111-7)

Phase-in process for adding households to Simplified Reporting on or after 2/01/2009

Households that are not on some type of simplified reporting before 01/31/2009, will be placed on Simplified Reporting at the household's next recertification after that date but no later than 01/31/2010. Previous rules about Change Reporting for Change Reporting households will apply until recertification is completed or until household reports a change during the certification period that would affect benefits.

SIMPLIFIED REPORTING Certified households under Simplified Reporting have limited reporting requirements.

Six Month Report

Those households required to complete a Six-Month Report must report changes on that report but are not required to report any other information between recertification's except as described below for each type of reporting.

Six Month Reporting - Categorical

Households that are Categorical, either due to the receipt of SSI, TANF or a TANF funded service and do not consist entirely of members age 60 or over with no earned income or whose only income is SSI and/or SSDI must submit a six month report.

This group of household members do not need to report any changes between certification and the six month report. Information on the submitted six month report must reflect the current status of the household.

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TANF: I

Med: 1420, 1521 CFR 273.12/ 7 CFR 273.24

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Six Month Reporting - ABAWD

Households that have at least one member who is an ABAWD must submit a six month report. Information on the submitted six month report must reflect the current status of the household.

In addition, this group of household members need to report:

- A. If employed, when weekly hours fall below 20 hours.
- B. If gross monthly income exceeds the 130% gross income test for that household size.

Both of the above changes are to be reported by the 10th of the following month of occurrence.

Six Month Reporting - Non Categorical

Households that are not categorical nor contain ABAWDs and do not consist entirely of members age 60 or over with no earned income or whose only income is SSI and/or SSDI must submit a six month report. Information on the submitted six month report must reflect the current status of the household.

This group of household members need to report if gross monthly income exceeds the 130% gross income test for the household size. This change must be reported by the 10th of the following month of occurrence. Non-categorical households that are not subject to the gross income test and have incomes over 130% FPL are not required to report any changes between certification and the six month report.

No Six-Month Report

Households with no earned income and consisting entirely of members aged 60 or older or whose only income is SSI, SSDI or a combination of SSI and SSDI benefits are not required to submit a six-month report between recertification's. These households may not contain a migrant farm worker or a homeless person.

Between certifications, these households must report if gross monthly income exceeds the 130% gross income test for that household size. If this happens it is to be reported by the 10th of the following month of occurrence.

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CERTIFIED HOUSEHOLDS

Six Month Reporting - General Information

Households on sixth month reporting shall be placed on a twelve month certification period. A six month report will be mailed to the client prior to the end of the fifth month.

- I. The six-month report is not a review and does not require recertification, therefore:
 - A. The report does not need a signature to be accepted as a filed report.
 - B. Reported changes that result in a decrease or closure need to have advance action notice.
 - C. Changes that result in a decrease in benefits (i.e. increases in income, decrease in household composition, decrease in expenses) do not require verification.
 - D. Changes that result in an increase in benefits (decrease in income, increase in household composition, increase in expenses) must not be made without verification. Verification of changes will be suggested on the six month report, they will not be required.

NOTE: Eligibility staff will use the verification policy at 222-5 which allows for verification only if questionable if not a mandated item. This could include such items as shelter, utilities, etc.

NOTE: Clients may be asked to submit verification; however, they are not to be required to do so. Clients should be told the advantage of submitting verification of changes that increase benefits.

If verification is received after the processing of the six month report and it results in an increase, the increase shall take effect in the month the verification was received. The household will be eligible for a supplement. Only answers to the questions on the report need to be reported. Failure to return the report prior to the end of the sixth month will result in an automatic closure of Food Supplement benefits. The benefits will remain closed without follow-up unless report is submitted during seventh month or the household reapplies for benefits.

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Six Month Reporting (cont.)

If a six month report is submitted late, but received by the Department within the seventh month, ongoing eligibility will not begin a new certification period. The recertification date will not change and benefits for the seventh month will be prorated if otherwise eligible.

Households that do not submit their six month report by the end of the seventh month of the certification period will need to reapply if they want benefits to continue. The late six month report cannot be accepted as a reapplication.

The Department shall act on all changes as they become known to the Department. Changes that are considered verified upon receipt, such as verified changes reported by the household, changes reported by Social Security, Child Support Enforcement, and Department of Labor Unemployment Benefits will be acted on whether they increase or decrease benefits. If reported changes cannot be considered verified upon receipt, the Department will not act on the change unless required by another program in which the household is participating.

Changes acted on for other programs for a household also receiving Food Supplement benefits must be acted on for the Food Supplement Program. If the Department sends a Request for Contact (RFC) letter to the household to clarify circumstances or to request verification for another program and the household fails to respond to the RFC, if the Department takes action to close the other program, the Food Supplement benefits for that same household will end.

Expedited applications which are processed pending verification and who fit the description of a sixth month reporting household will be placed on six month reporting at the time the pending verification is received and continued eligibility is determined. The sixth month report period shall begin with the first month of eligibility unless there is a break in assistance. If there is a break, the first month of eligibility (prorated or full) becomes the first month of a new certification period and the first month of the six month reporting period.

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CERTIFIED HOUSEHOLDS**Changes during the certification period
FOR ALL REPORTING SYSTEMS**

Changes that are reported, whether as part of recertification, as mandatory reporting or as a voluntary report will be acted upon in the following manner:

Households which are applying for initial or recertification must report all changes related to eligibility and benefits at the certification interview.

Advance notice of adverse action is required when the change results in a reduction or termination of benefits within the certification period.

NOTE: If any responsible member provides information in writing, requests that the action take effect immediately, and signs that statement, the action will be taken immediately.

- I. All factors of the certification period shall be determined prospectively.
 - A. If ineligible, close the case and give advance notice of adverse action.

EXCEPTION: If the household is expected to be ineligible for only one month, suspend the case and give advance notice of adverse action.

- B. If eligible, benefit level shall be determined based upon anticipated income and circumstances.
- C. If the change results in decreased benefits, give advance notice of adverse action and decrease the benefits.
- D. If the change results in increased benefits or no change in benefits, take necessary action and notify the client. Increased benefits shall be made effective for the month following the report month in which the change is reported.

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TANF Reference

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CERTIFIED HOUSEHOLDS

Changes during the certification period

Different II. State Mandated Supplements

- A. When a change **is reported by the household**, and it would have resulted in a benefit increase for the month in which it is reported had the allotment not already been authorized, a supplemental allotment shall be issued. The amount shall be calculated based upon the difference between the amount already authorized and the amount the household would have received based upon the circumstances in the month the change is reported.

NOTE: This means that when a change is reported by the household during the certification period, a determination of whether or not a supplement is required must be made based solely on the circumstances in the month in which the change is reported. It is conceivable that a reported change could result in a decrease in next month's benefits and a supplement for this month.

B. Some examples are:

1. TANF/PaS mother and one child with no income other than TANF/PaS reports an additional child in March. April's TANF/PaS is increased but the TANF/PaS supplement date is believed to be April. The Food Supplement benefit supplement for March would be based on a household of three and the March TANF/PaS check amount which was for two. April's Food Supplement benefit would be based on a household of three and the anticipated April TANF/PaS benefits which will be for three. If the TANF/PaS supplement will be received in March it would be counted in the calculation of the Food Supplement benefit supplement.
2. In March, a Food Supplement household of four reports the loss of the member who was the sole source of income. Since the member has already participated, his income cannot be removed until April. March benefits will be based upon a household of four and the income of each member and the March circumstances of the remaining household members. There would be no supplement for March, and April benefits would be based upon a household of three; its income, and circumstances.

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TANF Reference

CFR 273.12 / 7 CFR 273.24

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CERTIFIED HOUSEHOLDS

Changes during the certification period

3. A Food Supplement household of five reports early in March that working member is laid off; will receive 1 pay check and one UIB check in March. The benefit supplement is based upon a household of five, the total of the earnings plus the one UIB check, and the other March circumstances unless otherwise indicated. April benefits shall be based upon household anticipated circumstances.
 4. A Household reports in May that a working member will be laid off one day in May. Full time work will resume in June. The May supplement is based upon one day loss of pay, household composition and circumstances in May. June benefits will be the same as May's regular allotment, provided no other changes are anticipated.
- C. Under no circumstances should a supplemental allotment be calculated based simply upon the difference between "this month's allotment compared to next month's allotment".
- D. Supplements shall be authorized not later than 5 days after the change is reported. Households are entitled to the supplement whether or not the change is reported within 10 days of its occurrence. They are also entitled to the supplement when the change is reported during the redetermination process.

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AFDC Reference

CFR 273.12 / 7 CFR 273.24

Section: **FS-666-6**

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CERTIFIED HOUSEHOLDS

Changes during the certification period

3. A Food Stamp household of five reports early in March that working member is laid off; will receive 1 pay check and one UIB check in March. Supplement is based upon a household of five, the total of the earnings plus the one UIB check, and the other March circumstances unless otherwise indicated. April benefits shall be based upon household anticipated circumstances.
 4. A Household reports in May that a working member will be laid off one day in May. Full time work will resume in June. The May supplement is based upon one day loss of pay, household composition and circumstances in May. June benefits will be the same as May's regular allotment, provided no other changes are anticipated.
- C. Under no circumstances should a supplemental allotment be calculated based simply upon the difference between "this month's allotment compared to next month's allotment".
- D. Supplements shall be authorized not later than 5 days after the change is reported. Households are entitled to the supplement whether or not the change is reported within 10 days of its occurrence. They are also entitled to the supplement when the change is reported during the redetermination process.

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AFDC Reference

CFR 273.12(e)

Section: **FS-666-7**

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CERTIFIED HOUSEHOLDS

Mass Changes

Same
Chap. I, Sec. C,
page 1

GENERAL RULE - Certain changes are initiated by the State or Federal government which may affect all or most of the caseload. These changes include, but are not limited to:

1. adjustments in the Thrifty Food Plan.
2. adjustments in the standard deduction.
3. adjustments in the shelter/dependent care deduction.
4. adjustments in the income eligibility standards.
5. periodic adjustments to AFDC payments.

Advance notice of adverse action is not required when a household's benefits are reduced or terminated as a result of a mass change. The household shall receive adequate notice not later than five days before benefits would normally be received.

***EXCEPTION:** Adverse actions resulting from computer to computer matching concerning mass changes to Federal benefits, other than Social Security and SSI, require an advance notice of 30 days.

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TANF/PaS: I

Med: 1500

CFR 273.10 (f)

Section: **FS-666-8**

Page 1

CERTIFIED HOUSEHOLDS

Certification Periods

GENERAL RULE - Establish a definite period of time which the household shall be eligible to receive Food Supplement benefits. At the expiration of each certification period entitlement to benefits ends. At initial application the first month of the certification period shall be the month of application. Certification periods shall conform to calendar months and shall not be more than twelve (12) months.

NOTE: Food Supplement Program (FSP) applicants and recipients receiving TANF/PaS and MaineCare shall be assigned a common re-determination period based upon FSP criteria. Categorically eligible TANF/PaS households shall have their FSP benefits terminated for failure to complete a re-determination even though they continue to receive TANF/PaS or SSI benefits. When TANF/PaS benefits are terminated within the certification period, and the agency does not have sufficient information to determine the effect upon FSP eligibility and benefit level, the following actions shall be taken:

Wait until it is certain that the TANF/PaS benefits will be closed for at least one month.

Unless the certification period expires by the end of the following month, send a notice of expiration which informs the household that its certification period will expire at the end of the month following the month the notice of expiration is being sent, and that its certification period is expiring because of changes in its circumstances which may affect its FSP eligibility and benefit level.

1. All households shall be assigned a twelve (12) month certification period.
2. Some households may be required to complete a mid-certification report (FS-666-6).

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TANF/PaS: Med: 1500 CFR 273.10 (f)

Section: **FS-666-8**
Page 2

CERTIFIED HOUSEHOLDS

SHORTENING A CERTIFICATION PERIOD

There are only three basic instances when the State can shorten a certification period:

1. When the State received information which indicates the household is ineligible,
2. When a household is found eligible for Transitional Food Assistance (TFA) and the recertification month is pushed back to match the last month of TFA, or
3. When the household does not cooperate in clarifying its circumstances.

For #1 & #3 only, a contact letter must be sent giving ten (10) days to respond. If the household does not respond, or responds and refuses to provide information, a notice of adverse action is sent for termination.

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TANF Reference

CFR 273.10, 273.14

Section: **FS-666-9**

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CERTIFIED HOUSEHOLDS

Different
Chapter I

Redeterminations

GENERAL RULE - The right to participate ends with the last day of the certification period. Each household shall be provided a notice of expiration by the beginning of the last month of certification. Benefits shall not be continued beyond the certification period, unless eligibility has been redetermined. To be redetermined, the household must submit a signed form and be interviewed face-to-face or by telephone. Advance notice of adverse action is not required when benefits change from one certification period to another.

Timely Redetermination

If the household timely files the recertification form, attends any required interview scheduled on or after the date the form was timely filed, and submits all necessary verification within the agency's time frame, the agency shall approve or deny the recertification and notify the household of its determination by the end of the household's current certification period. In addition, the agency shall provide the household an opportunity to participate by its normal issuance cycle in the month following the end of its current certification period.

To be considered timely filed, the agency must receive the household's recertification form by the 15th day of the last month of the certification period.

When a face-to-face interview is required, the agency shall schedule the interview on or after the date the application was timely filed if the interview has not been previously scheduled.

When any required verification is requested, the household must be allowed at least 10 calendar days to provide this in order to ensure its rights to uninterrupted benefits.

Any eligible household not determined eligible in sufficient time to participate by its normal issuance cycle, due to the time period allowed for submitting any missing verification, shall receive an opportunity to participate within 5 working days after the household supplies the missing verification.

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TANF or PaS: I Med: 1550

CFR 273.10, 273.14

Section: **FS-666-9**
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CERTIFIED HOUSEHOLDS

Redeterminations

Untimely Redetermination

The household shall lose its right to uninterrupted benefits for failure to file the recertification form by the 15th day of the last month of the certification period, attend any required interview scheduled on or after the 15th day of the last month of the certification period, or to submit all necessary verification within the time frame established by the agency as long as the time frame elapses after the 15th day of the last month of the certification period.

If the household loses its right to uninterrupted benefits due to such failures but is otherwise eligible after correcting such failures, the agency shall provide benefits within 30 days after the application was filed or within 10 days of the date the interview was completed or the required verification is provided, whichever is later.

If the household does not file the rectification until after the end of the previous certification period, the allotment to be issued for the initial month of recertification shall be prorated from the date of the application, using the "Table of Percentages for First Month Benefit" chart at FS-555-7, page 2.

Denials

Denials shall be completed either as soon as the household fails to appear for an interview or fails to submit verification within the required time frame, or by the end of the current certification period or within 30 days after the date the application was filed as long as the household has had adequate time for providing the missing verification.

Verification - Verify the following:

Income

Allowable medical expenses

Allowable legally obligated child support payments, when any changes in the legal obligation to pay child support, the obligated amount, and the amount paid are reported or the information is questionable

Utility expenses, when household chooses actual expenses

Separate household status, if claimed by the household

Other information which is questionable shall be verified.

Notices - Participating households which meet the "timely redetermination" time standards listed above shall be mailed an adequate notice of the agency action by the end of the household's current certification period. Participating households which do not meet the timely redetermination time standards shall be mailed an adequate notice of agency action within 30 days after the date the redetermination form was filed.

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TANF Reference

CFR 273.17

Section: **FS-666-10**

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CERTIFIED HOUSEHOLDS

Different
Chap. I, Sec. F

Restoration of Lost Benefits

GENERAL RULE - Do not restore benefits more than twelve (12) months prior to the month the agency becomes aware of the underpayment or is notified of the reversal.

When an underpayment is identified, take action to restore benefits when:

- the underpayment was caused by the agency;
- a disqualification for intentional program violation is reversed, or special instructions state that a household is entitled to a restoration of lost benefits.

A household is entitled to restored benefits, even if it is not currently receiving FS.

Installments may be made to restore lost benefits. An accounting system for documenting entitlement to restored benefits and for recording the balance must be maintained.

A fair hearing may be requested when the client is dissatisfied.

In order to restore benefits

Determine the time period to be covered in the restoration.

1. Regardless of the time period of lost benefits, restoration cannot cover more than a twelve (12) month period. Restoration may be made
 - back to the date of application when erroneously denied.
 - back to the first month that benefits were not received when benefits were erroneously terminated.
 - for the months the household was underpaid.

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TANF Reference

CFR 273.17

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The difference between what the household received and what it should have received equals the amount to be restored.

2. Establish eligibility for each month's benefit separately.

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AFDC Reference

CFR 273.17

Section: **FS-666-10**

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CERTIFIED HOUSEHOLDS

Restoration of Lost Benefits

3. Subtract any amount owed the agency due to any previously established claim for overpayment, regardless of cause of overpayment.

4. If the household's membership has changed, restore the benefits to the household containing the majority of the household members at the time the error occurred. If this cannot be determined, restore benefits to the person who was the head of household at the time of the error.

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AFDC Reference

CFR 273.15

Section: **FS-777-1**
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ADMINISTRATIVE PROCEDURES

Fair Hearings

Different
Chap. I, Sec. C

GENERAL RULE - A household has an opportunity for a fair hearing when it disagrees with actions affecting its benefits. Any request for a fair hearing must be made within ninety days of the date of the action. The Department may waive time limits. Requests for hearings may be made orally or in writing at the Regional Office or at the Central Office. All decisions of fair hearing officials are binding on the Department.

NOTE: Clients who are dissatisfied with any action shall be given the opportunity to discuss their case with the immediate supervisor. The household shall be advised that this meeting with the supervisor is optional and will not delay or replace a fair hearing.

TIME LIMITS ON HEARINGS - The Department has sixty days from the date of the request for a hearing to hold the hearing, render the decision, and notify the household. Decisions will be implemented immediately.

The household can have the hearing postponed for up to thirty days. The time limit is extended accordingly.

NOTE: Hearing requests from households planning to move from the area within sixty days shall be processed faster than normal to enable a decision and possible restoration of benefits before they leave.

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AFDC Reference

CFR 273.15

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Page 2

ADMINISTRATIVE PROCEDURES

Fair Hearings

DEPARTMENTAL RESPONSIBILITIES ON HEARING REQUESTS

- 1) Provide without charge the specific Department documents requested by the client or his representative.
- 2) Provide a translator, if necessary.
- 3) Advise the household of legal services available.

DENIAL/DISMISSAL -

The Administrative Hearings Unit shall not deny or dismiss a hearing request unless:

- 1) the request is not received within ninety days of the action.
- 2) the request is withdrawn.
- 3) the household or its representative fails to appear at the scheduled hearing, and does not present evidence that his absence was beyond his control.

CONTINUATION OF BENEFITS - If a household requests a hearing within twelve days of the notice, and the certification period has not expired, benefits shall be continued as authorized immediately prior to the notice unless the household waives continuation of benefits.

If the hearing request is not made within twelve days, benefits shall be reduced or terminated, as stated in the notice.

NOTE: If the Department is upheld, a claim against the household shall be established for all over-issuances which resulted from the continuation of benefits.

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CFR 273.15

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ADMINISTRATIVE PROCEDURES

Fair Hearings

CHANGING BENEFITS PENDING A HEARING DECISION -

Benefits shall not be changed prior to the hearing decision unless:

- 1) the certification period expires.
- 2) a subsequent change affects the household's benefits.
- 3) a mass change occurs, affecting the household's eligibility or benefit level.

NOTIFICATION OF HEARING -

The time, date, and place of the hearing shall be arranged so that the hearing is accessible to the household. Written notice to all parties shall be provided at least ten days prior to the hearing. The notice shall

- 1) give the time, date, and place of the hearing.
- 2) give the name, address, and telephone number of the person to notify if it is not possible for the household to attend.
- 3) specify that the Department will dismiss the request if the household or its representative fails to appear without good cause.
- 4) include the hearing procedures.
- 5) state that the household or its representative examine the case file prior to the hearing.

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CFR 273.15

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ADMINISTRATIVE PROCEDURES

Fair Hearings

THE HEARINGS OFFICER -

Hearings shall be conducted by a Department hearing officer. The hearing officer shall:

- 1) administer oaths to all witnesses.
- 2) ensure that all relevant issues are considered.
- 3) request, receive, and make part of the record all necessary evidence.
- 4) regulate the hearing consistent with due process.
- 5) render a decision.

ATTENDANCE AT THE HEARING -

The hearing shall be attended by at least one agency representative and at least one household representative.

HOUSEHOLD'S RIGHTS

- 1) The household shall be given an opportunity to examine all evidence at a reasonable time before the hearing, as well as at the hearing. The contents of the case file shall be made available.

EXCEPTION:

Do not disclose the names of persons who have informed on the household and do not disclose the nature or status of any pending criminal prosecutions. Information that is protected from release cannot be presented at the hearing.

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CFR 273.15

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ADMINISTRATIVE PROCEDURES

Fair Hearings

- 2) Present the case itself or have it presented by a legal counsel or other person.
- 3) Bring witnesses.
- 4) Advance arguments without undue interference.
- 5) Submit evidence to establish all pertinent facts and circumstances in the case.
- 6) Subpoena witnesses.

THE HEARING DECISION -

The decisions of the Hearings Unit shall comply with the Federal law and regulations, and shall be based on the hearing record. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the official proceeding, shall be retained for three years. This record shall also be available, upon request, to the household or its representative at any reasonable time for copying and inspection at no cost.

A decision by the Hearings Unit shall be binding on the Department and shall summarize the facts of the case, specify the reasons for the decision, and identify the pertinent Federal regulations. The decision shall become part of the record.

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TANF/PaS Reference

7 CFR 273.16

Section: **FS-777-2**

Page 1

NONE

ADMINISTRATIVE PROCEDURES

Intentional Program Violation (IPV)

GENERAL RULE - Any suspected program violation shall be investigated. When there is sufficient documentary evidence to substantiate that the violation was intentional, initiate an administrative disqualification hearing, regardless of the current eligibility status of the individual. A second party, preferably the immediate supervisor, shall review the evidence prior to initiating a disqualification hearing.

Do not initiate any collection activity until a determination has been made as to whether or not an IPV has occurred.

DEFINITION OF INTENTIONAL PROGRAM VIOLATION

Federal rules at 7 CFR 273.16(c) state that an intentional program violation has been committed when:

1. A false or misleading statement has intentionally been made.
or
2. A household member has intentionally misrepresented, concealed, or withheld facts.
or
3. A household member has intentionally committed any act that constitutes a violation of the Food and Nutrition Act of 2008, the Food Supplement Program regulations or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of the food stamp benefit.

The IPV determination can be made by a department hearing officer, a signed Waiver of Hearing, or a judge. The Eligibility Specialist may choose to begin the disqualification process with an interview, at which time the accused individual may choose to sign a Waiver of Hearing.

NOTE: While most Intentional Program Violations result in a monetary loss to the program, a household's willful misrepresentation is sufficient grounds to pursue an IPV even when no overpayment of Food Supplement benefits occurred.

If it is determined that the violation does not meet the definition of a IPV, collection action shall be initiated as an unintentional or agency claim, as appropriate

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TANF/PaS Reference

CFR 273.16

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ADMINISTRATIVE PROCEDURES

Intentional Program Violation (IPV)

REFERRAL FOR CRIMINAL PROSECUTION

Individuals determined to have committed an IPV through the administrative disqualification process are automatically referred to the Fraud Investigation and Recovery Unit (FIRU) via the computer, when IPV overpayments are input into the computer system. FIRU staff consider these individuals for prosecution.

NOTE: Do not delay the FS disqualification penalty and collection action pending prosecution.

ADMINISTRATIVE DISQUALIFICATION PROCEDURES

Written notice to the person accused of the violation shall be mailed at least 45 days in advance of the scheduled hearing in order to assure that the notice is received 30 days prior to the hearing. The first notice shall be mailed "CERTIFIED/RETURN RECEIPT REQUESTED/RESTRICTED DELIVERY". The notice shall contain:

- 1) the date, time and place of the hearing.
- 2) the charges against the household member.
- 3) a summary of the evidence, and how and where it can be examined.
- 4) a warning that the decision will be based solely on information provided by the Food Supplement Program office if the household fails to appear at the hearing.

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TANF/PaS: VI Med: N/A

CFR 273.16

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ADMINISTRATIVE PROCEDURES

Intentional Program Violation (IPV)

- 5) a statement that the household member or representative will have 10 days from the date of the scheduled hearing to present good cause for failure to appear in order to receive a new hearing.

- 6) a warning that a determination of intentional program violation will result in a 1 year disqualification for the 1st violation (six months if the alleged IPV offense occurred before 8/22/96), 2 year disqualification for the 2nd violation (one year if the alleged IPV offense occurred before 8/22/96), and permanent disqualification for the 3rd violation and a statement of which penalty is applicable to the case scheduled for a hearing.

NOTE: To determine the approximate disqualification period, the Disqualified Recipient Subsystem (DRS) must be checked for prior IPV(s) in other states. If it is discovered that an IPV occurred in another state, independent verification of the IPV must be obtained and notice provided to the applicable household member before the DRS information can be used in determining an appropriate disqualification period for any subsequent IPV. A recipient has the right to request a fair hearing if the recipient disagrees with the length of the disqualification that DRS indicates was imposed by a State. However, the fair hearing cannot reverse a determination established at a previous administrative disqualification hearing that the recipient has committed an Intentional Program Violation.

A copy of the hearings procedures and the opportunity to waive the right to the hearing shall also be provided.

The person is entitled to one postponement, provided it is requested at least 10 days prior to the scheduled date. The postponement shall be for no more than 30 days. Requests for postponements within 10 days of the scheduled date may be granted, provided both the local office and the accused agree in writing.

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Intentional Program Violation (IPV)

If the notice is returned marked "undelivered" or accepted by someone other than the addressee, personal service shall be arranged by any other method which provides proof of receipt at least 30 days prior to the hearing. It will be necessary to reschedule the hearing, allowing another 45 days. Hearings will be scheduled and arranged by the local office, and will be held on Mondays and Fridays. Copies of all notices and waivers will be sent to the Hearings Unit. When the accused replies that he wants a hearing, the Hearings Unit shall be notified of the time and place.

If the notice is returned marked "refused", it shall be assumed that the addressee received notice.

Should the client fail to appear at the hearing, and the notice was received at least 30 days prior to the hearing date, the hearing shall still be conducted. The hearing officer will base his decision on the evidence presented by the Department.

TIME LIMITS - The Department has ninety days from the date the hearing notice is received to hold the hearing, render the decision, and notify the household.

PARTICIPATION PENDING A HEARING - Continued eligibility and benefit level shall be determined, as for any other household.

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ADMINISTRATIVE PROCEDURES

Intentional Program Violation (IPV)

CRITERIA FOR DETERMINING INTENTIONAL PROGRAM VIOLATION - The hearing officer shall base the determination on clear and convincing evidence which demonstrates that the household member committed, and intended to commit, an intentional program violation as defined at 7 CFR 273.16 (c) of the Federal Food Stamp Program Regulations and page 1 of this section of the Maine Food Supplement Manual.

DISQUALIFICATION PENALTIES - The disqualification applies to the individual who was determined to have committed an intentional program violation. The disqualification period will begin with the first month which follows the date the household member is sent written notification of the disqualification that results from the hearing decision. The disqualification periods are as follows:

- 1) first violation - 1 year (six months if the alleged IPV offense occurred before 8/22/96);
- 2) second violation - 2 years (one year if the alleged IPV offense occurred before 8/22/96);
- 3) third violation - forever.

Certain intentional program violations carry more severe penalties. Those violations and their disqualification periods are as follows:

- 1) a first finding by a court that the recipient used Food Supplement benefits or FS EBT card in exchange for controlled substances - 2 years;
- 2) a second finding by a court that the recipient used Food Supplement benefits or FS EBT card in exchange for controlled substances - forever.
- 3) a first finding by a court that the recipient has used Food Supplement benefits or FS EBT card in exchange for firearms, ammunition, or explosives - forever.
- 4) conviction of the individual for trafficking Food Supplement benefits or FS EBT card of \$500 or more - forever.

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Intentional Program Violation (IPV)

- 5) a finding by a hearing officer or court that a fraudulent representation was made by an individual with respect to his/her identity or place of residence in order to receive multiple (simultaneous) Food Supplement benefits - 10 years.

See FS 444-4 for treatment of income and assets of disqualified individuals.

NOTE: All disqualifications for violations committed prior to May 1, 1983, will be counted as a single violation for purposes of determining penalties.

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NOTIFICATION OF DECISIONS - When the household member is determined to have committed an IPV, a written notice shall be provided prior to the disqualification. It shall note the date the disqualification begins and ends. Advance notice is not required. See FS 777-3 for collection action.

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Disqualified Recipient Subsystem (DRS)

DRS is a centralized national database which contains information on IPV disqualifications from all of the states. Updates are received by the national database and matched with Maine's Food Supplement Program caseload on a monthly basis. When a match occurs, the originating state must be contacted for independent verification of the IPV disqualification information. This information must be used to determine if a recipient should be serving a disqualification period imposed by another state and to determine the proper disqualification penalty for an individual found or suspected to have committed an IPV. The originating state should be asked whether the IPV disqualification is under appeal and requested to inform you if the IPV disqualification is reversed. If an IPV disqualification is reversed, the individual must be reinstated if the household is eligible and benefits lost as a result of the disqualification must be restored.

A recipient has the right to request a fair hearing if the recipient disagrees with the length of the disqualification that DRS indicates was imposed by a State. However, the fair hearing cannot reverse a determination established at a previous administrative disqualification hearing that the recipient has committed an Intentional Program Violation.

Once a disqualification period has been imposed against a currently participating member, the disqualification period continues uninterrupted until completed. The household would be subject to a claim for any benefits over issued as a result of the disqualified individual's participation during the period of disqualification.

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COOPERATION IN THE CLAIM ESTABLISHMENT PROCESS

A household shall be determined ineligible if it refuses, without good cause, to cooperate in any reviews generated by reported changes and recertifications. The household shall be ineligible until it cooperates with the Department.

All subsequent applications or redeterminations shall result in ineligibility for all households that include a member who was an adult member of a household which was determined ineligible as a result of a refusal to cooperate. Good cause provisions apply (e.g. adults separated due to domestic violence, adult child who cannot get a parent's income verification, etc.)

NOTE: Refer to FS-222-1, p.3, FS-222-5, pp 3-5 for further guidance.

GENERAL RULE - A claim shall be established against any household that has received more benefits than entitled. There are three classifications of claims:

1. Inadvertent Household - An overpayment which was the result of a misunderstanding on the part of the household.
2. Intentional - An overpayment which was the result of a household member intentionally violating a program regulation. This determination must be made by a hearing officer, a court, or a Waiver of Hearing signed by the member.
3. Agency- An overpayment which was the result of a Departmental mistake, or failure to take action in a timely manner.

NOTE: When determining the amount of the claim for claims established after 10/31/96, do not apply the earned income deduction to that portion of earned income

- which the household intentionally failed to report; or,
- which the household failed to report in a timely manner.

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NOTE: The agency shall not establish an overpayment when:

1. The Department fails to ensure that a household fulfill the following procedural requirements:
 - Sign the application form.
 - Complete a work referral form.
2. A household was not required to report a change which results in reduced benefits or ineligibility for benefits.
3. The overpayment is caused by agency error or inadvertent household error, has a dollar value of under \$200, and the household is not participating when the overissuance is discovered.

EXCEPTION: All overpayments resulting from either a Quality Control review or trafficking must be established regardless of the amount or cause. (See definition of trafficking at FS-999-1, p6.)

NOTE: In situations where there are overpayments for both State funded benefits and Federally funded benefits to non-citizens, the overpayment attributable to the Federally funded benefits will be collected first.

FAIR HEARING REQUESTS

If a household requests a fair hearing due to an initial demand notice, collection activity is to stop pending the fair hearing decision.

If a hearing officer decides that an overpayment exists against the household, the household must be re-notified of the overpayment without hearing rights on the same issue.

If the amount of an overpayment was not determined prior to, or with the fair hearing decision, the claimant shall have the right to request a fair hearing on the amount of the overpayment as stated in the re-notification.

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TIME LIMITS ON DETERMINING CLAIMS.

1. Agency - Go back as far as twelve months from the time the overpayment was discovered. Then go forward until benefit amount can be corrected.
2. Intentional - Go back as far as six years from the date the overpayment was discovered. Then go forward until benefit amount can be corrected
3. Inadvertent - Go back as far as six years from the date the overpayment was discovered. Then go forward until benefit amount can be corrected

PROMPT RECOVERY OF CLAIMS

Prompt recovery is required. The Department must initiate action to locate and/or recover the overpayment from a current or former recipient by the end of the quarter following the quarter in which the overpayment is first identified. The required action is determined by the type of claim:

- For agency error and inadvertent household error claims, the demand letter must be sent.
- For intentional program violation claims, the letter scheduling the intentional program violation hearing must be sent.

COLLECTION PROCEDURES

1. Determine what the benefit would have been had the household or the agency acted correctly. Offset the overpayment by offsetting any restored benefits due the household.
NOTE: The calculation must include a separate amount due if the household contains a member who was eighteen (18) years old during only part of the overpayment period. This is for collection purposes only.
2. Enter total claim into the computer system.
NOTE: When calculating an overpayment as the result of trafficking, use the amount of Food Supplement Program benefits involved in the trafficking.
3. Authorize the appropriate computer generated repayment notice and immediately invoke allotment reduction if the case is still open. Make a personal contact, as appropriate.

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NOTE: For inadvertent household or agency error claims, the mandatory reduction amount shall be the greater of 10% of the monthly benefit, or \$10.00. For intentional claims, the mandatory reduction amount shall be the greater of 20%, or \$20.00. A higher rate may be used with the household's permission.

4. Cases with an outstanding claim shall be referred to Fraud, Investigation and Recovery (FIR).

SUSPENSION OF COLLECTION ACTIVITIES

1. Collection attempts on an inadvertent household claim involving a closed case may be suspended after one demand letter and filed for future reference.
2. Collection attempts on any agency claim may be suspended after one demand letter and filed for future reference.
3. Fraud, Investigation and Recovery may suspend collection attempts on a referred intentional claim involving a closed case after three attempts; when it does, the originating office shall be notified, and the claim shall be filed in the case folder for future reference.

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Chapter VI

ADMINISTRATIVE PROCEDURES

Claims and Collections

TIME LIMITS ON COLLECTION ACTIVITIES

1. Outstanding claims may be terminated by Fraud, Investigation and Recovery after 36 consecutive months with no collection activity. Outstanding balances on terminated claims regardless of the classification, shall be offset before restoration of lost benefits.
2. A claim shall be closed when it has been paid in full.

RECOVERY METHODS AND PROCEDURES

1. Households should be encouraged to repay any claim by a lump sum cash payment. The household is not, however, expected to liquidate all its resources.
2. If the household is not able to pay the entire amount at one time, it should be encouraged to repay through installment payments or allotment reduction. FS may be used as full or partial payment of any installment.

NOTE: Cash repayments shall be made by check or money order payable to Treasurer, State of Maine. Payments shall be forwarded to the FSIU via an IM-015a.

3. If the household misses a scheduled installment, a notice shall be sent. Renegotiation can be done at any time.

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Claims and Collections

NOTE: Collection action shall be initiated against any or all of the adult members of a household at the time an overpayment occurred. Food Supplement Program recipients responsible for repayment of overpayments are those members of the household at least eighteen (18) years of age. A person who attains the age of eighteen (18) during the overpaid period is responsible for that portion of the overpayment amount occurring after the attainment of age eighteen (18). If a change in household composition occurs, collection action may be pursued against any household which has a member who was an adult member of the household that received the overissuance. The amount of the initial claim may also be offset against restored benefits owed to the household which contains such a member.

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TANF Reference

7 CFR 274.3, 274.6

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ADMINISTRATIVE PROCEDURES

Replacement of Benefits

GENERAL RULE - Food Supplement benefits reported as not issued to the individuals EBT Account will be replaced only if the error is reported in the period of intended use. The period of intended use of regular monthly benefits is from the date of one issuance to the date of the next scheduled issuance. Monthly benefits issued after the 25th of the month are intended to be used through the last day of the following month.

EXCEPTION: Monthly benefits issued after the 22nd of February are intended for use through March.

Food Supplement benefits not issued or issued in the wrong amount (under payment) due to a computerized system error, shall be reported to the EBT Project Manager or ACES Project Manager for corrective action.

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TANF Reference

7 CFR 274.6, 280.1

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Replacement of Benefits

**PROCEDURES FOR REPLACING BENEFITS OR FOOD PURCHASED WITH
FOOD SUPPLEMENT PROGRAM BENEFITS DESTROYED AFTER ISSUANCE.**

NOTE: Benefits or food destroyed after receipt can be replaced only when due to a household misfortune, such as but not limited to fire or flood, or special disaster declaration by the Secretary of Agriculture. The household must report the loss within the period of intended use or within ten days of the disaster.

1. The household must complete Part I, Section C of the FSP-099.
2. The disaster must be verified and Part III of the FSP-099 shall be completed by the Eligibility Specialist.
3. In situations involving a household misfortune, a replacement not to exceed one month's benefit shall be authorized within ten (10) days - Code S.
4. In situations where the Secretary of Agriculture has issued a disaster declaration, a benefit to replace food destroyed in the disaster shall be authorized within ten (10) days - Code S. The benefit amount shall be equal to the value of food actually lost in the disaster but not to exceed the maximum monthly benefit for that household size.

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ADMINISTRATIVE PROCEDURES

Replacement of Coupons

3. Certified Mail:

- a. Check to determine if allotment was issued and mailed; if not, do not authorize replacement.
- b. Determine that five days have elapsed since mailing.
- c. Determine that the allotment has not been returned; if returned, follow procedures for replacing returned allotments.
- d. After five days from mailing, if allotment has not been delivered or returned, the client shall complete Part 1, Section A of Form FSP-099, and a Form PS-1510.
- e. The Eligibility Specialist must complete appropriate sections of Part II and Part III of the FSP-099, and forward the PS-1510 to the U.S. Post Office, Augusta, Maine.
- f. Authorize replacement, code R, and file FSP-099 in the case file.

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Replacement of Coupons

4. Allotments with Books Missing:
 - a. Determine the value of coupons reported missing.
 - b. If supported by evidence of damage, follow procedures for replacing regular mail losses.
 - c. If not supported by evidence of damage, check to see if the FSIU's inventory had a discrepancy on the day of issuance.
 - d. If there was an issuance discrepancy, the client shall complete Part I, Section B, and the Eligibility Specialist shall complete Part II and Part III of the FSP-099. A supplemental allotment shall be authorized.

PROCEDURES FOR REPLACING ALLOTMENTS RETURNED AS UNDELIVERED

1. Check to determine if allotment was returned undelivered.
2. If allotment was returned, determine cause of nondelivery.
3. Make any necessary corrections and authorize a replacement, Code M.
4. Complete Part II, Section B, and Part III of the FSP-099.

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Replacement of Coupons

**PROCEDURES FOR REPLACING COUPONS OR FOOD PURCHASED WITH
COUPONS DESTROYED AFTER RECEIPT**

NOTE: Coupons or food destroyed after receipt can be replaced only when due to a household misfortune, such as but not limited to fire or flood, or special disaster declaration by the Secretary of Agriculture. The household must report the loss within the period of intended use or within ten days of the disaster.

1. The household must complete Part I, Section C of the FSP-099.
2. The disaster must be verified and Part III of the FSP-099 shall be completed by the Eligibility Specialist.
3. In situations involving a household misfortune, a replacement not to exceed one month's allotment shall be authorized within ten (10) days - Code S.
4. In situations where the Secretary of Agriculture has issued a disaster declaration, an allotment to replace food destroyed in the disaster shall be authorized within ten (10) days - Code S. The allotment shall be equal to the value of food actually lost in the disaster but not to exceed the maximum monthly allotment for that household size.

EXCHANGE OF COUPONS

When a household presents mutilated or improperly manufactured coupons, the following steps will be taken:.

1. Complete FSP-015.
2. Authorize appropriate replacement - Code S.
3. Forward original FSP-015 and coupons to the FSIU.

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TANF Reference

CFR 273.10 and 273.13
273.14 and 273.21

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ADMINISTRATIVE PROCEDURES

Notices

GENERAL RULE - Whenever the agency takes an action affecting the household's eligibility or benefits, an adequate notice shall be provided (FS 999-1).

EXCEPTION: No notice is required when the entire household dies or moves out of State.

NOTE: The Department will use the same procedure when mailing a decision or allotment to the designated address of a participant in the Address Confidentiality Program (ACP). The administrators of the Address Confidentiality Program will then forward the mail to the ACP participant. Therefore, the ACP participant will experience delays in receiving decisions and allotments.

APPLICATION NOTICES - Applicant households shall be mailed an adequate notice of the agency's action within thirty days of the application date. The notice shall contain the following:

1. The amount of benefits, including any retroactive payment and the period covered;
2. length of certification.

NOTE: Households certified for one or two months shall receive an application notice and a notice of expiration at the same time.

REDETERMINATION NOTICES - Participating households which meet the "timely redetermination" time standards listed at FS-666-9 shall be mailed an adequate notice of the agency action by the end of the household's current certification period.

Participating households which do not meet the timely redetermination time standards shall be mailed an adequate notice of agency action within 30 days after the date the redetermination form was filed.

ADVANCE NOTICE RESULTING FROM REPORTED CHANGES AND COMPUTER MATCHES OTHER THAN BEERS or IRS - When a change results in a decrease, closure, or suspension, the household shall be mailed an adequate notice twelve days in advance of the effective date of the action.

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Tanf or Pas: I, VI **Med:** 1440, 1441, 1442 CFR 273.10 and 273.13
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ADMINISTRATIVE PROCEDURES

Notices

EXCEPTIONS: Advance notice is not required for the following instances:

- the household's address is unknown and mail directed to it has been returned by the post office indicating no known forwarding address, and there has been an attempt to contact the household by phone. If household contacts the Department within 30 days of closure date, benefits can be reinstated.
- a mass change which is not based upon a computer to computer match with Federal records;
- the decrease or closure is solely due to written information provided and signed by a responsible member of the household which includes a request that the action take effect immediately;
- The household voluntarily requests, in writing or verbally to a caseworker, that its participation be terminated. If request is verbal, the caseworker shall send the household a letter confirming the voluntary withdrawal.
- mandatory allotment reduction;
- the household has been receiving restored benefits in installments and the restoration has been completed;
- the decrease or closure is the result of a disqualification for an intentional program violation.

NOTE: Adequate notice of the agency action shall be mailed at least five (5) days prior to the normal issuance date.

ADVANCE NOTICE RESULTING FROM COMPUTER TO COMPUTER MATCHES

WITH BEERS or IRS RECORDS When an adverse action is the result of a computer to computer match involving automated BEERS or IRS records, the household shall be mailed an adequate notice at least 30 days in advance of the effective date of the action.

OTHER CHANGE NOTICES When a reported change results in an increase or the benefit remains the same, the household will be mailed an adequate notice at least five days prior to the normal issuance date.

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AFDC Reference

CFR 271.6 (a) (1)

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ADMINISTRATIVE PROCEDURES

Program Complaints

GENERAL RULE - All complaints regarding processing standards and service to program participants, potential participants, or interested individuals or groups shall be directed to the appropriate AFDC/FS Unit Supervisor. The complainant shall be provided a written response within 15 days and a copy shall be forwarded to the Regional Manager. The response shall specify the action taken and that the complainant can further appeal to the Regional Manager. Appeals to the Regional Manager shall be processed and notification made to the complainant within 10 days of the appeal. The notice shall advise that if the complainant is still dissatisfied that he/she can appeal to the Deputy Director, Bureau of OFFICE FOR FAMILY INDEPENDENCE for final resolution. A final disposition will be made and the complainant notified within 10 days of the final appeal.

Information about the program complaint system and how to file a complaint shall be made available through pamphlets available at each regional office. Program complaints received through the statewide Food Supplement Program information hot-line will be referred to the appropriate AFDC/Food Supplement Program Unit Supervisor.

EXCEPTION:

1. Complaints about discrimination on the basis of race, sex, age, religious creed, national origin, political beliefs, or handicaps shall be handled as outlined in FS-1 of the Maine Food Supplement Program Manual.
2. Disagreements with agency actions affecting benefits shall be handled through the Fair Hearings process set forth in FS 777-1.

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ADMINISTRATIVE PROCEDURES

Not applicable Program Complaints

3. Allegations of misconduct or other complaints against an individual employee shall be processed in accord with Article 12 of the Collective Bargaining Contract in effect at the time of the complaint.

Each Regional Manager shall maintain a file or files containing sufficient data to show the disposition of each complaint. Information on each complaint shall be retained for a period of 3 years from the date of the end of the federal fiscal year in which the complaint was filed.

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TANF Reference

7 CFR 271.6 (a) (1)

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ELECTRONIC BENEFITS TRANSFER (EBT) SYSTEM

GENERAL RULE: Food Supplement Program applicants and recipients will receive benefits by an electronic coded debit card known as The Pine Tree Card. The card will be used to access benefits from point of sales (POS) devices at USDA authorized retailers. The USDA retailer may have a manual voucher system to access the recipients benefits.

Basic Rules:

- Each Assistance Group case head will be issued an EBT Card to access Food Supplement benefits.
- Each Assistance Group will be allowed a maximum of two (2) payees to access Food Supplement benefits.
- The EBT Food Supplement account will be non-interest bearing.
- An EBT Food Supplement account balance that is not used by the recipient in the month of issuance will be carried forward.
- EBT Food Supplement account balances will include both dollars and cents.
- A recipient cannot use the EBT Food Supplement account to borrow against future month's benefits.
- Benefits will be issued during a five day period each month. Client's benefits will be available on the same date each month once they are on the delivery cycle.

EBT Card and PIN

Food Supplement benefit recipients will be issued an EBT card and Personal Identification Number (PIN) to prevent other individuals from gaining access to benefits if the card is lost or stolen. The PIN is their electronic signature.

Card holders can make purchases from participating retailers by having their card swiped through a POS device located at the checkout counter. The POS device "reads" a recipient's benefit account balance and, if funds are sufficient, approves the transaction and reduces that balance by the exact amount of purchase. Throughout the month a recipient's balance will decline appropriately until the Department deposits the next month's benefit into the electronic account.

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7 CFR 271.6 (a) (1)

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ELECTRONIC BENEFITS TRANSFER (EBT) SYSTEM

EBT Card and PIN (cont.)

Some retailers, such as some small grocery stores, farmers markets, and Meals on Wheels participants, will need to use a manual voucher system to access Food Supplement benefits. Recipients will need to sign vouchers instead of using their PIN.

Recipients Account Balance

Each time a Food Supplement benefit recipient makes a purchase, the recipient's available Food Supplement benefit balance will appear on their receipt.

Recipients can also obtain their Food Supplement benefit balance by calling a 24-hour toll free Customer Service Line before shopping. The 800 number is printed on the back of The Pine Tree Card.

EBT Recipient User Fees

Food Supplement benefit recipients will not incur user fees.

Aging Food Supplement Benefits

The EBT System will send a report to the EBT Manager when benefits have not been accessed for 90 consecutive days. The EBT Manager will send a letter to the recipient family explaining that those benefits will be removed (expunged) on the 365th day, if not used by that date.

Expungement of Food Supplement benefits will occur beginning with the oldest amount and then continue on a daily basis until reactivation takes place.

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ELECTRONIC BENEFITS TRANSFER (EBT) SYSTEM

Lost, Stolen or Damaged EBT Card

Clients will report lost, stolen or damaged cards to the EBT Customer Service Help Desk by calling the toll free number, 1-800-477-7428.

EBT Help Desk Staff will status the card as lost, stolen, or damaged.

After the EBT Help Desk Staff receives identification to appropriately identify the client, a replacement card will be issued this way:

1. If the client lives at the same address known to DHHS/OFI and the client has enough benefits in their EBT account to pay for the card replacement fee, the help desk will authorize the replacement fee and the help desk will authorize the replacement card, which will be mailed out on the next DHHS/OFI business day.

The client can continue to use the same PIN, or may change the PIN by using the same toll free EBT Help Desk number, or visiting a local office.

2. If the client's address has changed or there are not enough benefits in the client's EBT account to pay for the card replacement fee, the EBT Help Desk will not authorize a card replacement. The client will be told to contact a local office to report the new circumstances. After the client's case record is updated, the client follows procedures explained in item 1.

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TANF Reference

7 CFR 271.6 (a) (1)

Section: **FS-777-7**

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ELECTRONIC BENEFITS TRANSFER (EBT) SYSTEM

EBT Card Replacements and Fees

No fee will be charged for either the original card or the first replacement card within a 12-month period.

The following fees will be charged for the second and subsequent replacement cards within a 12-month period:

- 2nd replacement = \$1.00 fee
- 3rd replacement = \$2.00 fee
- 4th replacement = \$3.00 fee
- 5th replacement = \$4.00 fee
- 6th replacement = \$5.00 fee
- Subsequent replacements = \$5.00 fee

The fee must be paid at the time the card is issued. It can be paid by check, money order or through the client's EBT account. Cash will not be accepted. Food Supplement benefits can be used to pay for fees.

Card fees can be waived by Program Administrators or their designee when hardships exists.

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AFDC Reference

CFR 272.8

Section: **FS-888-1**

Page 1

INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Type of Information Required and Source Agencies

Same Requirements
No Manual
Reference

GENERAL RULE - Federal regulations require that each state maintain and use an income and eligibility verification system (IEVS). Wage and benefit information shall be requested as follows:

1. Wage information maintained by the Maine Employment Security Commission (MESC)
2. Information about net earnings from self-employment, wages, and payments of retirement income maintained by the Social Security Administration (SSA) - "BEERS"
3. Federal retirements and survivors, disability, SSI, and related benefit information available from SSA - "BENDEX" and "SDX"
4. Unearned income information from the Internal Revenue Service (IRS)
5. UIB claim information from MESC.

NOTE: Requests for the aforementioned information shall be made through computer-to-computer techniques. Insofar as practicable, the data will be edited to delete nonessential information being forwarded to regional eligibility staff.

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AFDC Reference

CFR 272.8

Section: **FS-888-2**

Page 1

INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Requesting Information About Applicants

Same: No Manual Reference

GENERAL RULE - The information noted in FS 888-1 shall be requested from the appropriate agencies about members of all applicant households during the first week of the month following the month in which the application is filed. Information about members of applicant households who cannot provide SSN's at application shall be requested in the month following the month in which the SSN is received.

Information received within the thirty-day application period shall be used to determine eligibility and benefits if it is received for an applicant household which is still pending.

NOTE: Eligibility and benefit determinations shall not be delayed pending receipt of IEVS information.

Information received about applicant households which have already been opened shall be treated the same as information on recipient households (FS 888-4).

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AFDC Reference

CFR 272.8

Section: **FS-888-3**

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INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Requesting Information About Recipients

Same: No Manual Reference

GENERAL RULE - The information noted in FS 888-1 shall be requested from the appropriate agencies about members of recipient households as follows:

1. Quarterly, from MESC on wages. Such requests shall include all households which participated in any month of the corresponding quarter.
2. Monthly, from SSA data bases and not later than the second month of the certification period when the requests at application did not establish automatic reporting of changes in SSA data.
3. Annually, from IRS for all current recipients. This request shall be made as soon as practicable after the latest year's data is available from IRS.
4. Weekly, from MESC on UIB benefits for all participating households.

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Section: **FS-888-4**

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INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Actions on Recipient Households

Same: No Manual Reference

GENERAL RULE - Case action on IEVS information about recipient households must be complete within 45 days of receipt of that information.

NOTE: The 45-day time limit means, in effect, that the Regional Office has thirty days to complete case action, since it will take about two weeks for the Central Office to edit, print, and distribute written instructions to the regions.

Case action includes:

1. review of the information, and comparison of it, to information in the case record.
2. for all new or previously unverified information received, contact with the household and/or the appropriate assets or income source to resolve discrepancies (FS 888-5).
3. when discrepancies warrant, action to begin reduction of benefits or termination of eligibility (advance notice sent).

Appropriate case action and dates shall be noted on the IEVS document and filed in the case record with the exception of documents containing IRS information. All documents generated from IRS source data shall be destroyed once case action is completed. A master file of IRS documents will be maintained at Quality Control. BEERS data contains IRS information and is subject to the same security.

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AFDC Reference

CFR 272.8

Section: **FS-888-4**

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INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Actions on Recipient Households

When the case actions substantiate an over-issuance, appropriate actions to initiate claims and/or disqualification proceedings shall be taken. (REMEMBER: Adverse actions based on Federal matches require 30 day advance notice.)

NOTE: The 45-day time limit does not apply to claims and disqualification actions.

ACTIONS BASED ON MESC MATCHES

When any adverse action is called for and is based upon information from an MESC match, the household shall be sent a written notice at least 12 days prior to taking such adverse action.

The notice shall advise the household that the Department has received information which indicates the need for adverse action and that it has 12 days to contest the decision. The notice shall state that, unless the Department is notified otherwise within 12 days by the household, it will assume that the data provided by the match or obtained through independent verification is correct and the adverse action will be taken.

ACTION BASED ON FEDERAL RECORD MATCHES

When any adverse action is called for and is based upon information from BEERS or IRS matches the household shall be sent a written notice at least 30 days prior to taking such adverse action.

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AFDC Reference

CFR 272.8

Section: **FS-888-5**

Page 1

INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Use of IEVS Information

Same: No Manual Reference

GENERAL RULE - Action shall be taken without independent verification based on information obtained through IEVS which is considered verified upon receipt. Such verified information is Social Security and SSI benefit information from SSA and UIB information from the Maine Employment Security Commission.

EXCEPTION: When it appears that the IEVS information about a particular household is questionable, the information shall be considered unverified and must be independently verified.

Prior to taking action to terminate, deny, or reduce benefits based on IEVS information which is considered unverified upon receipt, the information shall be independently verified. Such unverified information is:

1. unearned income information from IRS.
2. wage information from the Maine Department of Labor and SSA (BEERS).
3. questionable information as noted above.

Verification of unverified information shall be obtained by means of contacting the household and/or the appropriate asset or income source.

If the household is contacted it must be in writing. The household must be informed of the information the Department has received, and be requested to respond within 10 days. If the household fails to respond in a timely manner, an appropriate notice of adverse action shall be sent.

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AFDC Reference

CFR 272.8

Section: **FS-888-5**

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INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Use of IEVS Information

The appropriate source may be contacted by the means best suited to the situation.

When the household or appropriate source provides the independent verification the household shall be properly notified of the action to be taken.

When all other sources of income verification are unavailable the amount to be used shall be mutually agreed upon by the client and agency.

Once terminated or denied for failure to respond or refusal to cooperate, the household shall not be determined eligible until it cooperates in the completion of the IEVS review in question.

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TANF Reference

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APPENDIX

Definitions

A. **ADEQUATE NOTICE**: Written notice that includes the action the agency intends to take, the reason for the action, the right to request a fair hearing, the person to contact for additional information, the availability of continued benefits and liability for such benefits if found ineligible in hearing decision, and the availability of free legal services.

ADVANCE NOTICE: An adequate notice mailed at least 12 days prior to the effective date of the action except when the action is the result of a computer-to-computer match with BEERS or IRS records. In the latter instance, the notice must be mailed at least 30 days prior to the effective date of the action.

ADVERSE ACTION: Determination to close, suspend or reduce benefits.

ALCOHOL & DRUG CENTERS: Treatment or rehabilitation center approved by the State.

ALIEN: An alien is a person who is not a U.S. citizen.

APPLICANT: Case Name (Also see Head of Household)

APPLICANT HOUSEHOLD: A household which has not participated for at least one full calendar month.

ASSETS, LIQUID: Anything owned in the form of cash or readily convertible to cash.

ASSETS, NON-LIQUID: Anything owned not readily convertible to cash.

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APPENDIX

Definitions

AUTHORIZED REPRESENTATIVE: A non-household member who is authorized, in writing by the household, to make an application, receive the monthly benefits or purchase food with the Food Supplement Program benefits for the household.

AUTHORIZED TO RECEIVE: An individual has been determined eligible for benefits and has been notified of this determination, even if the benefits have been authorized but not received, authorized but not accessed, suspended or recouped, or not paid because they are less than a minimum amount.

- B. BENEFIT: Total amount of Food Supplement Program allotment a household is authorized to receive.

BOARDER: An individual to whom a household furnishes meals and/or lodging for compensation.

- C. CASE NAME: The individual in whose name benefits are issued.

CERTIFICATION PERIOD: Length of time for which eligibility is established.

COLLATERAL CONTACTS: A non-household member who provides information about the household's circumstances.

- D. DATE OF APPLICATION: The day an application containing the applicant's name and address, signed by either a responsible household member or an authorized representative, is received by the Department.

DEPENDENT: A person who relies on another for support and/or care.

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APPENDIX

Definitions

DISABLED: A household member who:

1. receives disability payments under Social Security or SSI;
2. is a veteran with a non-service connected disability pension;
3. a veteran with a service connected disability which is rated or paid as total;
4. is a surviving spouse of a veteran determined by VA to be house-bound or in need of aid-in-attendance (A&A);
5. is a surviving child of a veteran and considered by VA to be permanently incapable of self-support;
6. is a surviving spouse or child of a veteran and receiving, or approved to receive, VA compensation or pension payments, and would be disabled according to SSA standards;
7. is a recipient of a federal, state, or local public disability pension;
8. is a railroad retirement disability recipient.
9. is an SSI-related Medicaid recipient.

Verification of the above is required.

DOCUMENTATION: Information written in the case file which substantiates the eligibility decision.

DUPLICATE PARTICIPATION: Being a member of more than one food assistance household during the same month.

- E. ELDERLY: A person at least sixty years old. (See also Disabled)

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APPENDIX

Definitions

ELDERLY OR DISABLED: A person who meets either the definition of Elderly or Disabled.

ELECTRONIC BENEFIT TRANSFER (EBT) CARD: Is a debit card used by the Food Supplement benefit recipient to access benefits.

EXPEDITED SERVICE: Processing an application in such time as to assure receipt of the benefit by the fifth calendar day following the date the application was filed.

- F. FOOD AND NUTRITION SERVICES (FNS): The Division of the Department of Agriculture that administers the Supplemental Nutrition Assistance Program (SNAP). In Maine, SNAP is called the Food Supplement Program.

FS: Food Supplement Program

- G. GENERAL ASSISTANCE: Cash or another form of assistance financed by State or local funds as part of a program to cover living expenses or other basic needs.

GOOD CAUSE: Valid reasons for noncompliance with certain program requirements.

- H. HEAD OF HOUSEHOLD: That responsible adult household member selected by all adult members of the household. (See Section FS-111-1 for exception to this definition.)

HIGHER EDUCATION ACT (TITLE IV): A Federal statute establishing financial assistance to students in post-secondary education. Some examples are: PELL Grants, SEOG, Guaranteed Student Loans, and Work Study.

HOME ENERGY ASSISTANCE PROGRAM (HEAP): A Federal program that provides help with winter energy bills for income-eligible persons. Payments are usually made directly to local utility companies or vendors.

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Definitions

HOMELESS INDIVIDUAL: An individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

- (1) a supervised shelter designed to provide temporary accommodations;
- (2) a halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
- (3) a temporary accommodation in the residence of another for not more than 90 days; or
- (4) a place not designed for regular sleeping accommodation for human beings.

"Homeless" does not include any individual imprisoned or detained pursuant to a State law.

- I. INITIAL MONTH: The first month for which a benefit is issued. For households which previously participated it is the first month following at least one month of non-participation and in the case of migrant farm worker households, 30 days of non-participation.
 - L. LIVE-IN ATTENDANT: An individual, usually paid, who is needed for medical, housekeeping or child care reasons. They will not be considered household members for the Food Supplement Program.
 - M. MASS CHANGES: Certain changes imposed by the Federal or State government which may affect the entire caseload or significant portions thereof. Changes may include such items as annual adjustments to income standards, change in deductions, or cost of living adjustments to AFDC.
- MIXED FUNDED HOUSEHOLD: A household which consists of members whose benefits are funded by Federal funds and by State funds.
- O. OVERPAYMENT: When a household receives Food Supplement Program benefits to which they are not entitled.
 - P. PROSPECTIVE BUDGETING: Determining eligibility and benefit level on the basis of the best estimate of assets, income, deductible expenses and other circumstances which will exist in the certification period.

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Definitions

Q. QUESTIONABLE INFORMATION: Information which is inconsistent with other information known to or received by the agency.

R. REDETERMINATION (Recertification): Periodic re-establishment of eligibility and benefit level.

REFUSAL TO COOPERATE: A household has the ability to cooperate, but clearly demonstrates that it will not take required action, even though it is able to do so.

RESTORATION OF LOST BENEFITS: When a household is granted too few Food Supplement Program benefits and the error is caused by the agency, action is taken to restore lost benefits.

S. SEPARATE HOUSEHOLD: Individuals sharing common living quarters, but who customarily purchase and prepare meals apart from each other.

SHELTER FOR BATTERED WOMEN AND CHILDREN: A residential facility serving this group.

SHELTER FOR THE HOMELESS: A facility so designated by the municipal agency responsible for the administration of General Assistance.

SPONSORED ALIEN: A legal alien who entered the country based on an "Affidavit of Support" (INS Form I-134) or similar written agreement executed by a sponsor on behalf of the alien.

T. THRIFTY FOOD PLAN: The maximum monthly benefit a household can receive. It is based on household size.

TIMELY NOTICE: See Advance Notice

TRAFFICKING: The buying or selling of food Supplement benefits or other benefit instruments for cash or consideration other than eligible food, seeds and plants; or the exchange of firearms, ammunition, explosives or controlled substances.

V. VENDOR PAYMENT: A money payment made on behalf of the household by a third party.