1. Verify residency in conjunction with the verification of other information as much as possible;
2. Use a home visit, collateral contact, or other readily available documentary evidence for verification of residency if it cannot be done in conjunction with other verification; and
3. Accept any documents or collateral contacts which reasonably establish the applicant's residency. The worker must not require a specific type of verification. Documents which verify other eligibility factors would normally verify residency.

3-001.03 Citizenship/Alien Status: This section ~~covers~~ addresses the requirements of the citizenship/alien provisions for individuals receiving ~~food stamp~~ SNAP benefits in Nebraska. ~~The two sets of immigrant provisions are federally funded food stamp benefits and state funded food stamp benefits.~~

When a non-citizen requests to participate in ~~the Food Stamp Program~~ SNAP, his/her alien status must ~~first~~ be determined ~~using the federal alien regulations~~. ~~If the individual does not meet the federal regulations , his/her alien status is then determined using the expanded state alien policies~~. If the individual does not meet ~~either the federal or state~~ the citizenship/alien provisions, s/he is ineligible ~~and cannot participate in the Food Stamp Program~~ for SNAP.

The status of all aliens requesting SNAP benefits must be verified through the Systematic Alien Verification for Entitlements (SAVE) program which is operated by the Citizenship and Immigration Services (CIS). ~~If an alien does not wish to have CIS contacted to verify his/her immigration status, the worker must give the household the option of participating without that member. The household may also choose to withdraw its entire application.~~ If a household or individual indicates inability or unwillingness to provide documentation of alien status for any household member, the agency must consider that member an ineligible alien. In these cases, the worker does NOT continue efforts to obtain that documentation. If an alien does not wish to have CIS contacted to verify his/her immigration status, the worker must give the household the option of participating without that member. The household may also choose to withdraw its entire application.

{Effective }

3-001.03A Household Members Meeting ~~Federal~~ Citizenship/Alien Requirements: ~~If an individual is in one of the following categories, s/he is eligible for federally funded food stamp benefits:~~

~~1. U.S. citizen~~;
~~2. Alien veteran who fulfills the minimum active duty service requirements and has an honorable discharge not related to his/her alien status. Minimum active duty is defined as 24 months or the period for which the person was called to active duty;~~
~~The following individuals are also considered veterans:~~
~~a. Members of a Hmong or Highland Laotian tribe who fought on behalf of the United States during the Vietnam Era;~~

~~Note: Eligibility for the federally funded program also includes any member of a Hmong or Highland Laotian tribe at the time the tribe rendered assistance to U.S. personnel by taking part in a military rescue operation between August 5, 1964, and May 7, 1975. This includes the spouse; surviving spouse; an unmarried dependent child age 17 or younger; a dependent child age 21 or younger if a full-time student; an unmarried, disabled child age 18 or older if the child was disabled before his/her 18th birthday.~~

~~b. Individuals who served in the Philippine Commonwealth Army and Philippine Scouts during WWII. Their spouses, widows, and dependent children are also eligible under the federal program.~~

~~3. Alien serving in active military duty;~~
~~4. Alien spouse or unmarried dependent child(ren) of a veteran or active military person who is eligible by meeting the criteria in either number 2 or 3;~~
~~5. Effective April 1, 2003, a qualified alien who has lived in the United States for five years beginning with the date the immigrant obtained legal status through CIS.~~
~~6. Effective October 1, 2003, a child now age 17 or younger who is a qualified alien and living in the United States;~~
~~7. An elderly individual who was at least 65 years old on August 22, 1996, and who was lawfully present in the United States on that date;~~
~~8. A disabled person as defined by the Food Stamp Act or a person who becomes disabled in the future, and who is a qualified alien and lawfully present in the United States;~~
~~9. A Native American born in Canada who is at least 50 percent of the American Indian race;~~
~~10. An individual who is not a U.S. citizen, but is a member of an Indian tribe which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians; and~~
~~11. An alien, an alien's child, or an alien child's parent who has been subject to battery or extreme cruelty.~~

If an individual's status is one of the following, s/he meets the citizenship/alien requirements for SNAP as defined in federal regulations.

1. A U.S. Citizen or U.S. non-citizen national;
2. An Amerasian immigrant admitted under Section 584 of Public Law 100-2002 amended by Public Law 100-461a, Section 204 of the Immigration and Nationality Act (INA):
3. An American Indian born in Canada if s/he possesses at least 50 percent of blood of the American Indian race or an American Indian Tribal member born outside the U.S.;
4. An asylee who was granted asylum under Section 208 of the INA;
5. A child under the age of 18;
6. A battered non-citizen who:
   a. Is under 18 years of age; or
   b. Has legally resided in the U.S. for five or more years; or
   c. Has or can be credited with 40 qualifying work quarters; and
   d. Who is no longer residing with the family member who battered him/her;
7. A Cuban or Haitian entrant who was admitted under Section 207 of the INA;
8. An individual whose deportation (or removal) is being withheld under Section 243(h) of the INA as in effect before 4/1/97 or Section 241(b)(3) of the INA;

9. An elderly individual who was lawfully residing in the U.S. and was age 65 or older on August 22, 1996;
10. A Hmong or Highland Laotian tribal member if s/he was a member of a tribe who rendered assistance to the U.S. by taking part in a military or rescue operation during the Vietnam era between August 5, 1964, and May 7, 1975, and is legally residing in the U.S. These individuals are eligible indefinitely. The individual must have been born prior to May 8, 1975, and be legally residing in the U.S. This includes the spouse, surviving spouse, an unmarried dependent child age 17 or younger, or a dependent child age 21 or younger if a full-time student, an unmarried disabled child age 18 or older if the child was disabled before his/her 18th birthday;
11. An individual receiving assistance benefits for blindness or disability;
12. An Iraqi or Afghan special immigrant who has special immigrant status under Section 101 (a)(27) of the INA;
13. A Lawful Permanent Resident (LPR) who:
    a. Is under 18 years of age, regardless of his/her date of entry;
    b. Has been an LPR for five years; or
    c. Has or can be credited with 40 qualifying work quarters;
14. An individual with past or current military involvement defined as an alien veteran who is on active duty with any of the U.S. Armed Forces units. Minimum active duty is defined as 24 months or the period for which the person was called to active duty;
15. A parolee or conditional entrant if admitted under Section 212(d)(5) of the INA for at least one year and who:
    a. Is under 18 years of age;
    b. Meets military eligibility criteria (see Number 14 above); or
    c. Has resided in the U.S. for at least five years;
16. A refugee who was admitted under Section 207 of the INA or who entered the U.S. before April 1, 1980, and was granted conditional entry; or
17. A victim of human trafficking who was granted protection under the Trafficking Victims Protection Act of 2000, as amended.

{Effective }

~~3-001.03B (- Aliens Eligible for Federal Time-Limited Benefits: If an individual is in one of the following categories, s/he is eligible for time-limited federally funded food stamp benefits for seven years from the date his/her current status was determined. All sections refer to the Immigration and Nationality Act.~~

~~1. An alien granted asylum under Section 208;~~
~~2. A refugee admitted into the United States under Section 207;~~
~~3. An alien whose deportation is being withheld under Section 243(h) or Section 241(b)(3);~~
~~4. An alien admitted as an Amerasian immigrant under Section 204; or~~
~~5. An alien granted status as a Cuban or Haitian entrant under Section 501(e).~~

~~{Effective 3/2/99}~~

~~3-001.03C - State Eligible Alien Statuses: If an individual does not meet the federal citizenship/alien provisions, s/he is eligible for state funded food stamp benefits if s/he is a qualified alien who has lived in the United States less than five years.~~

~~{Effective 6/9/2003}~~

3-001.03~~D~~ B Ineligible Aliens: Aliens, other than those ~~described as eligible, are ineligible aliens.~~ meeting citizenship/alien requirements outlined in this section are ineligible for SNAP. These include, but are not limited to, alien visitors, tourists, diplomats, students who enter the United States with no intention of abandoning their residence in a foreign country, and any individuals who do not provide information regarding their citizenship/alien status.

{Effective }

3-001.03~~D~~ B1 Attesting to Citizenship/Alien Status: At the time of initial certification, the individual making application must attest to the citizenship of all household members requesting benefits by checking the appropriate field and signing the application.

Citizenship/alien status of a new household member is determined at the time the individual is added to the household.

{Effective 10/28/96}

~~3-001.03E Income and Resources of Ineligible Aliens: All of the household's resources and income including those of an ineligible alien living with a household are considered in determining the eligibility or benefit level of the household as set forth in 475 NAC 3-002.07 ff.~~

~~{Effective 12/27/97}~~

3-001.03~~F~~ C Expedited Services: If an individual is unable to verify alien status in time to meet expedited time frames and the individual has declared eligible citizenship/alien status, the worker must postpone verification.

{Effective }

3-001.03~~G~~ D Reporting Undocumented Aliens: The ~~worker~~ agency must immediately inform the local CIS office whenever personnel responsible for the certification or recertification of households determine that an applicant or recipient is ~~ineligible to receive food stamp benefits because the member is present in the United States in violation of the Immigration and Nationality Act. When a household member declines to provide documentation of his/her alien/citizenship status, that member should be considered as an ineligible alien. In these cases, the worker must not continue efforts to obtain that documentation.~~ illegally in the U.S. in violation of the INA. An alien is known to be "illegal" only when the unlawful presence in the U.S. is a Finding of Fact or conclusion of law that is made by the entity as part of a formal determination subject to administrative review. In addition, that finding or conclusion of unlawful presence must be supported by a determination by the Service or the Executive Office of Immigration Review, such as the Final Order of Deportation.

{Effective }

3-001.03~~H~~ E Verification of Citizenship: When the citizenship of any person applying for benefits is questionable, the worker must require the household to provide verification of the citizenship. The household member is ~~disqualified from the Food Stamp Program~~ ineligible until proof of U.S. citizenship is received.

3-001.03~~J~~ F Pending Verification of Immigration Status: ~~An alien is ineligible until acceptable documentation is provided which can be verified through SAVE, unless:~~ Some applicants who declare eligible immigration status may not have documents issued by CIS. Until acceptable documentation is provided, a non-citizen is ineligible for SNAP unless:

1. The worker has submitted a copy of a document provided by the household to CIS for verification;
2. The ~~lawful permanent resident (LPR~~) LPR or the worker has:

a. Submitted a request to SSA for information regarding the number of quarters of work that can be credited to the individual;
b. SSA has responded that the individual has fewer than 40 quarters; and
c. The individual provides documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited; or

3. The applicant or worker has submitted a request to a federal agency for verification of information which bears on the individual's eligible alien status.

During the period of time the alien's status is under review by the CIS, SSA or another federal agency, the worker cannot delay, deny, reduce, or terminate the individual's eligibility on the basis of the individual's immigration status. Pending the outcome of the review, the alien ~~can~~ may be certified ~~under the federally funded program~~ for up to six months from the date of original request for verification. The worker must review the alien's eligibility based on the results of the investigation when received from the federal agency. The alien may be determined eligible ~~under the federal or state program or may be determined~~ or ineligible.

{Effective }

3-001.04 Work Requirements: The work requirement provision is applied statewide. Exemptions from the work requirements and eligibility for meeting the work requirements are covered in the following material. Each household member age 16 through 59 must meet or be exempt from the work participation requirements which are:

1. Work Registration;
~~2. Employment and Training (E & T)~~;
~~3~~. 2. Bona Fide Job Offer;
~~4~~. 3. Voluntary Quit; or
~~5~~. 4. Employment First (EF) work requirements. Enrollment in EF mandates compliance with EF work requirements.

In addition to the work requirements listed above, an ABAWD age 18 through 49 must also meet or be exempt from the ABAWD work requirements.

{Effective }

3-001.04A Work Requirement Exemptions: The following household members are exempt from meeting any work requirements:

1. A person age 15 or younger. If a household member's sixteenth birthday falls within a certification period, that member will register for work as part of the next scheduled recertification unless otherwise exempt;
2. A person age 16 or 17 who is not the head of household, or who is attending school, or enrolled in an employment and training program on at least a half-time basis;
3. High school students of any age who are attending classes at least half-time;
4. A student enrolled at least half time in any recognized school, training program, or post-secondary education when the individual is an exempt student. The worker must not consider the following persons as students:
   a. Persons enrolled less than half time;
   b. Persons who experience a break in their enrollment due to graduation, expulsion, suspension; or
   c. Persons who drop out or do not intend to return to school.

   The above individuals must comply with the work requirements unless exempt for a different reason.
5. A person age 60 or older. If a person who is age 59 will turn 60 during the application month, the worker considers the person exempt;

6. A person who is physically or mentally unfit for employment. Verification may be required if a disability is claimed but is not evident to the worker. If a disability is evident, the worker documents this in the case record. The individual is considered disabled if s/he receives one of the following:
   a. Retirement, Survivors and Disability Insurance (RSDI) or Supplemental Security Income (SSI) based on disability;
   b. A statement from the Veteran's Administration indicating inability to work;
   c. Medical Assistance based on disability;
   d. A statement from the individual's physician or licensed certified psychologist indicating inability to work; or
   e. Temporary or permanent disability benefits from other government or private sources.
7. An employed or self-employed person if that person is working at least 30 hours per week or is receiving weekly earnings equal to or greater than the federal minimum wage or training wage multiplied by 30 hours. This includes migrant and seasonal farmworkers who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days. These individuals may still seek additional services from Workforce Development;
8. A parent or other household member responsible for the care of a dependent child age five or younger or an incapacitated person. If the child's sixth birthday falls within a certification period, the member responsible for that child's care must register for work as part of the next scheduled recertification unless otherwise exempt;
9. A person who receives unemployment compensation (UC). A person who has applied for but has not yet received unemployment compensation is also exempt if that person was required to register for work with the Job Service Workforce Development as part of the unemployment compensation application. This is verified through wage match procedures;
10. A chemically dependent person if s/he is participating in a chemical dependency treatment and rehabilitation program;
11. A person age 50 or older who is enrolled at least half-time in any recognized school, training program, or post secondary education.

{Effective 12/26/2007}

<u>3-001.04A1 Change in Exemption Status</u>: Household member(s) who lose their exempt status due to a change in circumstances that is required to be reported are screened for the work requirements at the time of report. Household member(s) who lose their exemption due to a change in circumstances that is not required to be reported are screened for the work requirements at the household's next recertification.

<u>3-001.04A2 Unemployment Compensation Noncompliance</u>: Household members who fail to comply with the unemployment compensation requirements lose their ~~food stamp program~~ <u>SNAP</u> work requirement exemption. Unless these individuals are otherwise exempt, they are required to comply with ~~the food stamp program~~ <u>SNAP</u> work requirements as appropriate.

{Effective 12/26/2007}

3-001.04A3 Employment First Noncompliance

1. Household members who fail to comply with Employment First work requirements and who are otherwise exempt from ~~food stamp program~~ SNAP work requirements are not disqualified for a ~~food stamp~~ SNAP work requirement. They are subject to the Failure to Comply with Another Program Requirement penalty for noncompliance with Employment First;
2. Household members who fail to comply with Employment First work requirements and who are not otherwise exempt from ~~food stamp program~~ SNAP work requirements are disqualified for noncompliance with a ~~food stamp program~~ SNAP work requirement. The disqualification follows ~~food stamp~~ SNAP penalties. Determine if the household member:
   a. Is an “Applicant” or “Certified”;
   b. Whether the household member is “Head of Household” or “Individual”; and
   c. Whether it is the household member’s first, second, or third or subsequent ~~food stamp~~ SNAP work requirement disqualification.

The appropriate ~~food stamp~~ SNAP work requirement disqualification must be applied. In addition, the individuals are subject to the Failure to Comply with Another Program Requirement penalty for noncompliance with Employment First.

{Effective 12/26/2007}

3-001.04B Work Registration: Household members who are not exempt from work registration are considered registered when an adult household member or an authorized representative signs the completed application form. The worker must explain the requirements of work registration as part of the application process, preferably during the interview.

~~To be eligible for SNAP benefits, all non-exempt household members must be work registered and be screened for the Employment and Training (E & T) Program. Household members who are not exempt must be work registered at the time of application and re-registered every 12 months as long as they are not exempt.~~

{Effective }

3-001.04C Employment and Training (E & T): ~~The worker must explain the requirements of the E & T Program, if appropriate, and the applicant's rights and responsibilities. All non-exempt household members must be referred to the E & T Program and participate in the program.~~

~~The E & T Program may involve job search training, individual job search, or both.~~

Individuals residing in Nebraska are geographically exempt from mandatory E & T participation. Individuals may volunteer to participate in E & T in designated areas of the state.

{Effective }

~~3-001.04C1 Employment & Training Compliance: Any household member required to participate in the E & T Program must comply with all the requirements of the component s/he is assigned to including any of the following:~~

~~1. Attending a job training workshop;~~
~~2. Making a specified number of contacts with potential employers;~~
~~3. Following up on job leads; and~~
~~4. Accepting suitable employment if offered.~~

~~The worker must explain the requirements of the assigned component to any household member required to participate in the E & T Program. In addition, mandatory E & T participants must be informed that they may be exempted from participation if their monthly expenses that are reasonably necessary and directly related to participation in the E & T Program exceed the allowable reimbursement amount.~~

~~If the household member does not comply, the worker must send the household a timely notice which includes a statement outlining the disqualification. The timely notice must include a disqualification statement that informs the household of the:~~

~~1. Individual who is being disqualified;~~
~~2. Reason for the disqualification;~~
~~3. Minimum length of the disqualification; and~~
~~4. Action the individual can take to end the E & T disqualification, if applicable.~~

~~The Employment and Training (E & T) disqualification remains in effect until the individual has:~~

~~1. Served the minimum disqualification period~~;
~~2. Complied with E & T requirement that caused disqualification, if longer than minimum disqualification period; or~~
~~3. Become exempt from the regular work requirements~~

~~{Effective 1/3/2005}~~

3-001.04C~~2~~ 1 Employment and Training Reimbursement: Any household member voluntarily participating in ~~an~~ the E & T Program qualifies for a reimbursement for actual costs that are reasonably necessary for and directly related to participation ~~for each month of participation~~.

{Effective }

~~3-001.04C2a Employment and Training Exemptions: Individuals may be exempted from E & T requirements based on such factors as geographical distance from the local office, the availability of child care, health factors and other considerations as approved by FNS in the approval of Nebraska's E & T plan.~~

3-001.04D Refusal to Accept a Bona Fide Job Offer or Voluntary Quit: If an individual refuses to accept a bona fide job offer or voluntarily quits employment within 60 days before a ~~food stamp~~ SNAP application is filed, anytime after the application is filed or after the household is certified, the worker must make a determination of whether or not the refusal to accept suitable employment or termination of employment met the criteria of the requirement and was without good cause. The household cannot claim good cause for refusing a bona fide job offer due to not meeting the drug test requirement. The following conditions do not constitute a refusal to accept a bona fide offer or a voluntary quit:

1. Employment of less than 30 hours per week or 30 hours times the federal minimum wage;
2. Changes in employment status which do not result in reducing hours of employment to less than 30 hours per week for the same employer;
3. Terminating a self-employment enterprise; or
4. Resigning from a job at the employer's demand.

{Effective 1/3/2005}

3-001.04E Non-Compliance with Work Requirements: In any of the following situations an individual is ineligible to participate in ~~the Food Stamp Program~~ SNAP when s/he:

1. Refuses without good cause to register for employment;
2. Voluntarily and without good cause quits a job or reduces employment to less than 30 hours per week;
3. Refuses without good cause to accept an offer of bona fide employment; ~~or~~
4. ~~Refuses without good cause to participate in the E & T program in areas not geographically exempt; or~~
   Is a non-exempt ABAWD who has used his/her 3 months of time-limited benefits in the 36-month period and is not meeting an ABAWD work requirement; or
5. Is determined to be noncompliant with Employment First and is not otherwise exempt from ~~food stamp~~ SNAP work requirements.

{Effective }

The designation of head of household for households consisting of parents must be made at the time of application and may be changed at the time of review or if the household composition changes. The household cannot designate a disqualified household member as the head of household. The head of household for work requirement compliance must be an eligible household member.

{Effective 1/3/2005}

3-001.04F2 Ineligibility of an Applicant Household: If the individual who has been named the head of household on the application is ineligible to participate due to a work requirement noncompliance, the entire household is ineligible. The household is ineligible to participate for:

1. Thirty days from the application filing date for the first disqualification;
2. Ninety days from the application filing date for the second disqualification; and
3. One hundred eighty days from the application filing date for the third or subsequent disqualification.

If the individual in violation is the head of household, the entire household is ~~not eligible for food stamp~~ ineligible for SNAP benefits until the disqualification period is served. ~~Employment & Training (E & T) noncompliance remains in effect until the individual has complied with the E & T requirement that caused the disqualification, if longer than the minimum disqualification period. If the head of household becomes exempt from the work requirements during the disqualification period, the household may reapply for benefits.~~ If the head of household becomes exempt from the work requirements during the disqualification period, the household may reapply for benefits.

{Effective }

3-001.04F3 Ineligibility of a Certified Household: If the individual who is the head of household becomes ineligible to participate in ~~the Food Stamp Program~~ SNAP due to a work requirement noncompliance, the household is ineligible to participate for:

1. One calendar month for the first disqualification;
2. Three calendar months for the second disqualification; and
3. Six calendar months for the third and subsequent disqualification.

If the individual in violation is the head of household, the entire household is ~~not ineligible~~ ineligible for ~~food stamp~~ SNAP benefits until the disqualification period is served. ~~Employment & Training (E & T) noncompliance remains in effect until the individual has complied with the E & T requirement that caused the disqualification, if longer than the minimum disqualification period.~~ If the head of household becomes exempt from the work requirements during the disqualification period, the household may reapply for benefits.

{Effective }

3-001.04G Other Household Member

3-001.04G1 Ineligibility of an Applicant Household Member: If any household member, other than the head of household, becomes ineligible to participate due to work requirements, the household member is ineligible to participate for:

1. Thirty days from the application filing date for the first disqualification;
2. Ninety days from the application filing date for the second disqualification; and
3. One hundred eighty days from the application filing date for the third or subsequent disqualification.

If the individual in violation is another member of the household, the individual is ~~not eligible~~ ineligible for ~~food stamp~~ SNAP benefits until the disqualification period is served ~~Employment & Training (E & T) noncompliance remains in effect until the individual has complied with the E & T requirement that caused the disqualification, if longer than the minimum disqualification period~~. or the individual becomes exempt from the work requirements.

{Effective }

3-001.04G2 Ineligibility of a Certified Household Member: If the individual in violation is not the head of household, the individual household member becomes ineligible to participate in ~~the food stamp program~~ SNAP due to a work requirement noncompliance. The individual is ineligible to participate in any household for:

1. One calendar month for the first violation;
2. Three calendar months for the second violation; and
3. Six calendar months for the third and subsequent violation.

If the individual in violation is another member of the household, the individual is ~~not eligible~~ ineligible for ~~food stamp~~ SNAP benefits until the disqualification period is served ~~Employment & Training (E & T) noncompliance remains in effect until the individual has complied with the E & T requirement that caused the disqualification, if longer than the minimum disqualification period.~~ or the individual becomes exempt from the work requirements.

The disqualification for the noncompliance violation is imposed in the month following the expiration of the adverse action. The individual in violation must not be included in the household's allotment until the month following the last month of the disqualification period or ~~compliance, whichever is later~~ the individual becomes exempt from the work requirements..

{Effective }

3-001.04H Worker Action: Within ten days of noncompliance or notification of noncompliance, the worker must:

1. Provide the household with a timely notice which describes:
   a. The specific reason or action of noncompliance;
   b. The penalty imposed for the noncompliance, including the period of disqualification; and
   c. That the household may apply at the end of the disqualification period or the household member would be added back to the unit at the end of the disqualification period.
2. Begin the disqualification period with the first month after the expiration of the timely notice period, unless a fair hearing is requested. If a fair hearing is held and the worker action is upheld, the disqualification period begins the month after the decision is made.

{Effective 1/3/2005}

3-001.04H1 Fair Hearings: Each household has a right to a fair hearing to appeal a denial, reduction or termination of ~~food stamp~~ SNAP benefits because of a determination of non-exempt status or a determination of failure to comply with work participation requirements. Actions that may be appealed include:

1. Exemption status;
2. Type of requirement imposed; or
3. The worker's refusal to grant good cause.

A household is allowed to examine the documents in his/her case file at a reasonable time before the fair hearing except that confidential information such as test results may be withheld. Information not released to the household may not be used by either party at the hearing.

{Effective 11/19/97}

3-001.04H2 Ending the Disqualification: A household's disqualification must be ended if the head of household:

1. Becomes exempt from work requirements; or
2. Leaves the household.

If the disqualified individual is not the head of household, the disqualification period must be ended if the individual becomes exempt from work requirements.

If the disqualified individual leaves the household and joins a different ~~food stamp~~ SNAP household, the disqualification period in the new ~~food stamp~~ SNAP household continues until served. If the individual becomes the head of household in the new household and is not exempt from work requirements, the entire household is ineligible for the remainder of the disqualification period. ~~Employment & Training (E & T) noncompliance remains in effect until the individual has complied with the E & T requirement that caused the disqualification, if longer than the minimum disqualification period.~~ If the individual is not the head of household in the new household and not exempt from work requirements, the individual is ineligible for the remainder of the disqualification period. ~~E & T noncompliance remains in effect until the individual has complied with the E & T requirement that caused the disqualification, if longer than the minimum disqualification period.~~

{Effective }

3-001.04H3 Reapplying after Disqualification: ~~The household may apply in the last month of the disqualification period. If the disqualification is for Employment & Training (E & T), the household may apply before or after cooperating with the requirement that caused the disqualification. If the disqualification is for E & T, the disqualification is not ended until the individual complies with E & T.~~

The household may apply in the last month of the disqualification period. Eligibility can be reestablished no earlier than the date after the disqualification ends~~,~~. ~~if~~ If the household does not reapply, no further action is required of the worker.

If the household files an application before the end of the current disqualification period, the worker must use this application to:

1. Deny benefits for the remaining month(s) of disqualification period; and
2. Certify the household for subsequent months if all other eligibility standards are met.

{Effective }

3-001.04H4 Occurrence or Discovery in the Last Month of Certification

3-001.04H4a Household Reapplies: If a failure or refusal to comply with a work participation requirement occurs or is discovered in the last month of the certification period, the worker must determine the disqualification at recertification.

If the household member who fails or refuses to comply with the work requirement is the head of household, the household is disqualified for an appropriate period starting with the day after the certification period expires.

The length of the disqualification is determined by whether it is the first, second, third or subsequent violation.

{Effective 9/4/2002}

3-001.04H4b No Reapplication: If a failure or refusal to comply with a work requirement occurs or is discovered in the last month of the certification period and the household does not reapply, the worker reviews when the violation occurred at the household's next certification. If the household reapplies during the disqualification period for the prior failure to comply violation, the remainder of the disqualification period must be applied. The disqualification period would begin the day after the certification period expires, which is:

1. One month for the first violation.; ~~Employment & Training (E & T) noncompliance remains in effect until the individual has complied with the E & T requirement that caused the disqualification, if longer than the minimum disqualification period;~~
2. Three months for the second violation.; and ~~E & T noncompliance remains in effect until the individual has complied with the E & T requirement that caused the disqualification, if longer than the minimum disqualification period; or~~
3. Six months for the third and subsequent violation(s). ~~E & T noncompliance remains in effect until the individual has complied with the E & T requirement that caused the disqualification, if longer than the minimum disqualification period.~~

If the individual in violation is the head of household, the household is not eligible for benefits until the disqualification period is served. If the household is another household member, s/he must not be added to the household until the month following the month the disqualification period has been served.

~~When there has been a break in service due to no application after the minimum length of disqualification period is served, the disqualification period for E & T noncompliance continues until the individual complies with the E & T requirement or becomes exempt from participation in the work requirements.~~

~~Information about E & T requirements is located at 475 NAC 3-001.04C1, "Employment and Training Compliance."~~

3-001.04J ABAWD Work Requirements: ABAWDs are eligible for only three full months of SNAP benefits during a 36-month period without meeting an ABAWD work requirement or qualifying for an ABAWD work requirement exemption.

Months of prorated benefits do not count in the three months.

An ABAWD's 36-month period begins the first full month s/he does not meet an ABAWD work requirement or qualify for an ABAWD exemption.

3-001.04J1 Work Requirements for ABAWDs: Individuals age 18 through 49 are ineligible to receive SNAP benefits after three full months unless they meet one of the following criteria:

1. Working 20 or more hours per week (including in-kind or volunteer work) or a total of 80 hours per month;
2. Participating in and complying 20 or more hours per week or a total of 80 hours per month with the requirements of a work program. A work program means:

   a. A program under the Workforce Investment Act (WIA);
   b. A program under section 236 of the Trade Act of 1974; or
   c. An employment and training program (other than job search or job search training) approved by the State;
3. Any combination of working and participating in a work program for a total of 20 or more hours per week or a total of 80 hours per month.

{Effective }

3-001.04J1a ABAWD Work Requirement Exemptions: Individuals are exempt if they meet one of the following:

1. Under 18 or over 49 years of age;
2. Physically or mentally unfit for employment;
3. Residing in a SNAP household where a household member is age 17 or younger, even if the household member who is age 17 or younger is not receiving SNAP benefits;
4. Pregnant;
5. Exempt from work requirements; or
6. Resides in an area that has been granted a federal ABAWD waiver due to insufficient jobs to provide employment.

3-001.05 (Reserved)

3-001.06 Student Status: A household member who is enrolled at least half time in an institution of higher education must meet one of the student eligibility exemptions to be eligible to participate. The program definition of a student is an individual enrolled at least half time in a regular curriculum at:

1. A college or university that offers degree programs, regardless of whether a high school diploma is required; or
2. A business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certification for enrollment.

3-001.10C Non-Household Members: The following individuals residing with a household will not be considered household members in determining the household's eligibility or benefit:

1. A roomer or an individual to whom a household furnishes lodging, but not meals, for compensation;
2. A live-in attendant who resides with a household to provide medical, housekeeping, child care, or other similar personal services;
3. Other individuals who share quarters with the household but who do not customarily purchase food and prepare meals with the household;
4. Students who are enrolled in an institution of higher education and who are ineligible because they failed to meet the student eligibility exemption criteria; and
5. Individuals receiving SSI or State Supplemental payments from California.

3-001.10C1 Eligible As A Separate Household: The following non-household members may be separate households, providing they file an application, if otherwise eligible:

1. Roomers;
2. Live-in attendants; and
3. Other individuals who live with the household but who do not customarily purchase and prepare food with the household.

3-001.10C2 Not Eligible As Separate Household: The following non-household members are not eligible as separate households:

1. Ineligible students;
2. Individuals receiving SSI or State Supplemental payments from California;
3. Foster child(ren); and
4. Ineligible aliens.

3-001.10D Excluded from Benefit: The following household members are excluded from the household when determining benefit level and may not participate as separate households:

1. Individuals who do not apply for or provide their Social Security numbers;
2. Ineligible ABAWDs;
~~2.~~ 3. ~~Disqualified~~ Ineligible aliens or individuals who do not provide information regarding their citizenship/alien status;
~~3.~~ 4. Individuals disqualified for failure to comply with the work requirements; and
~~4.~~ 5. Individuals disqualified for the following reasons:
   a. Intentional ~~p~~Program ~~v~~Violation;
   b. Conviction for the use of SNAP benefits in the sale of a controlled substance;
   c. Conviction for trafficking SNAP benefits totaling $500 or more;
   d. Drug-related felony violation and conviction after August 22, 1996, involving a controlled substance as follows:

(1) Conviction for a drug-related felony involving the sale or distribution of a controlled substance, including the intent to sell or distribute;
(2) Three or more drug-related felony violations and convictions for possession or use of a controlled substance; or
(3) Fewer than three drug-related felony violations and convictions for possession or use of a controlled substance and not participating in or not completing an approved substance abuse treatment program since the last conviction;

e. Fleeing from prosecution or custody for a felony, parole or probation violation;
f. Found guilty by a court or state agency of having made fraudulent representation of identity or residency to receive ~~food stamp~~ SNAP benefits in more than one household in the same month; and
g. Conviction for the use of ~~food stamp~~ SNAP benefits in the sale of firearms, ammunition, or explosives.

{Effective}

3-001.10E Determining Household Composition: To determine the household composition, the worker must:

1. Identify the total number of people who live together;
2. Determine the relationship of individuals who live together;
3. Identify who:
   a. Must be a member of the household;
   b. Is a member by choice;
   c. Is not a member of the household; and
4. Include as household members those who must be and those who choose to be household members.

3-001.10E1 Verification of Household Composition: The worker must verify and document any factors affecting the composition of the household, such as boarder status, if questionable. However, due to the difficulty in verifying whether a group of individuals customarily purchases or prepares meals together and therefore constitutes a household, the worker must generally accept the household's statement regarding preparation and purchasing of food.

3-002 Financial Eligibility: This section discusses financial eligibility criteria including how to treat resources and income in determining eligibility for ~~the Food Stamp Program~~ SNAP.

3-002.01 Resources: All households must comply with the resource eligibility standard to establish or continue eligibility. The household's available resources at the time the household is interviewed are used to determine eligibility. Resources acquired after the interview date are considered in subsequent months.

3-002.01A Resource Eligibility Standard: To be eligible, the value of a household's resources cannot exceed:

1. $2,000; or
2. ~~$3,000~~ $3,250 for a household which consists of or includes a member who is disabled or elderly.

The resources of any household member who receives an ADC, SSI, SDP, or AABD payment are excluded. All resources are excluded for categorically eligible households.

Total liquid resources of $25,000 or less are excluded for ERP households. Liquid resources include cash on hand and funds in personal checking and savings accounts, money market accounts and share accounts. All non-liquid resources are excluded for ERP households.

All resources which are not specifically excluded or exempt are considered in determining eligibility. This includes nonrecurring lump sum payments in the month received. If a household exceeds the maximum resource limit, its application must be denied or its participation terminated.

{Effective }

3-002.01B Type of Resources: There are two types of resources: liquid and nonliquid.

3-002.01B1 Liquid Resources: Liquid resources include cash on hand; money in checking and savings accounts, savings certificates, stocks or bonds; and nonrecurring lump sum payments.

{Effective 6/28/11}

3-002.01B2 Nonliquid Resources: Nonliquid resources include personal property, licensed and unlicensed vehicles, buildings, land, recreational properties, and any other property, provided none of these are specifically excluded.

3-002.01C Excluded Resources: The following resources are excluded in determining eligibility:

1. The home and surrounding property which is not separated from the home by intervening property owned by others. The worker notes that:
   a. Public rights of way, such as roads which run through the surrounding property and separate it from the home, do not affect the exclusion of the property;
   b. The home and surrounding property must remain excluded when temporarily unoccupied for reasons of employment, training for future employment, illness, or not habitable due to a casualty or natural disaster, if the household intends to return;
   c. Households that currently do not own a home, but own or are purchasing a lot on which they intend to build or are building a permanent home, receive an exclusion for the value of the lot and, if it is partially completed, for the home;
2. Household goods, such as furniture including antiques;
3. Personal effects, including all clothing, jewelry, pets, and personal collections such as coins, stamps, or guns;
4. A burial space per household member, ineligible alien, or disqualified member;
5. Prepaid burial items which include the crypt, mausoleum, urn, casket, marker, vault, charges for opening and closing the grave or other repository for the remains of the deceased person;
6. Bona fide funeral agreements that are accessible to the household up to a total of $1,500 equity per household member;
7. The cash value of life insurance policies;
8. Irrevocable burial agreements (prearranged funeral plans) pursuant to Neb. Rev. Stat., Sections 12-1106 and 68-129;
9. All tax-preferred education accounts (e.g., 529 qualified tuition program, Coverdell education savings), retirement accounts (e.g., IRAs) and other retirement programs or accounts determined to be exempt from tax under the Internal Revenue Code of 1986 (see 475-000-314);
10. Licensed vehicles;
11. Leased vehicles during the agreement or contract period. If a household purchases the vehicle at the end of the contract, the value of the vehicle at the time of purchase would be considered;

{Effective 6/28/11}

12. Property which annually produces income consistent with its fair market value, even if it is only used on a seasonal basis. This includes rental homes and vacation homes;
13. Property deemed essential to the employment or self-employment of a household member, an ineligible alien or a disqualified person whose resources are being counted as part of the household's resources. This could include farm land and work-related equipment, such as the tools of a tradesman or the machinery of a farmer;
14. Real and personal property used for the maintenance of a vehicle used to transport a handicapped person or a disqualified household member whose resources are considered available to the household or used for income producing purposes. Only that portion of real property necessary for maintenance of the vehicle is excludable;
15. Money which is projected and counted as income in the ~~food stamp~~ SNAP budget. Money is never counted as both income and a resource in the same month;
16. Installment contracts for the sale of land or buildings if the contract or agreement is producing income consistent with the fair market value;
17. The value of property sold under an installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property;
18. Any government payments such as, but not limited to, Small Business Administration (SBA) loans when used for the restoration of a home damaged in a disaster. The household is subject to a legal sanction if the funds are not used as intended;
19. Money which has been prorated as income for students and self-employed persons;
    Note: The funds retain their exemption for the period of time over which they have been intended to cover;
20. All financial assistance given to students in the form of grants, loans and scholarships during the period the funds are intended to cover;
21. A business bank account provided the account is clearly separated from the household's personal bank account to the extent that money in the account was considered as income;
22. Land that can be sold only with the approval of the Bureau of Indian Affairs or Indian lands held jointly with the tribe;
23. Benefits under P.L. 104-204 for children of Vietnam veterans who were born with spina bifida. A child is the biological child conceived after the veteran first served in the Republic of Vietnam during the Vietnam era, regardless of age or marital status of the Vietnam veteran;
24. Payments from designated Energy Assistance Programs;
25. A non-liquid asset which has a lien placed against it as a result of taking out a business loan if the household is prohibited from selling the asset by the security or lien agreement;
26. Resources excluded for ~~food stamp~~ SNAP purposes by provisions of federal statutes. These include:
    a. Benefits received under the special supplemental food program for women, infants, and children (WIC) program under the Child Nutrition Act of 1966;

b. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970;
c. Payments received under the Alaska Native Claims Settlement Act, the Sac and Fox and Indian claims agreement, and payments received by certain Indian tribal members, under P.L. 94-189, Section 6;
d. Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540);
e. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (P.L. 95-433, Section 2);
f. Payments to the Passamaquoddy Tribe, the Penobscot Nation, the Houton Band of Maliseet pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420, Section 9(c);
g. Relocation assistance payments to members of the Hopi and Navajo tribes under P.L. 93-531, Section 22;
h. Payments distributed or held in trust by the Chippewas of the Mississippi Tribe (P.L. 99-377, Section 4b) and to the Red Lake Band of Chippewa Indians under P.L. 98-123, Section 3;
i. Financial assistance provided by the program funded in whole or part under Title IV of the Higher Education Act in accordance with P.L. 99-498;
j. Mandatory deductions from military pay for educational purposes while the recipient is enlisted;
k. Payments to U.S. citizens of Japanese ancestry and resident Japanese aliens or their survivors and payments to eligible Aleuts (P.L. 100-383, Wartime Relocation of Civilians);
l. Payments made under the Disaster Relief and Emergency Assistance Amendments of 1988;
m. Indian per capita payments of $2,000 or less for each household member per payment under Per Capita Distribution Act (P.L. 103-66, Section 13736);
n. Per capita payments made under P.L. 98-124, and distributions to the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Pack Indian Reservation, Montana;
o. Payments made from the Agent Orange Settlement Fund or any fund established by the Settlement of the Agent Orange liability under the Radiation Exposure Compensation Act (P. L. 101-426, Section 6 (h) (2).
p. Disaster assistance payments made to farmers under P.L. 100-387;
q. Earned Income Tax Credit (EITC) the month of receipt and the following month;
r. EITC for 12 months if the household is participating at the time of receipt and participates continuously during the 12-month period;
s. The resources of any household member who receives an ADC, SSI, SDP, or AABD payment;
t. Funds in a Program To Achieve Self-Sufficiency (PASS) account;
u. Payments to individuals due to their status as victims of Nazi persecution;
v. Subsidy received by household through the prescription drug discount card program under the Medicare Prescription Drug Improvement and Modernization Act; and

w. Funds in HUD Family Self-Sufficiency Program (FSSP) escrow account;

27. The value of farmland, equipment, supplies, and licensed vehicles for a period of one year after a household member ceases to be self-employed in farming;

28. Resources whose cash value is not accessible to the household. These include, but are not limited to:
    a. Security deposits on rental properties or utilities;
    b. Property in probate;
    c. Real property which the household is making a good faith effort to sell at a reasonable price and which has not been sold (the worker may verify that the property is for sale and that the household has not declined a reasonable offer); and
    d. Irrevocable trust funds. For purposes of this section, an irrevocable trust is one in which no household member has the power to revoke the trust arrangement. The worker considers irrevocable trust funds inaccessible to the household provided all the following conditions are met:
        (1) No household member has the power to change the name of the beneficiary during the certification period and the trust arrangement is not likely to cease during the certification period.
        (2) The trustee is either:
            (a) A court, institution, corporation, or organization not under the direction of any household member; or
            (b) An individual appointed by the court with court-imposed limitations placed on the use of the funds.
        (3) Trust investments do not directly involve any business or corporation under the direction or influence of a household member.
        (4) The irrevocable trust funds are either:
            (a) Established from the household's own funds to make investments on behalf of the trust or to pay educational or medical expenses of a household member; or
            (b) Established from non-household funds by a non-household member; ~~and~~

29. Resources whose sale is unlikely to produce any significant amount of funds to the household and whose sale would result in a return of $1500 or less. This exclusion does not apply to financial instruments such as stocks, bonds, and negotiable financial instruments.; and

30. Non-liquid resources and liquid resources of $25,000 or less for households eligible for the Expanded Resource Program.

{Effective }

3-002.01C1 Handling Excluded Liquid Resources: Excluded monies remain excluded for an unlimited period of time if these monies are kept in a separate account and not combined in an account with non-excludable funds. Funds, other than assistantships, fellowships and stipends, received for educational financial assistance are an excluded resource during the period the funds are intended to cover. When excludable monies are combined in an account with non-excludable funds, the excluded monies remain excluded for six months from the date they were combined with non-excluded funds. After the six months have elapsed, all funds in the combined account are counted as resources.

Note: When an exclusion applies because of the use of a resource by or for a household member, the exclusion also applies when the resource is being used by or for an ineligible alien or disqualified person whose resources are being counted as part of the household's resources.

{Effective 1/3/2005}

3-002.01D Valuation of Resources: The value of any non-excluded resource is its equity value with the exception of some licensed vehicles.

3-002.01D1 Equity Value: Equity value equals the fair market value minus all encumbrances.

3-002.01D2 Encumbrances: An encumbrance is the balance due on a mortgage, sales agreement, or contract.

3-002.01E Jointly Owned Resources: Resources owned jointly by separate households must be considered entirely available to each household, unless the applicant household can demonstrate that these resources are inaccessible to the household's member(s).

Ineligible household members and disqualified household members are considered household members for purposes of this section.

3-002.01E1 Portions of a Resource: If a household can demonstrate that it has access to only a portion of a jointly owned resource, the value of that portion is counted toward the resource limit.

3-002.01E2 Totally Inaccessible Resources: A jointly owned resource is considered totally inaccessible to a household when both of the following conditions are met:

1. The resource cannot realistically be subdivided; and
2. The household's access to the value of the resource depends on the agreement of a joint owner who refuses to cooperate.

3-002.01E3 Residents of Shelters for Battered Women and Children: Resources are considered inaccessible to residents in shelters for battered women and children if:

1. The resources are jointly owned by these women and children and by members of their previous households which included the persons who subjected them to abuse; and
2. The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still lives in the previous household which included the person who subjected them to abuse.

3-002.01F Transfer of Resources: The transfer of resources for the purpose of qualifying for or attempting to qualify for ~~food stamp~~ SNAP benefits is prohibited. At the time of application, the worker asks the household if any member has transferred any resources within the three-month period immediately preceding the application date.

3-002.01F1 Allowable Transfers: Eligibility is not affected by the transfer of the following:

1. Resources which would not otherwise affect eligibility;
2. Resources which are sold or traded at or near fair market value;
3. Resources which are transferred between members of the same household including aliens or disqualified household members whose resources are being considered available to the household; or
4. Resources which are transferred for reasons other than qualifying for or attempting to qualify for ~~food stamp~~ SNAP benefits.;
5. Resources transferred by categorically eligible households; or
6. Transfer of nonliquid resources for Expanded Resource Program households.

{Effective }

3-002.01F2 Disqualification: Households which ~~are~~ have transferred resources deliberately for the purpose of qualifying for or attempting to qualify for ~~food stamp~~ SNAP benefits must be disqualified from participation for up to one year from the date the transfer is discovered as follows:

1. The resources are transferred in the three-month period before eligibility determination; or
2. The resources are transferred after the household is determined eligible in order to maintain eligibility. (This would apply to resources acquired after the eligibility determination.)

3-002.01F3 Disqualification Notice: When the ~~local office~~ agency has established that a household has transferred resources in order to qualify for benefits or to maintain eligibility, the worker must send the household a notice of denial or a timely notice whichever is appropriate. This notice must explain the reason for and the length of the disqualification.

3-002.01F4 Disqualification Period: The disqualification period begins in the application month for applicants. For households participating at the time of the discovery, the disqualification period begins with the first allotment after the timely notice period expires, unless a fair hearing and continued benefits are requested.

The length of the disqualification period is based on the value of the excess resources at the time of the transfer. This amount is determined by:

1. Establishing the value of any non-excluded transferred resources;
2. Adding this amount to the value of other countable resources; and
3. Subtracting the maximum allowable resources from the result of step 2.

The following chart is used to determine the length of the disqualification period.

Amount in Excess of the Resource Limit	Disqualification Period
$ 0 – 249.99	1 month
$ 250 – 999.99	3 months
$1,000 – 2,999.99	6 months
$3,000 – 4,999.99	9 months
$5,000 or more	12 months

{Effective 12/26/2007}

3-002.01J Verification of Resources: The worker must verify the value of non-excluded resources and loans at the time of application and recertification if the total amount of countable resources indicated on the application is $1500 or more. Client declaration is accepted when the total amount of resources indicated on the application is less than $1500. For categorically eligible households, the worker is not required to verify the value of resources independent of verification for SSI, AABD, SDP, and/or ADC. The worker is not required to verify the value of liquid resources of $25,000 or less or to verify the value of nonliquid resources for Expanded Resource Program households.

The worker does not verify resources on an ongoing basis during the certification period unless:

1. The worker receives information which makes the information given by the household at application appear questionable;
2. The CR or SR household reports the receipt of a resource which may put the household over the resource limit; or
3. The CR or SR household loses its ~~categorically~~ categorical eligibility.

{Effective }

3-002.01J1 Verification of Loans: Loans are considered a resource in the month received. To verify that money coming to the household is a loan (and is therefore considered a resource rather than income), the worker:

1. Accepts as loan verification a simple statement signed by the household member receiving the loan AND the party providing the loan indicating that the payment is a loan and must be repaid; and
2. Requires a statement from the provider indicating that payments are being made or will be made in accordance with an established schedule when a household claims that payments from the same source received on a recurrent or regular basis are loans.

3-002.01J2 Verification of Questionable Resources for Categorically Eligible, Expanded Resource Program, or Regular Program Households: Households must provide verification of resources if questionable in order to receive SNAP benefits. If resources are questionable and the household fails or refuses to provide verification, the household is not eligible for SNAP.

{Effective }

3-002.02 Types of Income: Household income is all income, regardless of source, that is not specifically excluded. There are two types of income: earned and unearned.

3-002.02A Earned Income: Earned income includes all the following:

3-002.05 Treatment of Resources, Income and Deductions of Ineligible Students or Other Non-Household Members : This section applies to ineligible students and other non-household members.

The resources of ineligible students or other non-household members are excluded. The income of ineligible students or other non-household members is excluded unless the ineligible student or other non-household member makes a cash contribution to the SNAP household. These cash contributions or payments are considered countable unearned income to the household. Vendor payments by the ineligible student or other non-household member on behalf of the household are excluded.

If a household shares deductible expenses with an ineligible student or non-household member, the ineligible student's or non-household member's prorated share is not deductible as a household expense.

{Effective 6/28/11}

3-002.05A Combined Wage: When the earned income of one or more household members and the earned income of a non-household member are combined into one wage, the income of the household members is determined as follows:

1. If the household's share can be identified, the worker counts that portion due to the household as earned income.
2. If the household's share cannot be identified, the worker prorates the earned income among all those who earned it.

3-002.06 Treatment of Resources, Income and Deductions of Household Members Ineligible Due to Failure to Provide an SSN, Ineligible ABAWD , and Ineligible Alien Status: This section describes procedures for determining the eligibility of remaining household members when a household member(s) is ineligible due to:

1. ~~f~~Failure to provide an SSN,:
2. Noncompliance with ABAWD work requirements after three months of time-limited benefits; or
3. Ineligible alien status..

The resources of ~~the person~~ an individual who has failed to provide an SSN or who is an ineligible ABAWD or ineligible alien are counted in their entirety to the remaining household members. A pro rata share of the income of the ineligible individual must be counted as income to the remaining household members. The pro rata share is calculated by dividing the countable income evenly among the household members, including the ineligible member. All but the ineligible member's share is counted as income for the remaining household members.

When considering deductible expenses for households in which a member(s) is ineligible due to failure to provide an SSN or who is an ineligible ABAWD or an ineligible alien, the following conditions apply:

1. The earned income deduction applies only to the prorated income which is attributed to the household. The earned income deduction is subtracted from the ineligible member's earned income and divided evenly among all household members including the ineligible member(s).

2. Those portions of the household's allowable expenses for ~~medical,~~ dependent care, child support and shelter costs (not utilities) which are either paid by or billed to the ineligible member must be divided evenly among the household members, including the ineligible member.
3. All but the ineligible member's share is counted as a deductible expense for the remaining household members.

{Effective }

3-002.06A Eligibility and Benefit Level: The ineligible member must not be included in determining the household's size for the purpose of assigning a benefit level to the household, comparing the household's monthly income to the income eligibility standards, or comparing the household's resources with the resource limits. The income and deductions are prorated between the ineligible household member and the remaining eligible household members.

{Effective 1/3/2005}

3-002.06B Reduction or Termination of Benefits Within the Certification Period: When an individual becomes an ineligible household member during the household's certification period, the ineligible household member is removed when determining the benefit level and allotment for the remaining members of the household.

3-002.07 Treatment of Resources, Income and Deductions of Disqualified Household Members:

This section describes procedures for determining the eligibility of remaining household members when a household member has been disqualified for:

1. ~~An ineligible immigration status~~;
~~2.~~ 1. A work requirement violation;
~~3.~~ 2. An intentional program violation;
~~4.~~ 3. Conviction for the use of ~~food stamp~~ SNAP benefits in the sale of a controlled substance;
~~5.~~ 4. Conviction for trafficking of ~~food stamp~~ SNAP benefits of $500 or more;
~~6.~~ 5. Violation and conviction after August 22, 1996, of a drug-related felony involving the sale or distribution of a controlled substance, including the intent to sell or distribute;
~~7.~~ 6. Fewer than three drug-related felony violations and convictions after August 22, 1996, for the possession or use of a controlled substance and not participating in or not completing an approved substance abuse treatment program after the last conviction;
~~8.~~ 7. Three or more drug-related felony violations and convictions after August 22, 1996, for the possession or use of a controlled substance;
~~9.~~ 8. Fleeing from prosecution or custody for a felony, parole, or probation violation;
~~10.~~ 9. Found guilty by a court or state agency of having made a fraudulent representation of identity or residency to receive ~~food stamp~~ SNAP benefits in more than one household for the same month; and
~~11.~~ 10. Conviction for the use of ~~food stamp~~ SNAP benefits in the sale of firearms, ammunition, or explosives.

The resources of the disqualified individual are counted in their entirety to the remaining household members. The earned or unearned income of the disqualified individual is counted in its entirety to the remaining eligible household members. The household's entire allowable earned income, standard, medical, dependent care, child support, and excess shelter deductions continue to apply to the remaining eligible household members.

(Effective)

3-002.07A Eligibility and Benefit Level: The disqualified member must not be included in determining the household's size for the purpose of assigning a benefit level to the household, comparing the household's monthly income with the income eligibility standards, or comparing the household's resources with the resource limits or determining the household's standard deduction.

{Effective 1/3/2005}

If an immigrant does not provide the necessary information/verification, s/he is not eligible for assistance. If the sponsor or required documents related to the sponsor cannot be located, the eligibility of any remaining household members is determined by including the income and resources of the ineligible immigrant and excluding the deemed income and resources of the sponsor.

3-003 Eligibility Computations: After the worker has established the household's resource eligibility and determined how to treat the household's income, the net monthly ~~food stamp~~ SNAP income is determined for households which either passed the gross income test or who are exempt from meeting the gross income standards. This section discusses the process of finding the net monthly ~~food stamp~~ SNAP income by outlining deductions, and applying monthly income standards.

3-003.01 Policies for Handling Deductions

3-003.01A Deductions: Deductions are taken after the worker has determined how to treat the household's earned and unearned income.

3-003.01A1 Items Not Allowed: The following expenses must not be allowed as deductions:

1. An expense covered by an excluded reimbursement;
2. An expense is not deductible if:
   a. The expense is for a service provided by a household member; or
   b. The household does not make a money payment for the service.

3-003.01A2 Expenses as Billed: A deduction is allowed only in the month the expense is billed regardless of when the household intends to pay the bill. Amounts carried forward from past billing periods are not deductible with the exception of medical expenses. A particular expense may be deducted only once.

When a Change Reporting (CR) household moves during the certification period or reports a change in the source of its utilities, the utility allowance must be re-determined based on the current physical address and current household circumstances. When a Simplified Reporting (SR) household reports a move or a change in the source of utilities during the certification period, the utility allowance must be re-determined based on the current physical address and household circumstances. When a Transitional Benefit Reporting (TBR) household reports a move or change in the source of utilities during the certification period, the information is acted on at the next recertification.

{Effective 6/28/11}

3-003.02 Income Eligibility Standards: Applicant households must meet the income eligibility standards of the Supplemental Nutrition Assistance Program as follows:

1. Households containing a member who is elderly or disabled must meet the net monthly income eligibility standards;
   Gross and Net Income eligibility tables are located at 475-000-201.
2. Households which do not contain an elderly or disabled member must meet both the gross and net monthly income eligibility standards; and
3. Households which are categorically eligible are not required to meet either the gross or net monthly income standard. Eligible one or two-person households whose income exceeds the net income limits are entitled to the minimum monthly benefit listed at 475-000-201 except during an initial month if the benefit prorates to less than the minimum monthly benefit. If the initial month's benefit is prorated to $10, $11, $12, or $13, the prorated amount is issued.
4. Households which are ERP eligible must meet both the ERP gross and net income standards listed at 475-000-202. One or two person households who contain an elderly/disabled member and are over the gross income levels must go through the regular SNAP eligibility criteria. If eligible, the household will then receive the minimum monthly benefit listed at 475-000-201.

   There is no minimum allotment for a one or two person household that is eligible for ERP only. A household may meet the net income level but not be entitled to benefits because their income is above the income level for which SNAP benefits are issued. These households will be denied by the automated system.

{Effective }

3-003.02A Gross Monthly Income Eligibility Standards: Gross income refers to income after any allowable income exclusions have been applied. Households which do not include an elderly or disabled member and are not categorically eligible must be under the gross monthly income standard for their household size. Households which are determined to be eligible under gross monthly income standards must also pass the net monthly income standards. Households which include one or more elderly or disabled household members are exempt from the gross monthly income standard. If the household income exceeds the gross income limits, the automated system will deny or close the case when a final budget is processed.

{Effective 1/3/2005}

3-003.02B Net Monthly Income Eligibility Standards: Net income refers to income after all deductions have been applied. These standards are used for all households in determining benefit amounts. Eligible one or two-person households which are categorically eligible qualify for a minimum monthly benefit listed at 475-000-201 even if their income exceeds the net monthly income limits.

{Effective 6/28/11}