



**Department of Human Resources
311 West Saratoga Street
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FIA INFORMATION MEMO

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: CHARLES HENRY, EXECUTIVE DIRECTOR, FIA

**RE: 2001 FIRST, SECOND AND THIRD QUARTERLY BRIEFING
QUESTIONS AND ANSWERS**

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF POLICY AND RESEARCH

This Information Memo includes questions that were raised at the last three quarterly briefings and their answers. We apologize for the delay.

Food Stamp Shelter:

1. Question: What is the correct application of the new SUA/ LUA policy for a shelter situation in which two households live at the same address in separate apartments but sharing one kitchen?

Answer: When households share the kitchen we consider this a shared living situation. The correct application of SUA/LUA policy depends on each household member's responsibility for the bills.

- ◆ If one household pays the gas and electric, which includes heat, that household would get the SUA.
- ◆ If household A is responsible for the gas and electric bill, which includes heat, and charges household B a flat rate as its share of the bill, both households would get a prorated portion of the SUA.
- ◆ If household A is responsible for the gas and electric bill (heat and lights) and household B is responsible for the phone and water bill, household A is entitled to the SUA and household B is entitled to the LUA.
- ◆ If the landlord for both households is billed for the gas and electric and charges each a flat rate, they both get the SUA.

2. Question:
- (a) Is there a shelter deduction if the household takes out a loan to install a new well or septic?
 - (b) What is the policy if the household takes out a second mortgage to install a new well or replace the septic?

Answer:

- (a) The way we treat these expenses depends on the loan conditions. If the household takes out a loan to install a new well or septic system and has set up payments for the bill, the amount of the payment is an allowable shelter expense if the household has chosen to use actual expenses. If the household took out a loan and there is no payment schedule the household can have the bill averaged over the remainder of the certification period or allowed in the month billed.
- (b) A second mortgage is not a utility expense. The amount of the second mortgage would be added to any other mortgage.

Reminders:

- ◆ Past due amounts are not deductible.
- ◆ A household can switch between the utility allowances and actual expenses only at recertification

3. Question: If the household pays for the rental and cleaning of a portable toilet, is this considered the same as a septic system?

Answer: Yes, it can be treated the same as a septic system. If the household is claiming actual expenses, you can use the cost for rental and cleaning. If the household has chosen the SUA, you can not allow the actual expense of the portable toilet. In determining eligibility for the LUA, the portable toilet expense could be one of the two required utility expenses.

4. Question: If water and sewer expenses are incorporated in the same bill and it is the only utility expense the customer pays will the household qualify for the Limited Utility Allowance?

Answer: Yes. These are two utilities for the purposes of qualifying for the LUA.

5. Question: According to the new policy we must accept the customer's word if claiming a room air conditioner and give the utility allowance. Will QC reviewers check if the customer has an air conditioner and/or if it is in working order?

Answer: No. QC does not check for the presence of a furnace, nor question if a furnace is operable. We do not plan to impose more stringent verification requirements for air conditioning than exist for heating. QC will ask to see bills or

other documentation that verify that the customer is receiving the correct utility allowance or actual expenses.

Food Stamp Application Process:

6. Question: Are we required to obtain an original signature for a faxed application?

Answer: No, the faxed signature is sufficient.

7. Question: What is the correct date of application for a faxed application when it is sent to the wrong jurisdiction? Is it the date received in the correct center or the date of the fax?

Answer: You would treat a faxed application the same as an application that is mailed to the wrong office. You would either forward it to the correct center on the day it is received or forward it on the next day by a means that ensures the application is received in the correct office on the same day. The date of application is the day the application is received in the correct office.

8. Question: Can the customer fax just the first and signature pages of the application to protect the date of application?

Answer: Yes.

9. Question: How legal is a faxed signature?

Answer: Federal law changed to allow faxed or other electronic signatures.

10. Question: Since the EDD at application may not contain correct information, are we required to give the household a copy during the interview? Can we send a copy in the mail?

Answer: We are giving the household a copy of the EDD so that the customer can review it to see if the case manager entered the correct information on CARES. If the EDD from the interview does not contain the correct information, the local department needs to mail the customer an updated or corrected copy of the EDD.

11. Question: If a customer appeals an adverse decision and brings an "inaccurate" EDD to a hearing will the Administrative Law Judge consider it invalid? What effect will it have on the local decision?

Answer: See the answer to number 10. The case manager should make every effort to ensure that the household is given the correct information about CARES entries.

12. Question: Does the applicant/recipient need to be informed of the waiver of the face to face interview due to hardship? At what point does the applicant/recipient become informed?

Answer: The case manager needs to inform the applicant/recipient of the waiver of the face to face interview at application and recertification. We are in the process of developing a fact sheet for customers that will include this information.

Food Stamp Recertification:

13. Question: How do we handle the customer who fails to keep the recertification appointment, does not reschedule but drops off the application on the last day of the certification period? How is the benefit to be treated?

Answer: If the household drops off an application on the last day of the certification period, and is found eligible for the first month of the new certification period, the benefit is not prorated.

14. Question:

- (a) How do we handle a customer whose certification period ends because of failure to keep the recertification appointment and who returns within the next 30 days?
- (b) Does the date of application become the prorated benefit date?
- (c) Do we allow 10 days or 30 days to return required information?

Answer:

- (a) If the customer reapplies after the end of the certification period but within the next 30 days, treat the application as a recertification.
- (b) Benefits are prorated from the date of application.
- (c) You would allow 30 days to return required information.

15. Question: If the household keeps the recertification appointment but the local department fails to make the changes in CARES before the end of the current certification period, do we extend the current period an additional month or repond for the next certification period?

Answer: Under the new rules you can extend a certification period as long as it does not exceed the total allowable months. However, this is potentially error prone if you are using outdated information. In this situation, it would be less likely to cause an error if the case manager reponds and establishes the new certification. The household is entitled to restored benefits back to when the certification period should have begun.

Food Stamp Sponsored Immigrants:

16. Question:

- (a) Is there any way to identify a sponsored immigrant from the I-94 or SAVE?
- (b) Can an additional field be added to the 380 for this purpose?

Answer:

- (a) There is no way that we know of to identify a sponsored immigrant from the I-94 or SAVE.
- (b) The 380 form is used to document the information from SAVE telephone inquiries. This is an Immigration and Naturalization Service (INS) form. We do not have control over the information on the system. You can send a G845 and G845 supplement to request secondary information.

Note: INS did not finalize the G845 supplement, so we cannot order a supply. You can copy it from Information Memo 99-51 - Guidance for Verification of Immigration Status, issued June 25, 1999.

17. Question: What portion of the sponsor's contribution is counted when applying the new policy regarding contributions exceeding deemed income?

Answer: You will count the amount that exceeds the deemed income.

18. Question: Does the Sponsorship of Aliens rule apply to State-funded food stamps for immigrant children?

Answer: If the child is a sponsored immigrant, include the deemed income from the sponsor in the food stamp calculation. If the child is not sponsored, you do not use deemed income. For example: The parent has an immigration status that makes the individual ineligible for food stamp. The ineligible parent has a sponsor but the State-funded food stamp child does not. We would not count any of the sponsor's deemed income in calculating the child's State-funded food stamps.

Food Stamp Certification Periods:

19. Question: If a case is incorrectly certified, can it be shortened? We receive reports showing certain cases that are certified and instructions to shorten the period.

Answer: You can shorten the certification period if you receive information that the household is ineligible, or the household has not complied with a request for clarification unclear information.

The case manager can shorten a 24-month certification period when a household's situation changes and it does not meet the criteria for the certification period length. The case manager can also shorten a certification period in certain situations under the simplified reporting waiver.

20. Question: Please clarify the instructions on page 3 of AT 01-51 regarding “Unclear Information”. The directions appear in conflict with instructions we receive from DHR/OIG when certain data matches are published. These reports say the data on the match is to be considered primary verification and immediate adverse action is to be taken. It does not instruct us to secure clarification of any information first.

Answer: If the information you receive makes the household ineligible, you can close the case. If it does not make the household ineligible, and you have enough information to process the change, you would take the appropriate action. If you cannot readily determine the effect of the change on the food stamps, follow the procedures for unclear information.

Food Stamp Simplified Reporting:

21. Question: The customer did not report earned income at application. The household received expedited food stamps. Would this be an error if the income is below 130 percent of the poverty level?

Answer: Yes, customers are required to report all information at application. Simplified Reporting has not changed what customers are required to report at application and recertification. It has only changed interim change reporting requirements.

22. Question: If a child receiving TCA and FS is out of the home for 180 days, is the household still required to report this?

Answer: No, not if they are part of the Simplified Reporting group. The Simplified Reporting group is not required to report household composition changes until recertification.

23. Question: When a change is reported by mail, do we have to contact the customer to review the SR instruction guide with them?

Answer: No. This is not a requirement, but the case manager must act on that change.

24. Question: Action Transmittal #02-18 talks about reporting requirements for TCA and FS. What if the customer receives both, which guidelines should be followed?

Answer: The household must follow the appropriate reporting requirements for any program that it receives.

25. Question: If a customer does not respond to the request for information that was generated by a new hire alert what action should the case manager take?

Answer: The case manager should follow the procedures for unclear information. If the household does not provide the needed clarification, the case should be closed. Case managers should act on non-customer reported changes as they always have. Simplified Reporting only effects what the customer is required to report.

26. Question: What is the certification period for a SSI household?

Answer: If the case has earnings and is therefore in the Simplified Reporting group, the case should be certified for six months.

27. Question: If a customer reports a change to a POC worker but does not tell the FS worker for simplified reporting is this an error?

Answer: No, the only customer caused error for Simplified Reporting is if the household fails to report when its income exceeds 130% of the poverty level. If the POC worker informs the FS worker a month later, the case manager will act on the change but there is no error or overpayment.

28. Question: If a simplified reporting household also has a deficit budget how is this handled?

Answer: If a simplified reporting household has a deficit budget, it should be given the normal time frame (determined by the local) to clarify how it is able to manage its expenses. If the household does not respond to the request for clarification the case manager should close the case.

29. Question: WOMIS requires tracking of attendance for TCA customers, which could involve pay stub verification. How does this effect simplified reporting cases?

Answer: If a change is reported the case manager must act on that change.

30. Question: If mail is returned for a simplified reporting household how is this treated?

Answer: This is a non-customer-reported change and the case manager should act on the change.

31. Question: Does a simplified reporting household have to report change in address?

Answer: No, it is not required until the next recertification.

32. Question: Which takes precedence - household composition policy or simplified reporting?

Answer: Simplified Reporting households do not have to report changes in household composition. (Unless, the new member's income brings the total household income over 130% of the poverty level.)

33. Question: Will the simplified reporting instructions be printed in different languages?

Answer: The instructions will be printed in English and in Spanish.

34. Question: What do you do if a household is in the simplified reporting group and another individual moves in. The household's income is now over 130 percent for the original household size of 3 but is not over 130 percent for the new household size of 4?

Answer: The customer must report that change. The income is measured against 130 percent of the poverty level for the household size at the last certification action. (Basically, the number of people listed on the STAT screen, which in this case is 3.)

Phantom Income:

35. Question: When TCA closes for non-compliance with a program requirement, how long does the phantom income stay on the food stamp case?

Answer: The phantom income remains as long as the sanction remains unless the household becomes ineligible for TCA for some reason other than the sanction. At the time the household becomes ineligible for TCA, the phantom income should be removed.

Able-bodied Adults without Dependents (ABAWDS):

36. Question: If a customer resides in a rooming house and they do not know the other people residing in the house, but there are children under 17, are they exempt from ABAWD work requirements?

Answer: If the rooming house is set up with each room as a separate dwelling, then a child in another room in the rooming house would not exempt the person from the ABAWD work requirement. If the situation occurs and it is not clear how we should treat the situation, call the Bureau of Policy and Training with a specific case example.

37. Question: The customer comes in and receives expedited food stamps on 9/5 and receives a prorated benefit. He is an ABAWD but chooses not to receive any more benefits. He comes back on 12/12 and is expedited again. Do any of these months count toward the free months?

Answer: No, these months would not count toward the three free months because they are partial months, but expedited rules would apply. An individual cannot be expedited processing again until he or she returns the verification requested at the original expedited service.

38. Question: What gives the case manager the authority to determine a customer is unfit for employment? What happens if it goes to appeals?

Answer: Case managers can exempt someone from ABAWD work requirements if it is obvious applicant or recipient is unfit for work. If the disability is questionable or the ability to work is questionable request verification.

39. Question: What if the customer does not list any other household members on the application but the rent form shows other household members, do we have to inquire as to their ages for ABAWD requirements?

Answer: The case manager should question the applicant about all people listed on the rent form and determine relationship and age for both household composition and ABAWD work requirements.

40. Question: Is there a minimum wage requirement for ABAWD households?

Answer: No, there is no minimum wage requirement for ABAWDS.

41. Question: If an individual is a refugee and an ABAWD when do we begin counting the 3 months? Do their 8 months include their three months?

Answer: You cannot confuse the 8 months of Refugee Cash Assistance (RCA) with food stamp ABAWD rules. The ABAWD's free 3 months begin with the first full month of benefits received. The refugee's free 3 months of food stamps are received along with the RCA (which can last for 8 months). If the ABAWD does not comply or become exempt after the first three months the individual is ineligible for food stamps.

Note: Most refugees who receive Refugee Cash Assistance are in work programs that will likely meet the work requirement.

42. Question: If a 25-year-old ABAWD lives in the home with his mother and 5 year old sibling do we add him to the household?

Answer: If the 25 year old purchases and prepares with his mother and sibling and meets all other eligibility factors he should be added back on the case. If he does not purchase and prepare with the rest of the family, he can be a separate household if he is otherwise eligible.

43. Question: Does customer have to verify good cause for failure to meet the ABAWD work requirement?

Answer: Good cause should be verified if questionable.

44. Question: Are homeless individuals exempt from ABAWD requirements if the address they use has a minor in the home?

Answer: If the individual does not reside in the home with the minor ABAWD work requirements are applicable.

45. Question: An individual is temporarily living in a home that includes a minor child. How do you define temporary for ABAWD purposes?

Answer: As long as the individual resides in the home with a child 17 or younger he or she is exempt from ABAWD work requirements.

46. Question: If an ABAWD was previously removed from a household, but now the person is eligible because there is a dependent child in the home, do we add the individual back on? Whose responsibility is it to add them back on, the customer's or the case manager's?

The ABAWD should be added on at the next recertification or interim change. Case managers should be alert to check cases at these times to see if a previously removed ABAWD should be added back on.

Inquiries

Please direct questions to Kay Finegan at 410-767-7939. You may also contact any member of the Food Stamp Team:

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