

## January-May 2016 Summary of Changes

Chapter	Passage	Summary
<b>800</b>	<b>0810.0200</b>	Made changes to the Simplified Reporting passage.
<b>1410</b>	<b>1410.1802</b>	Deleted the specific examples of temporary or permanent disability benefits issued by governmental or private sources, after receiving clarification from Food and Nutrition Service (FNS). The clarification from FNS states all sources of temporary or permanent disability benefits issued by governmental or private sources are an exception from Able-Bodied Adults Without Dependents provisions.
	<b>1410.1910</b>	<b>Deleted</b> passage about suitable employment because the employment provided by the FSET provider will always be considered suitable. The section also talks about when employment is not suitable; this is covered in the voluntary quit section 1410.1911.
	<b>1410.2500</b>	New FA passage addressing denial of benefits for fleeing felons and probation and parole violators
	<b>1410.2501</b>	New FA passage to determine if an individual is a fleeing felon
	<b>1410.2502</b>	New FA passage to determine if an individual is a probation or parole violator
	<b>1420.2500</b>	New TCA passage addressing denial of benefits for fleeing felons and probation and parole violators
	<b>1420.2501</b>	New TCA passage to determine if an individual is a fleeing felon
	<b>1420.2502</b>	New TCA passage to determine if an individual is a probation or parole violator
<b>1800</b>	<b>1810.1200</b>	Added the Road to Independence program to the passage. This program meets the student eligibility criteria.
	<b>1820.1200</b>	Added the Road to Independence program to the passage. This program meets the student eligibility criteria.
	<b>1830.1200</b>	Added the Road to Independence program to the passage. This program meets the student eligibility criteria.
	<b>1840.1200</b>	Added the Road to Independence program to the passage. This program meets the student eligibility

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		criteria.
	<b>1850.1200</b>	Added the Road to Independence program to the passage. This program meets the student eligibility criteria.
	<b>1860.1200</b>	Added the Road to Independence program to the passage. This program meets the student eligibility criteria.
<b>2200</b>	<b>2210.0320.02</b>	Added the Road to Independence program to the passage. This program meets the student eligibility criteria.
<b>3000</b>	<b>3010.0202</b>	Added language on how to process information obtained from the IRS/BENDEX WAGE Data Exchange to align with federal requirements.
	<b>3020.0202</b>	Added language on how to process information obtained from the IRS/BENDEX WAGE Data Exchange to align with federal requirements.
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### **0810.0200 SIMPLIFIED REPORTING (FS)**

Effective November 1, 2009 all food stamp households are simplified reporting.

Simplified reporting SFUs, that contain a member disqualified for IPV, fleeing felon, felony drug trafficking, or employment and training sanction, are not broad-based categorically eligible. Simplified Reporting households must report when income exceeds the monthly income limit for the AG size or when an able-bodied adult subject to time limits has a change in work hours below twenty hours per week. Households in all programs must [be encouraged to](#) report any changes in the household living and/or mailing address. The SFU must report the change by the 10<sup>th</sup> day of the month following the month of change.

Process beneficial changes, sanction actions and data exchange responses that are considered verified upon receipt: Social Security (Bendex), State Data Exchange (SDX), Unemployment Compensation Benefit (DEUC), Vital Statistics Death Match (DEDT), and Numident (DENU). ~~ACCESS Integrity~~ [Staff](#) will process prison incarceration information received [in alerts](#) ~~directly~~ from the Department of Corrections. Review responses from other data exchanges as part of the next review. Food stamp AGs that also receive TCA and/or Medicaid must report changes according to TCA and/or Medicaid Program requirements. Act on changes reported for TCA and/or Medicaid and make the change to affect all three programs. For beneficial changes, if the household fails to verify the information, leave the food stamp benefits the same. Do not act on reported adverse changes in food stamp only cases. In combination cases with food stamps, TCA, and/or Medicaid, process adverse changes based on the information provided by the household.

### **1410.1802 Exceptions from ABAWD Provisions (FS)**

The time limit does not apply and the individual is not a “time-limited” ABAWD if he or she meets any of the following exceptions to the ABAWD time limits or FSET exemptions:

1. Is under 18 years of age or over 49 years of age. A person is considered 50 on their 50th birthday.
2. Physically or mentally unfit for employment. An individual is physically or mentally unfit for employment if he or she:
  - a. Is receiving temporary or permanent disability benefits issued by governmental or private sources. ~~This includes persons receiving Social Security Disability, Supplemental Security Income (SSI) due to disability, and 100% disability through the Veterans Administration.~~

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- b. Is obviously mentally or physically unfit for employment as determined by the eligibility specialist. Individuals are obviously unable to participate due to a physical or mental incapacity only if the physical or mental impairment(s) are of such severity that the individual is not only unable to do their previous work but cannot, considering education and work experience, engage in any other kind of substantial gainful work which exists in the national/state/local economy. The eligibility specialist is to record observations used to determine unfitness on CLRC.
  - c. If the unfitness is not obvious, it must be verified with a written or verbal statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or other medical personnel indicating, the individual is physically or mentally unfit for employment.
- 3. Is a parent (natural, adoptive, or step) or other member of the food stamp standard filing unit (SFU) with a child under age 18 in the standard filing unit, even if the member who is under 18 is not eligible for food stamps.
  - 4. Is residing in an SFU where an SFU member is under age 18, even if the SFU member who is under 18 is not himself eligible for food stamps.
  - 5. Is pregnant.

### **~~1410.1910~~ — Suitable Employment (FS)**

~~If the participant refuses to accept or quits a job to which the FSET provider referred the individual, because the job is unsuitable, the FSET provider must determine suitability of employment.~~

~~Employment is not suitable if daily commuting time exceeds two hours per day, not including the time required for transportation to a child care facility. Employment is not suitable if the working hours or nature of the employment interfere with the member's religious observances, convictions or beliefs or the distance to the place of employment is too far to walk and public or private transportation is not available to transport the individual to the job site.~~

### **1410.2500 FLEEING FELONS AND PROBATION OR PAROLE VIOLATORS (FS)**

Food stamp benefits must be denied to an individual who is a fleeing felon or in violation of probation or parole. Since an individual disqualified due to being a fleeing felon or probation or parole violator is not considered a noncompliance with a specific program

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requirement, “Riverside” policy will not be applied. The following passages address how to determine if an individual is a fleeing felon or in violation of probation or parole.

### **1410.2501 Fleeing Felon (FS)**

States must use a four-part test to identify fleeing felons. All four items have to be present and verified by the State agency to determine that an individual is a fleeing felon. To be a fleeing felon ineligible for a food stamp benefit the following four criteria must be met:

1. There must be a felony warrant for the individual;
2. The individual must be aware of, or should reasonably be able to expect that, a warrant has or would have been issued;
3. The individual has taken some action to avoid being arrested or jailed, and;
4. A law enforcement agency is “actively seeking” the individual.

Law enforcement is “actively seeking” the individual when it informs the Department it intends to enforce an outstanding felony warrant.

### **1410.2502 Probation or Parole Violator (FS)**

The State agency has the responsibility of verifying the status of the probation or parole violator. The violation can be a misdemeanor or a felony. To be a probation or parole violator ineligible for a food stamp benefit the following two criteria must be met:

1. The individual must have violated a condition of his or her probation or parole, and;
2. Law enforcement must be “actively seeking” the individual to enforce the conditions of the probation or parole.

Law enforcement is “actively seeking” the individual when it informs the Department it intends to enforce an outstanding misdemeanor or felony warrant for a probation or parole violation.

### **1420.2500 FLEEING FELONS AND PROBATION OR PAROLE VIOLATORS (TCA)**

Temporary Cash Assistance benefits must be denied to an individual who is a fleeing felon or in violation of probation or parole. Since an individual disqualified due to being a fleeing felon or probation or parole violator is not considered a noncompliance with a specific program requirement, “Riverside” policy will not be applied. The following passages address how to determine if an individual is a fleeing felon or in violation of probation or parole.

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**1420.2501 Fleeing Felon (TCA)**

States must use a four-part test to identify fleeing felons. All four items have to be present and verified by the State agency to determine that an individual is a fleeing felon. To be a fleeing felon ineligible for TCA benefits the following four criteria must be met:

1. There must be a felony warrant for the individual;
2. The individual must be aware of, or should reasonably be able to expect that, a warrant has or would have been issued;
3. The individual has taken some action to avoid being arrested or jailed, and;
4. A law enforcement agency is “actively seeking” the individual.

Law enforcement is “actively seeking” the individual when it informs the Department it intends to enforce an outstanding felony warrant.

**1420.2502 Probation or Parole Violator (TCA)**

The State agency has the responsibility of verifying the status of the probation or parole violator. The violation can be a misdemeanor or a felony. To be a probation or parole violator ineligible for a TCA benefits the following two conditions must be met:

1. The individual must have violated a condition of his or her probation or parole, and;
2. Law enforcement must be “actively seeking” the individual to enforce the conditions of the probation or parole.

Law enforcement is “actively seeking” the individual when it informs the Department it intends to enforce an outstanding misdemeanor or felony warrant for a probation or parole violation.

**1810.1200 STUDENT LOANS, GRANTS, AND SCHOLARSHIPS (FS)**

All Title IV and Non-Title IV income a student receives from scholarships, educational grants, gifts, loans and work study are excluded as income. This includes federal Perkins loans authorized under Title IV and, Bureau of Indian Affairs Programs and loans, and [Road to Independence funds](#).

**1820.1200 STUDENT LOANS, GRANTS, AND SCHOLARSHIPS (TCA)**

All Title IV and Non-Title IV income a student receives from scholarships, educational grants, gifts, loans and work study are excluded as income. This includes federal Perkins loans authorized under Title IV, and Bureau of Indian Affairs Programs and loans, and [Road to Independence funds](#). These sources generally apply to students attending a college or other institution of higher education beyond the high school level.

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**1830.1200 EDUCATIONAL SCHOLARSHIPS, FELLOWSHIPS AND GRANTS (MFAM)**

Scholarships, fellowships, grants, and Road to Independence funds are excluded income if the recipient is a degree candidate at an eligible educational institution to the extent it does not exceed qualified educational expenses. Qualified educational expenses include tuition and fees, course related expenses such as fees, books, supplies and equipment if required. The costs of room and board, travel, teaching or research are not qualified educational expenses. The total grant amount received by the young adult participating in one of the Independent Living Programs is excluded in all Medicaid eligibility determinations for all members.

**1840.1200 STUDENT LOANS, GRANTS, AND SCHOLARSHIPS (MSSI, SFP)**

These sources generally apply to students attending a college or other institution of higher education beyond the high school level.

All student financial assistance received under Title IV of the Higher Education Act of 1965, ~~or under~~ Bureau of Indian Affairs (BIA) student assistance programs, and Road to Independence funds ~~is~~ ~~are~~ excluded from income and assets regardless of use.

Examples of Title IV programs include, but are not limited to:

1. Pell grants,
2. State Student incentives,
3. Academic Achievement Incentive scholarships,
4. Upward Bound, and
5. Work-Study Programs.

For other grants, scholarships, gifts or fellowships, apply the following policies:

1. Any portion of a grant, scholarship, gift or fellowship used for paying tuition, fees or other necessary educational expenses is excluded from income. This exclusion does not apply to any portion used for food, clothing, or shelter expenses.
2. Any portion of a grant, scholarship, gift or fellowship that is not used for tuition, fees, or other necessary educational expenses is income in the month received.

Examples of necessary educational expenses include books, supplies, laboratory fees, student activity fees, carfare, and impairment-related expenses necessary to attend school or perform schoolwork (e.g. special transportation to and from classes, special prosthetic devices necessary to operate school machines or equipment etc-)).

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**1850.1200 STUDENT LOANS, GRANTS, AND SCHOLARSHIPS (CIC)**

All Title IV and Non-Title IV income a student receives from scholarships, educational grants, gifts, loans and work study, [and Road to Independence funds](#) are excluded as income. This includes federal Perkins loans authorized under Title IV and Bureau of Indian Affairs Programs and loans. These sources generally apply to students attending a college or other institution of higher education beyond the high school level. The total grant amount received by the young adult participating in one of the Independent Living Programs is excluded in all Medicaid eligibility determinations for all members.

**1860.1200 STUDENT LOANS, GRANTS, AND SCHOLARSHIPS (RAP)**

All Title IV and Non-Title IV income a student receives from scholarships, educational grants, gifts, loans and work study, [and Road to Independence funds](#) are excluded as income. This includes federal Perkins loans authorized under Title IV and Bureau of Indian Affairs Programs and loans. These sources generally apply to students attending a college or other institution of higher education beyond the high school level.

**2210.0320.02 Student Eligibility Test (FS)**

Complete the student eligibility test for students in institutions of higher education to determine if they meet a student exemption. Testing for student eligibility does not apply to individuals attending high school, individuals not attending school at least half-time, or individuals enrolled full-time in schools and training programs that are not institutions of higher education. Individuals pass the student eligibility test and are eligible to participate in the Food Stamp Program if they are:

1. age 17 or under or 50 or older. or
2. physically or mentally unfit. Individuals are physically or mentally unfit if they are receiving temporary or permanent disability benefits from government or private sources or are obviously physically or mentally unfit. Individuals meet the obviously unfit criteria if the impairment is so severe that they are not only unable to do their previous work but cannot, considering their education and experience, hold any other kind of job in the national, state, or local economy. If the unfitness is not obvious, get written or verbal verification from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, social worker, or other medical personnel. Assist the individual in providing the verification. or
3. responsible for the care of a dependent standard filing unit (SFU) member under age six. or

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4. households with parent(s) or members acting as the parents responsible for the care of a dependent SFU member age six but under the age of 12, for whom adequate child care is not available to allow the student to attend class and comply with the requirements of working an average number of work hours that total 80 hours per month or attend class and participate in a state or federally financed work study. or
5. receiving Temporary Cash Assistance benefits. or
6. assigned to or placed in an institution of higher learning through the Job Training Partnership Act, the Food Stamp Employment and Training Program (FSET), Regional Workforce Board coalition/contract provider, the Trade Act, or state or local government employment and training program where components are the same as required components in the FSET Program. [Road to Independence meets this criteria.](#) or
7. participating in an on-the-job training program. The exemption applies only while the employer is training the individual. or
8. enrolled in the school because of participation in the JOBS Program or its successor programs through the Agency for Workforce Innovation under Title IV of the Social Security Act. or
9. single parents enrolled in school full-time and responsible for care of a dependent child under age 12 when there is only one natural, adoptive, or step-parent in the same food stamp SFU. or
10. working average work hours that total 80 hours per month and be paid for the work (with no allowance for substitution of wages equal to 80 times the federal minimum wage), or self-employed average work hours that total 80 hours per month and receiving payment for the work at least equal to the federal minimum wage multiplied by 80 hours per month or
11. participating in a state or federally financed work-study program during the regular school term. The student must have approval for the work-study when they apply for food stamp benefits and anticipate actually participating in work-study during the school term. This exemption does not apply to students working in hospitals or as student teachers who must get actual experience as part of their course work or cooperative education students who attend classes full-time one semester and work at curriculum related jobs full-time the next semester. This work-study exemption does not continue during term breaks of more than a full month unless the student participates in work-study during the break

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**3010.0202 IRS and BEERS Data Security Requirements (FS)**

The IRS mandates any agency obtaining IRS tax and BEERS data to maintain strict security guidelines. Do not print information from BEERS or IRS responses. If this information is inadvertently printed, follow the following procedures:

1. Secure any screen print of IRS or BEERS data from the system under lock and key and destroy it immediately after review with the individual.
2. Do not exceed 45 days from the time of initial receipt of data to destruction of the data.
3. Do not photocopy the data.

There is a prohibition against recording IRS as the source of the information. Record only the results of the review of the data.

Do not, under any circumstances, place a copy of the IRS tax data in the case record. When destroying the hardcopy, shred it by machine into strips not larger than 5/16th of an inch wide and cut it perpendicular to the printing.

The Region or Circuit is to maintain a log of shredded information, including the item shredded, the date and the name of the individual who completed the shredding. Maintain the log for five years.

Do not retain any third party request for additional verification on IRS or BEERS data in the case record and treat the request with the same security provisions as the actual IRS or BEERS response. Retain the third party response in the case record only if it does not contain return information. Return information is information obtained through an IRS or BEERS match that contains data not otherwise available to the Department.

If the customer **denies** knowledge of the income/asset, the customer must be pended for additional information about the account, staff must not reveal the source of the information to the customer. If the requested information is received from the customer, update the case with the information, and enter on CLRC and AMS. If the requested information is not received, and assets are a factor of eligibility for the benefits the customer receives, staff must follow the standard denial process, ensuring Continuous Medicaid coverage. **Note:** For combination cases (food assistance (FA)/ Temporary Cash Assistance (TCA)/ Medicaid) action to deny can be taken at any time during the eligibility period. For Simplified Reporting FA only cases, action to deny can only be taken at application or renewal of benefits.

**3020.0202 IRS and BEERS Data Security Requirements (TCA)**

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### **3030.0202 IRS and BEERS Data Security Requirements (MFAM)**

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### **3040.0202 IRS and BEERS Data Security Requirements (MSSI)**

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### **3050.0202 IRS and BEERS Data Security Requirements (CIC)**

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If the customer **denies** knowledge of the income/asset, the customer must be pended for additional information about the account, staff must not reveal the source of the information to the customer. If the requested information is received from the customer, update the case with the information, and enter on CLRC and AMS. If the requested information is not received, and assets are a factor of eligibility for the benefits the customer receives, staff must follow the standard denial process, ensuring Continuous Medicaid coverage. **Note:** For combination cases (food assistance (FA)/ Temporary Cash Assistance (TCA)/ Medicaid) action to deny can be taken at any time during the eligibility period. For Simplified Reporting FA only cases, action to deny can only be taken at application or renewal of benefits.

### **3060.0202 IRS and BEERS Data Security Requirements (RAP)**

The IRS mandates any agency obtaining IRS tax and BEERS data to maintain strict security guidelines. Do not print information from BEERS or IRS responses. If this information is inadvertently printed, follow the following procedures:

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