

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

475 NAC 2

TITLE 475 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

CHAPTER 2 HOUSEHOLD PROCESSING

001. APPLICATION. Application forms are readily accessible to any group, organization, or private citizen who requests them. Every household expressing an interest in receiving Supplemental Nutrition Assistance Program benefits may receive an application on the same day the household contacts the Department.

001.01 APPLICATION PROCESS. The application process is completed no later than 30 days following the date the application was filed, unless processing is delayed. Eligible households are given an opportunity to participate within 30 days from the date the application was filed. The following steps are included in the application process:

- (A) The individual completes and files an application form;
- (B) The application is reviewed to determine if the applicant should receive expedited services;
- (C) An interview is scheduled and conducted; and
- (D) Information supplied by the applicant is verified.

001.02 SIGNING THE APPLICATION. Applications may be signed in writing, telephonically, or by electronic signature. If an application is signed with a mark, such as an X, it must be witnessed.

001.03 FILING AN APPLICATION. Households may submit applications to the Department in person, by mail, by telephone, by fax or other electronic transmission, or through an authorized representative. The household may file an incomplete application which minimally must include the applicant's name, address, and the signature of a responsible member of the household and the authorized representative, if the latter is applicable. The household does not have to be interviewed before the application is filed. An application containing the minimal information is considered filed on the day it is received by the agency.

001.04 WITHDRAWING AN APPLICATION. The household may voluntarily withdraw its application at any time before the determination of eligibility. Households have the right to reapply after withdrawing an application.

001.05 TIME STANDARDS. Time standards for application processing begin with the day it is received by the agency. Certain households are entitled to expedited service and, if eligible, must be allowed to participate within seven days. At initial application the appropriate time standard includes the time needed for the receipt of the Electronic Benefits Transfer card. At recertification or when there has been a break in service the time standard includes the time

needed for the receipt of a replacement card, if needed.

002. INTERVIEWS. Interviews may be conducted in person or by telephone. Interviews may be conducted at a mutually acceptable location, other than just the household's home, or the Supplemental Nutrition Assistance Program office. Households must have an interview at initial application and at recertification. An applicant may request and receive a face-to-face interview. A face-to-face interview is held if the household requests one or if the Department determines a face-to-face interview is necessary.

002.01 SCHEDULING INTERVIEWS. The interview is scheduled as soon as possible to ensure that eligible households receive an opportunity to participate within 30 days after the application is filed.

002.01(A) MISSED INTERVIEW. If a household fails to appear for the first interview, the household is notified in writing that they missed the scheduled interview. The household is responsible for rescheduling the missed interview. If the household contacts the local office within 30 days after the application filing date, a second interview is scheduled.

002.02 SITE OF AND ATTENDANCE OF INTERVIEWS. Interviews may be conducted by telephone or at the Supplemental Nutrition Assistance Program office or another mutually agreed upon location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. The head of household, the individual's spouse, another responsible household member or an authorized representative must participate in the interview.

002.03 CONFIDENTIALITY OF INTERVIEWS. The applicant's right to privacy is protected during the interview, and information provided during the interview remains confidential.

002.04 CONTENT OF INTERVIEW. During the interview, the individual will be asked to explain any unclear or incomplete information. The individual will receive explanation of:

- (A) The application process;
- (B) The household's rights, including the right to appeal and the method of filing an appeal;
- (C) The penalty warning on the application including the penalties for intentional program violation;
- (D) The work requirements, including Able Bodied Adults Without Dependents work requirements, if applicable;
- (E) The household's responsibility to:
 - (i) Comply with all requirements;
 - (ii) Notify the worker of the changes required to be reported;
 - (iii) Cooperate with quality control reviews and audits;
- (F) If the household is also applying for or receiving public assistance through other programs, the other programs' benefits time limits and other public assistance related requirements do not apply to the receipt of Supplemental Nutrition Assistance Program benefits. Households that cease receiving public assistance benefits because they have reached a time limit, have begun working, or for other reasons may still qualify for Supplemental Nutrition Assistance Program benefits.

003. VERIFICATION. The Department verifies the eligibility information provided by the applicant.

003.01 REQUIRED INITIAL VERIFICATION. Information listed below is verified before eligibility can be determined. The exception is that households eligible for expedited processing may have all verification postponed for the first issuance except identity of the person making the application and the household's authorized representative, if applicable.

003.01(A) REQUIRED VERIFICATION. The following information must be verified:

- (i) Identity of the person making application and the authorized representative, if applicable;
- (ii) Social Security numbers or proof of application for Social Security number;
- (iii) Residency;
- (iv) Alien status for household members applying for Supplemental Nutrition Assistance Program benefits;
- (v) Eligible student status if claimed;
- (vi) Resources if the total amount of countable resources indicated on the application is \$1500 or more;
- (vii) Income; and
- (viii) Expenses allowed as a deduction:
 - (1) Medical expenses and disability if claimed;
 - (2) Dependent care costs; and
 - (3) Child support costs.

003.01(B) ELIGIBILITY FACTORS MAY REQUIRE VERIFICATION. The following eligibility factors are verified if questionable:

- (i) Citizenship;
- (ii) Work requirements;
- (iii) Household composition;
- (iv) Shelter costs;
- (v) Utility costs; and
- (vi) Countable resources under \$1,500.

003.01(C) QUESTIONABLE INFORMATION. Information on the application is questionable if it is inconsistent with:

- (i) Statements made by the applicant;
- (ii) Other information on the current application or a previous application; or
- (iii) Any information received by the local office.

003.01(D) OPPORTUNITY TO CORRECT DISCREPANCIES. If information from a source of verification contradicts information given by the household, the household will have an opportunity to resolve the discrepancy before an eligibility determination is made.

003.02 SOURCES OF VERIFICATION. Residency or household composition may be verified through either readily available documentary evidence or a collateral contact.

003.02(A) DOCUMENTARY EVIDENCE. Any written confirmation of a household's circumstances is considered documentary evidence. This evidence may be obtained from the household or another source.

003.02(B) COLLATERAL CONTACT. An alternate source of verification is the collateral contact. This is confirmation of a household's circumstances by a person outside the household. A collateral contact is not restricted to any particular individual; it can be anyone who is expected to provide an accurate verification of the household's statements. Collateral contacts are designated by the household, but the household may request assistance from the local office in making this designation. Verification by a collateral contact may be given in person or by telephone.

003.02(C) HOME VISIT. A visit to the household's home is used for verification only when the household cannot provide documentary evidence.

003.02(D) INTERFACES – AUTOMATIC EXCHANGES. Interfaces are automated exchanges of information received from the Department of Labor, Social Security Administration, Internal Revenue Service, and other divisions of the Department. Every pending or active Supplemental Nutrition Assistance Program household member whose income and resources are used to determine eligibility will have their Social Security number routinely matched against automated exchanges.

003.03 RESPONSIBILITY FOR PROVIDING VERIFICATION. The household has the primary responsibility for providing verification to support income statements and to resolve questionable information. Verification may be supplied in person, through the mail, electronically, or through an authorized representative.

003.04 VERIFICATION AFTER INITIAL CERTIFICATION. The following applies to verifying information after initial eligibility has been determined.

003.04(A) AT RECERTIFICATION. Changes reported at the time of recertification are subject to the same verification procedures that apply at initial certification.

At the time of recertification, verification is required for the following:

- (i) Resources if the total amount of countable resources indicated on the application is \$1500 or more;
- (ii) Earned income;
- (iii) Unearned income if the source or the amount has changed;
- (iv) Medical expenses, dependent care costs, and child support costs claimed by the household if the source or amount of the claimed expenses have changed;
- (v) Social Security numbers if not previously provided; and
- (vi) Questionable information.

004. PROCESSING APPLICATIONS UNDER SPECIAL CIRCUMSTANCES. Special procedures are used for households which are:

004.01 EXPEDITED SERVICE. Expedited service standards require that processing be completed with timeframes that are shorter than the usual 30 days. If this is an initial application, the criteria apply to the month of application. The household may be certified under expedited service procedures if they are determined to be entitled to expedited service and have either provided all the required verifications since the last certification or have been certified under the 30-day processing standards since the last expedited service certification.

If otherwise eligible, a household cannot waive its right to expedited service. If otherwise eligible, the following households are entitled to expedited service:

- (1) Households with less than \$150 in monthly gross income provided their liquid resources do not exceed \$100;
- (2) Households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage and utilities; and
- (3) Migrant or seasonal farmworkers who are destitute provided their liquid resources do not exceed \$100.

004.01(A) SPECIAL PROCEDURES FOR EXPEDITED SERVICE. The following procedures apply for expedited cases.

004.01(A)(i) EXPEDITED APPLICATION. If the application is complete enough to determine the household is entitled to expedited service, the expedited time frame starts with the receipt date of the application. If an application is not complete enough to determine if the household is entitled to expedited service, an interview is scheduled to meet the expedited time frame. If the household does not appear for the interview, the household will receive a written notice of missed interview. If the interview is not rescheduled by the household in time to meet the expedited time frame from the receipt date of the application, the household loses its entitlement to expedited service and the application is approved or denied within the normal 30 days.

004.01(A)(ii) VERIFICATION. Other than identity, verification is not required to receive an initial issuance. In order to receive a second issuance, the following information must be verified:

004.01(A)(ii)(1) IDENTITY. The applicant's identity and the authorized representative's identity, if applicable, must be verified. If identity cannot be verified within the expedited timeframe, the household is not entitled to expedited processing.

004.01(A)(ii)(2) RESIDENCY. The household's Nebraska residency must be verified in order to receive a second issuance.

004.01(A)(ii)(3) INCOME. For the second issuance, income must be verified.

004.01(A)(ii)(4) DEDUCTIONS. The following verification standards apply to deductions:

004.01(A)(ii)(4)(a) MEDICAL. In circumstances when a individual's eligibility for the medical deduction and expenses cannot be verified, the following applies:

- (i) If the disability cannot be verified in time to meet expedited timeframes, the medical deduction is allowed for the first issuance. Medical deductions which cannot be verified are removed from the budget for the second issuance;

- (ii) If the household claims medical expenses and no insurance, the Department accepts the household's estimate of expenses for the first issuance;
- (iii) If the household claims medical expenses and insurance, the household must report to the Department which expenses will be reimbursed by insurance. The medical expenses which will not be reimbursed will be deducted for the first issuance. For the second issuance, verification is necessary; and
- (iv) If the household is unable to provide information on which portion is reimbursable by insurance, no deduction is allowed.

004.01(A)(ii)(4)(b) DEPENDENT CARE. If the household claims an allowable dependent care expense that is not reimbursed from another source and the expense cannot be verified in time to meet the expedited timeframes, the household's statement of expenses is accepted. To allow the dependent care deduction for the second issuance, verification is required.

004.01(A)(ii)(4)(c) UTILITIES. If the household is responsible for utilities, either the standard utility allowance, limited utility allowance, one utility allowance, or telephone allowance are used for the utility deduction. The exception to this is if a household is eligible for a standard homeless shelter deduction which would be used instead of a utility cost because the deduction's calculation includes utility costs.

004.01(A)(ii)(4)(d) CHILD SUPPORT. When the household is entitled to expedited processing and has an obligation to pay child support for a non-household member, the household's statement regarding the child support payment amount is accepted for the first issuance. To allow the child support deduction for the second issuance, verification is required.

004.01(A)(ii)(4)(e) DEDUCTIONS IN FUTURE ISSUANCES. In all cases, verification must be provided before the second issuance of the certification period or the expenses will not continue to be allowed.

004.01(A)(ii)(5) SOCIAL SECURITY NUMBER. Initial certification must not be delayed if the Social Security number is not provided within the expedited timeframe.

004.01(A)(ii)(6) WORK REGISTRATION. Household members must be work-registered but meet this requirement when they are included on the signed application.

004.01(A)(ii)(7) OTHER VERIFICATION. Verifications that cannot be obtained in time to meet expedited processing standards are postponed. All required verifications must be provided before the second issuance of the certification period.

004.01(B) PROCESSING STANDARDS FOR EXPEDITED SERVICE. The following applies to processing expedited cases.

004.01(B)(i) ISSUANCE OF ELECTRONIC BENEFITS TRANSFER CARD. The Electronic Benefits Transfer card will be available for the household or its authorized representative no later than the seventh calendar day after the application filing date.

004.01(B)(ii) AGGREGATE ALLOTMENT. When applications are received after the 15th of the month and identity is verified, the prorated first month's expedited benefits and the full second month's aggregate benefits are issued to households. All of the following conditions must be met to be an aggregate benefit:

- (1) The application month must be expedited;
- (2) The eligibility for benefits must be determined during the application month;
- (3) The application date must be the 16th of the month or later; and
- (4) The household must be eligible for benefits for both the application month and the following month.

004.01(B)(iii) INTERVIEWS. An expedited household must have an interview before certification to complete the application process.

004.01(B)(iv) LATE DETERMINATIONS. If the initial expedited screening fails to identify that a household is entitled to expedited service, and the Department later learns the household should receive expedited service, then the household's application receives expedited processing.

004.01(C) CERTIFYING HOUSEHOLDS ENTITLED TO EXPEDITED SERVICE. There is no limit to the number of times a household can be certified under the expedited procedures as long as the household has provided the required verifications or was certified under the 30-day processing standards since the last expedited certification. Household applications not eligible for expedited service are processed within 30 days of the application date.

004.01(D) DESTITUTE HOUSEHOLDS. Migrant or seasonal farmworker households may have little or no income at the time of application and may be in need of immediate food assistance even though they receive income at some time during the month of application. To determine when households in these circumstances may be considered destitute and, entitled to expedited service and special income calculation procedures, the following applies.

004.01(D)(i) TERMINATED INCOME. A household whose only income for the month of application was received before the date of application, and was from a terminated source, is a destitute household and is provided expedited service.

- (1) If income is received on a monthly or more frequent basis, it is considered as coming from a terminated source if it will not be received again from the same source during the balance of the month of application or during the following month.

- (2) For a household that normally receives income less often than monthly, the income is considered as coming from a terminated source if it will not be received in the month in which the next payment would normally be received.

004.01(D)(ii) NEW SOURCE OF INCOME. A household whose only income for the month of application is from a new source is destitute and is provided expedited service if income of more than \$25 from the new source will not be received by the tenth calendar day after the date of application.

- (1) Income which is normally received on a monthly or more frequent basis is considered to be from a new source if income of more than \$25 has not been received from that source within 30 days before the date the application was filed.
- (2) If income is normally received less often than monthly, it is considered to be from a new source if income of more than \$25 was not received within the last normal interval between payments.

004.01(D)(iii) TERMINATED SOURCE AND NEW SOURCE. Households may receive both income from a terminated source before the date of application and income from a new source after the date of application and still be considered destitute if they receive no other income in the month of application and income of more than \$25 from the new source will not be received by the tenth calendar day after the date of application.

004.01(D)(iv) TRAVEL ADVANCES. Some employers provide travel advances to cover the travel costs of new employees who must journey to the location of their new employment. Receipt of travel advances will not affect the determination of when a household is destitute.

004.01(D)(iv)(1) TRAVEL ADVANCES AS WAGES. If the travel advance is an advance of wages later earned by the employee and the advance is by written contract, the travel advance is considered income. The receipt of a wage advance for travel costs of a new employee does not affect the determination of whether subsequent payments from the employer are from a new source of income, nor whether a household must be considered destitute.

004.01(D)(v) SOURCES OF INCOME. A household member who changes jobs but continues to work for the same employer is considered as still receiving income from the same source. A migrant farmworker's source of income is considered to be the same grower for whom the migrant is working at a particular point in time and not the crew chief. A migrant who travels with the same crew chief but moves from one grower to another is considered to have moved from a terminated income source to a new source.

004.01(E) MIGRANTS. If a migrant household eligible for expedited services applies:

- (1) On or before the 15th of a month, then the Department:
 - (a) Requires postponed verification from sources within the state before the second issuance; and

- (b) Requires verification from out-of-state sources before the household's third issuance.
- (2) After the 15th of a month:
 - (a) The household must provide all postponed verifications before the third month of the certification period to continue to be eligible to receive benefits.

004.01(E)(i) VERIFIED CHANGES. If verification results in changes in a household's eligibility and benefit levels, the Department acts on these changes without sending the household a notice of adverse action.

004.01(E)(ii) OUT-OF-STATE VERIFICATION. Migrant households are entitled to postpone out-of-state verification only once each season. If a migrant household requesting expedited service has already been allowed to postpone out-of-state verification during the current season, the postponement is allowed only for the initial month's issuance and not for any following month's issuance.

004.01(E)(iii) IN-STATE VERIFICATION. When in-state verification that has been postponed is received, the second month's benefits are issued within seven calendar days from receipt of the verification or the first of the second month, whichever is later.

004.01(E)(iv) RECERTIFICATION. Verification factors are treated the same at time of recertification as at initial application except that:

- (1) If a household has postponed providing verification at time of last certification, the verification must be provided before recertification; and
- (2) If a household reported a change within the certification period that resulted in a benefit decrease and it was not verified, verification of the change must be obtained before recertification.

004.02 PUBLIC ASSISTANCE HOUSEHOLDS. Households in which all members are applying for Aid to Dependent Children, Aid to Aged Blind and Disabled, or the State Disability Program are allowed to apply for Supplemental Nutrition Assistance Program benefits at the same time they apply for other public assistance benefits. The Supplemental Nutrition Assistance Program eligibility and benefit level determinations are based solely on Supplemental Nutrition Assistance Program criteria. Households whose public assistance applications are denied are not required to complete a new Supplemental Nutrition Assistance Program application.

004.02(A) INTERVIEWS. At initial application, applicants complete an interview to obtain public assistance and Supplemental Nutrition Assistance Program benefits, but are not required to attend multiple interviews.

004.02(B) CERTIFICATION. All requirements for procedures, notices, and time standards apply to the certification of public assistance households as well as to households not receiving public assistance.

004.02(C) VERIFICATION. Evidence provided for required public assistance verifications may also be used for Supplemental Nutrition Assistance Program verifications if the evidence meets Supplemental Nutrition Assistance Program verification requirements.

004.02(D) TIME STANDARDS. Action on the Supplemental Nutrition Assistance Program application is not delayed or denied on the grounds that the public assistance determination has not been made.

004.03 HOUSEHOLDS IN CHEMICAL DEPENDENCY TREATMENT AND REHABILITATION CENTERS. Persons who regularly participate in residential chemical dependency treatment and rehabilitation programs may apply for Supplemental Nutrition Assistance Program benefits.

004.03(A) TREATMENT PROGRAMS ON RESERVATIONS. If an alcoholic treatment and rehabilitation program is located on an Indian reservation and a state agency has not certified or licensed the program, approval to participate may be granted if the program either is funded by the National Institute on Alcohol Abuse and Alcoholism or was funded by the National Institute on Alcohol Abuse and Alcoholism and is now funded by Indian Health Services.

004.03(B) CHILDREN LIVING WITH PARENTS. Children of residents of drug and alcohol treatment centers who live with their parent in the treatment center may qualify for Supplemental Nutrition Assistance Program benefits. Children who are served meals by the center are eligible to participate as part of the parents' household.

004.03(C) TREATMENT CENTER RESPONSIBILITIES. The following responsibilities apply to the treatment centers.

004.03(C)(i) APPLICATION. The treatment center must:

- (1) Have knowledge of the household's circumstances and carefully review these circumstances with the household before application is made; and
- (2) Provide the household with an authorized representative. An employee of the treatment center must act as an authorized representative and apply for the household. The household cannot file an application on the household's own behalf. This employee will act on behalf of the household, receive the allotment, and make food purchases for the household with the household's Electronic Benefits Transfer card.

004.03(C)(ii) NOTIFICATIONS. The treatment center must notify the Department of changes in the household's circumstances, such as changes in income. The treatment center must also supply the Department with a list of residents currently participating in the Supplemental Nutrition Assistance Program. This list must be signed by a responsible treatment center official and must be provided semi-monthly or monthly.

004.03(C)(iii) END OF RESIDENCE. The treatment center must take the following actions when a household leaves the center:

- (a) Return the Electronic Benefits Transfer card to the departing household;
- (b) Ensure that the departing household receives its full allotment if the benefits have already been issued and no benefits have been spent on that household's behalf that month;
- (c) When a household leaves on or before the 15th day of the month, ensure that a household's Electronic Benefits Transfer account contains one-half of its

monthly allotment if benefits have been issued and any portion of them have been used;

- (d) If an aggregate benefit allotment has been issued to the household on or after the 16th of the application month and the household leaves the treatment center on or after the 16th of the application month but before the first day of the full month, the treatment center must ensure the full month's benefits are not used by the treatment center and remain in the Electronic Benefits Transfer account;
- (e) Report the departure to the local office; and
- (f) If the household leaves the center without taking its Electronic Benefits Transfer card, return the card to the Issuance and Collection Center.

004.03(C)(iii)(1) END OF TREATMENT CENTER'S AUTHORIZED REPRESENTATIVE ROLE. The treatment center is not allowed to act as an authorized representative for the household once that household leaves the center.

004.03(C)(iv) LIABILITY. The treatment center is responsible for any misrepresentation which it knowingly commits in the certification of center residents. The center is also strictly liable for all misuses of Electronic Benefits Transfer benefits on behalf of a resident household and for all overpayments which occur while the household is a resident of the center.

004.03(D) RECIPIENT RIGHTS WHILE IN TREATMENT. Households in treatment centers have the same rights as all other Supplemental Nutrition Assistance Program households.

004.03(E) CLAIMS AND DISQUALIFICATION. The treatment center may be penalized or disqualified if it is determined administratively or judicially that Supplemental Nutrition Assistance Program benefits were misappropriated or used for purchases that did not contribute to a certified household's meals. If a treatment center loses its state license, its residents are no longer eligible for Supplemental Nutrition Assistance Program benefits. Residents are not entitled to a notice of adverse action, but will be sent written notices explaining the reason for termination and the effective date.

004.04 HOUSEHOLDS IN GROUP HOMES. Disabled residents of a State licensed or certified nonprofit group home which serves 16 or fewer people may apply for Supplemental Nutrition Assistance Program benefits. The following living arrangements which are certified or licensed under section 1616(e) of the Social Security Act meet the criteria to be an eligible institution:

- (1) Licensed Boarding Homes;
- (2) Certified Adult Family Homes;
- (3) Licensed Assisted Living Facilities; and
- (4) Licensed Centers for the Developmentally Disabled.

004.04(A) DESIGNATION AS AUTHORIZED REPRESENTATIVE. The group home may act as the authorized representative, residents may apply on their own behalf, or residents may name an authorized representative of their choice. Any combination of these methods may be used in any single group home. Residents have the right to apply as a

one-person household or to form groups and apply as households with more than one member. Residents who use the group home as the authorized representative are considered a one-person household.

004.04(B) GROUP HOME RESPONSIBILITIES. The following are the responsibilities of group homes.

004.04(B)(i) AT APPLICATION. The group home must:

- (1) Have knowledge of the household's circumstances and carefully review these with the household before application is made; and
- (2) Determine if a resident may apply for Supplemental Nutrition Assistance Program benefits on the individual's own behalf based on the resident's physical and mental ability to handle the individual's own affairs.

004.04(B)(ii) DURING RESIDENCE. The group home must:

- (1) Provide the local office with a list of currently participating residents which is signed by a responsible official of the group home on a semi-monthly or monthly basis;
- (2) Ensure that each resident's benefits are used for that resident if residents purchase or prepare food for home consumption; and
- (3) Notify the local office of changes in the household's circumstances if the group home is acting as the authorized representative.

004.04(B)(iii) ENDING RESIDENCE. If a group home is acting as an authorized representative for a household, the group home must:

- (a) Return the Electronic Benefits Transfer card to the departing household;
- (b) Ensure that the departing household's Electronic Benefits Transfer account contains the household's full allotment if the benefits have already been issued and no benefits have been spent on that household's behalf that month;
- (c) When a household leaves on or before the 15th day of the month, ensure that a household's Electronic Benefits Transfer account contains one-half of its monthly allotment if benefits have been issued and any portion of those benefits that have not been used;
- (d) If an aggregate benefit allotment has been issued to the household on or after the 16th of the month and the household leaves the group home on or after the 16th of the application month but before the first day of the full month, the group home must ensure the full month's benefits are not used by the group home and remain in the Electronic Benefits Transfer account;
- (e) Ensure the departing resident the individual's pro rata share of one-half of the monthly allotment if the individual has:
 - (a) Been part of a group of residents certified as one household; and
 - (b) Left on or before the 15th of the month;
- (f) Allow residents who apply on their own behalf and retain their Electronic Benefits Transfer card to keep the benefits when they leave. A pro rata share must be available to the departing resident who was part of a group certified as one household;
- (g) Report the departure to the Department if the group home has acted as the authorized representative; and

- (h) If the household leaves the group home without taking its Electronic Benefits Transfer card, return the card to the Issuance and Collection Center.

004.04(B)(iii)(1) ENDING OF GROUP LIVING ARRANGMENT'S AUTHORIZED REPRESENTATIVE ROLE. The group living arrangement must not serve as a household's authorized representative once that household leaves the facility.

004.04(B)(iv) LIABILITY. The group home is liable for any overpayments to a resident household when the group home is acting as the authorized representative.

004.04(C) HOUSEHOLD RESPONSIBILITIES. The following are the household's responsibilities.

004.04(C)(i) REPORTING CHANGES. If a group home resident or residents make an application on their own behalf, the household is responsible for reporting changes to the local office.

004.04(C)(ii) LIABILITY. If a group home resident makes application on the individual's own behalf, the individual is responsible for any overpayments to the household.

004.04(D) USE OF ELECTRONIC BENEFITS TRANSFER CARD. The group home may purchase and prepare food to be consumed by eligible residents if the meals are normally obtained at a central location as part of the group living arrangement, or if meals are delivered to the individual residents.

004.04(D)(i) GROUP HOME AS AUTHORIZED REPRESENTATIVE. If the resident uses the facility as the authorized representative, the facility may either:

- (1) Receive the Electronic Benefits Transfer card and spend the Supplemental Nutrition Assistance Program benefits for food prepared by and served to the eligible resident; or
- (2) Allow the resident to use all or any portion of the allotment on the resident's own behalf.

004.04(D)(ii) RESIDENTS WITHOUT AUTHORIZED REPRESENTATIVES. If the resident is certified on the resident's own behalf, the resident's Electronic Benefits Transfer cards are:

- (1) Given to the facility to use for purchasing food served communally or individually to eligible residents;
- (2) Used by eligible residents to purchase and prepare food for their own consumption; or
- (3) Used to purchase meals prepared and served by the group home.

004.05 SHELTERS FOR BATTERED PERSONS AND CHILDREN. Shelters for battered persons and children must meet the definition, provided in chapter one of this title, before the shelter's residents may be certified as Supplemental Nutrition Assistance Program participants. Shelters having Food and Nutrition Service authorization to redeem at wholesalers are considered as meeting the definition.

004.05(A) PROCESSING APPLICATIONS. Shelter residents are considered separate from their former households if the former household which includes them in the allotment also includes the persons who subjected them to abuse. Shelter residents who are included in these certified households may receive an additional allotment as a separate household only once during a month. Benefits are prorated from the application filing date. Shelter residents who apply as separate households are certified solely on their income, resources, and the expenses for which they are responsible. They are certified without regard to the income, resources, and expenses of their former household. Jointly held resources are considered inaccessible. Room payments to the shelter are considered as shelter expense. A notice of adverse action is sent to the former household notifying the household of the change.

004.06 BOARDERS. Boarders are not eligible to participate in the Supplemental Nutrition Assistance Program as separate households. To be eligible, an individual must be a member of the household with which the individual lives. A boarder may participate with the household the individual lives with upon the household's request.

004.06(A) BOARDER STATUS. A boarder is an individual to whom a household furnishes lodging and meals for reasonable compensation. The following persons are not considered boarders:

- (1) The spouse of a member of the household;
- (2) Children who are under parental control of an adult member of the household;
- (3) Parents and children who live together; or
- (4) Any person who lives with the household and pays less than a reasonable monthly amount in cash for meals.

004.06(A)(i) DETERMINING REASONABLE COMPENSATION. Reasonable monthly boarding compensation must equal or exceed:

- (a) The maximum total program allotment for the size of the boarder household when more than two meals per day are furnished; or
- (b) Two-thirds of the maximum total program allotment for the size of the boarder household when two meals or fewer per day are furnished.

004.06(A)(i)(1) PROCESS FOR SEPARATE ROOM AND BOARD PAYMENTS. When boarder payments for rooms are distinguishable from payments for meals, only the amount paid for meals is considered in determining reasonable compensation.

004.06(A)(ii) RESIDENTS OF A COMMERCIAL BOARDINGHOUSE. Residents of commercial boardinghouses are boarders and are therefore ineligible. The following provisions apply when determining whether a person is a resident of a commercial boardinghouse:

- (1) A boardinghouse is defined as an establishment which:
 - (a) Is licensed as a commercial enterprise which offers meals and lodging for compensation; or
 - (b) Offers meals and lodging for compensation with the intention of making a profit.

- (2) The number of boarders in the boardinghouse must not be used to determine if a boardinghouse is a commercial enterprise.
- (3) The household of the proprietor of a boardinghouse may participate in the Supplemental Nutrition Assistance Program separate and apart from the residents if the household meets all of the eligibility requirements.

004.07 AUTHORIZED REPRESENTATIVES. The head of the household, the individual's spouse, or any other responsible household member may designate an authorized representative to act on behalf of the household. The designation of the authorized representative must be in writing. Normally the authorized representative is designated at the time of application, but the household may select an emergency authorized representative at a later time. The authorized representative may act in one or all of the following capacities:

- (1) Making application;
- (2) Fulfilling household responsibilities during the certification period such as submitting information on changes in household circumstances;
- (3) Obtaining the benefits;
- (4) Using the benefits; and
- (5) Filing a request for appeal.

004.07(A) SELECTION. The authorized representative must be fully aware of pertinent information about the household's circumstances, and must also be one of the following:

- (i) An adult who is not a household member;
- (ii) An employee of a chemical dependency treatment and rehabilitation center acting on behalf of the center's residents;
- (iii) An employee of a group living arrangement acting on behalf of the residents of the group living arrangement; or
- (iv) A representative of an authorized shelter for battered women and children.

004.07(B) USE. Authorized representatives may be used when the head of the household or the individual's spouse or other adult member of the household cannot be interviewed or is unable to get benefits or food because of factors such as illness, employment, or transportation problems. Individuals who are residents of a chemical dependency treatment and rehabilitation program are an exception to this policy and must have authorized representatives.

004.07(B)(i) MAKING APPLICATION. A responsible member of the household must review the application made by the authorized representative whenever possible, because the household is held liable if an overpayment results from erroneous information given by the authorized representative. The authorized representative bears no liability for overpayments other than the disqualification as an authorized representative.

004.07(B)(ii) USE OF ELECTRONIC BENEFITS TRANSFER CARD. The authorized representative may purchase food for the household if the individual has the household's full knowledge and consent and the household's Electronic Benefits Transfer card and Personal Identification Number.

004.07(C) EXCLUSIONS. The following persons cannot serve as authorized representatives:

- (i) Retailers who are authorized to accept Supplemental Nutrition Assistance Program benefits unless the Department has granted written approval;
- (ii) Employees of the local office unless the Department has granted written approval;
- (iii) Individuals disqualified for intentional program violation unless the disqualified individual is the only adult household member able to act on the household's behalf and the local office has determined that no one else is available to serve as authorized representative; and
- (iv) Meal providers for the homeless.

004.07(D) DISQUALIFICATION OF AUTHORIZED REPRESENTATIVES. If an authorized representative has misrepresented a household's circumstances and has knowingly provided false information pertaining to the household, or has improperly used Supplemental Nutrition Assistance Program benefits, that authorized representative may be disqualified from participating as an authorized representative in Supplemental Nutrition Assistance Program for up to one year. The authorized representative is notified of the following:

- (1) The proposed action;
- (2) The reason for the proposed action;
- (3) The household's right to request a fair hearing;
- (4) The telephone number of the Department; and,
- (5) Where to receive the additional information.

004.07(D)(i) DISQUALIFICATION OF GROUP LIVING ARRANGEMENTS AND TREATMENT CENTERS. This provision is not applicable for drug and alcohol treatment centers and group living arrangements which act as an authorized representative for their residents.

004.08 CATEGORICALLY ELIGIBLE HOUSEHOLDS. Households in which all members are authorized to or receive an Aid to Dependent Children, Aid to Aged Blind and Disabled, State Disability Program or Supplemental Security Income cash payment are categorically eligible. Households in which one or more members are authorized to or receive Aid to Dependent Children-Emergency Assistance or Employment First supportive services are categorically eligible. In addition to individuals receiving benefits, the term recipients includes the following:

- (1) Individuals whose Aid to Dependent Children, Aid to Aged Blind and Disabled, or State Disability Program benefits are being recouped;
- (2) Individuals whose Supplemental Security Income benefits are suspended or being recouped; and
- (3) Individuals entitled to an Aid to Dependent Children grant but who do not receive a grant because the grant is \$9.99 or less.

004.08(A) HOUSEHOLDS NOT CONSIDERED CATEGORICALLY ELIGIBLE. Some examples of households that are not considered categorically eligible for Supplemental Nutrition Assistance Program are those where:

- (i) The entire household consists of:
 - (1) General assistance applicants;
 - (2) Individuals eligible for medical assistance only;

- (3) Individuals in non-exempt institutions;
 - (4) Supplemental Security Income recipients in 1619(b) status who do not receive an Supplemental Security Income payment; or
 - (5) Residents of an institution who jointly apply for Supplemental Nutrition Assistance Program benefits and Supplemental Security Income, and who are determined eligible for Supplemental Security Income before the release from the institution. These individuals are not considered categorically eligible until the date of release from the institution.
- (ii) The household is disqualified because the head of household failed to comply with work requirements; or
 - (iii) The household includes a disqualified household member or a household member who is otherwise ineligible.

004.08(B) PROCESSING APPLICATIONS FOR CATEGORICALLY ELIGIBLE HOUSEHOLDS. The 30-day processing standard applies. If the household's application is or has been denied for Supplemental Nutrition Assistance Program benefits and is later found to have been categorically eligible, the original application date is used to certify the case. Another interview is not required but the application may have to be updated. If changes are made on the original application, applicant or authorized representative will need to initial and sign the application. If eligible, benefits would be issued from the date of the original Supplemental Nutrition Assistance Program application or the date categorical eligibility was determined, whichever is later.

004.09 FOSTER CARE CHILDREN. Households may determine whether children receiving payments from any publicly funded foster care agency are included as part of their household for purposes of Supplemental Nutrition Assistance Program. Foster care children may not participate as separate households. If the household chooses to include foster care children in their Supplemental Nutrition Assistance Program household, the income and resources of these individuals are considered available to the household. If the household chooses not to include these individuals, their foster care payments, other income, and resources are not considered available to the household.

004.10 EXPANDED RESOURCE PROGRAM ELIGIBLE HOUSEHOLDS. Any household in which all members receive or are authorized to receive the Expanded Resource Program services can have their Supplemental Nutrition Assistance Program eligibility determined through the Expanded Resource Program resource and income guidelines. Eligibility for the Expanded Resource Program is automatic if the household has signed the electronic or paper application. All of the application forms include a statement that if the household is eligible for the Expanded Resource Program, the household has been notified and is authorized to receive Expanded Resource Program services.

004.10(A) HOUSEHOLDS NOT CONSIDERED EXPANDED RESOURCE PROGRAM ELIGIBLE. Households that are not considered Expanded Resource Program eligible are those where:

- (i) An individual in the household is disqualified due to failure to comply with work requirements;
- (ii) A member of the household is disqualified due to an intentional program violation. This applies to the following individuals:

- (1) Those found to have committed an IPV:
 - (a) Through an administrative disqualification hearing;
 - (b) By a federal, state, or local court; or
 - (c) Who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement;
- (2) Those found by a federal, state, or local court to have used or received Supplemental Nutrition Assistance Program benefits in a transaction involving the sale of a controlled substance;
- (3) Those found by a federal, state, or local court to have used or received Supplemental Nutrition Assistance Program benefits in a transaction involving the sale or the purchase of firearms, ammunition, or explosives;
- (4) Those convicted by a federal, state, or local court of trafficking Supplemental Nutrition Assistance Program benefits of an aggregate amount of \$500 or more;
- (5) Those found by a federal, state, or local court or by a state agency to have made a fraudulent statement or representation with respect to the identity or place of residence in order to receive Supplemental Nutrition Assistance Program benefits in more than one household in the same month;
- (6) Those found to be ineligible due to a drug felony disqualification pursuant to 001.07 of chapter 3; or
- (7) Those found to be ineligible due to being convicted of certain felonies pursuant to section 001.08 of chapter 3.

005. DELAYS IN APPLICATION PROCESSING. If the application is not processed by the end of the 30th day, the following applies:

005.01 DELAYS CAUSED BY THE HOUSEHOLD. The household is not entitled to benefits for the application month when the delay is the household's fault. If the household later cooperates with the application processing, benefits are prorated back to the date the household took the required action to establish eligibility. The following are considered the household's fault:

- (A) Failing to complete the application form;
- (B) Failing to provide complete verification;
- (C) Missing a scheduled interview; and
- (D) Failing to reschedule a missed interview within 30 days of the application date.

005.02 DELAYS CAUSED BY THE DEPARTMENT. If eligibility has not been determined by the 30th day following the date the application was filed because of the Department's failure to act, the following occurs:

- (A) The household's application will remain pending for an additional 30 days. The recipient will be sent a notice by the 30th day after the application was filed notifying the household of the status and any additional action needed by the household;
- (B) The Department will provide benefits that are retroactive to the application date if:
 - (i) The household is determined eligible during the second 30-day period; and
 - (ii) The household was eligible for the application month; or
- (C) The Department will deny the application if the household is determined ineligible during the second 30 days.

005.03 DELAYS BEYOND 60 DAYS. When eligibility has not been determined within 60 days following the date the application was filed, the following applies:

- (A) If the Department caused the delay in the second 30 days, the Department continues to process the original application until an eligibility determination is made; or
- (B) If the Department caused the delay in the first 30 days but the household caused the delay in the second 30 days, then the application is denied and the household must file a new application if the household wishes to participate.
- (C) The household is not entitled to retroactive benefits if it caused the delay during the second 30 days. A notice of denial is not necessary if the pending notice informed the household that it must file a new application if it did not provide verification.

006. DENIALS DUE TO HOUSEHOLD'S FAILURE TO APPEAR FOR INTERVIEWS. When the household fails to appear for a scheduled interview, the application will be denied if the household fails to contact the office to reschedule the second interview within 30 days of the application filing date. If the household fails to appear for a second interview, the application is denied.

006.01 REFUSAL TO COOPERATE. In situations where the household is able to cooperate but clearly demonstrates that it will not take the actions required to complete the application process, then the application is denied at the time of the refusal. However, if someone outside the household, such as an employer, fails to cooperate with a request for verification, then the application will not be denied based upon the third party's refusal. Non-household members or disqualified household members are not considered persons "outside" the household for the purpose of this section.

006.01(A) QUALITY CONTROL REVIEW REFUSAL TO COOPERATE. If a household's case is closed for refusal to cooperate with a:

- (i) State Quality Control Review, the household may reapply but it is ineligible until:
 - (1) It cooperates with Quality Control Review; or
 - (2) 115 days after the review period ends.
- (ii) Federal Quality Control review, the household may reapply but is ineligible until:
 - (1) It cooperates with Quality Control; or
 - (2) Seven months after the review period ends.

006.01(B) CONTINUED REFUSAL TO COOPERATE WITH QUALITY CONTROL. Households that continue to refuse to cooperate after the termination period ends with either a State Quality Control Review or a Federal Quality Control review are subject to 100% verification when or if they reapply for Supplemental Nutrition Assistance Program benefits.

006.01(C) WORKER ACTION. Applicants or recipients who refuse to cooperate in any subsequent review of eligibility, including reporting changes, recertifications, and Quality Control reviews, will have the application denied or their case closed. The household may reapply once it has been denied or terminated for refusal to cooperate, but it is not eligible until it cooperates.

007. RECERTIFICATION. A household may file an application for recertification before the end of the current certification period. If an application is filed timely, eligible households receive uninterrupted benefits. Any application filed before the certification period expires is considered

a recertification. Benefits are not prorated. An application filed after the certification period has expired but within 30 days following the expiration date is also considered a recertification. Since the filing date is later than the last day of the previous certification period, benefits are prorated from the date the application is filed.

007.01 TIMELY FILING. Households must return an application for recertification by the 15th day of the month the certification period expires.

007.02 SCHEDULING THE INTERVIEWS. A face-to-face or telephonic interview is conducted with a member of the household or its authorized representative at least once every 12 months for households certified for less than 12 months. Elderly or disabled Supplemental Nutrition Assistance Program households with a 12 month certification are not required to have a face-to-face or telephonic interview once a year. The interview is scheduled so that the household has at least ten days after the interview in which to provide verification before the certification period expires. If a household misses its scheduled interview, a notice of missed interview is sent to the household.

007.03 INTERVIEW. In addition to submitting the application in a timely manner, the household must appear for a scheduled interview and provide the required verifications within ten days of the date verifications were requested. If the household does not meet these requirements, a denial notice is sent on the 30th day following the application filing date.

007.04 VERIFICATION AFTER INTERVIEW. The household is provided a written notice of the required verifications and the date the verification requirements must be satisfied. Households who have applied but eligibility has not been determined by the end of the current certification period are allowed a minimum of ten days to provide the required verification. When all the required verification is provided in the ten days, the household, if eligible, is given an opportunity to participate within five working days after the household provides the missing verification. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verifications extending into the following month will receive an opportunity to participate, if eligible, within five working days after the household submits the missing verification; benefits cannot be prorated in this situation if the missing verification is provided by its due date.

007.05 APPLICATION RECEIVED AFTER THE END OF THE CERTIFICATION PERIOD. Households who apply after the end of their certification period are allowed a minimum of ten days to provide the required verification information. When all the required verification is provided in the ten days, the household, if eligible, is given an opportunity to participate within five working days after the household provides the missing verification.

007.05(A) LATE RECERTIFICATION APPLICATION PRORATION. When the household submits an application after the expiration of the last certification period, the first month's benefits are prorated from the application filing date.

007.06 DELAYS. The following procedures apply to delays in processing.

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007.06(A) CAUSED BY HOUSEHOLD. A household will lose its right to uninterrupted benefits and have its application approved or denied by the end of the certification period for any of the following reasons:

- (i) The household returns the application for recertification after the timely filing deadline;
- (ii) The household does not attend the scheduled interview; or
- (iii) The household does not return requested verifications within ten days of the date the worker requests it.

007.06(B) CAUSED BY LOCAL OFFICE. When an eligible household that has filed a timely application is not given an opportunity to participate due to administrative error, the household is entitled to retroactive benefits because the household was unable to participate in the month after the certification period expired.

007.07 CATEGORICAL ELIGIBILITY. Categorical eligibility for public assistance households is assumed at the time of recertification if the public assistance redetermination is late. If the household is later found ineligible for public assistance and is not otherwise eligible for Supplemental Nutrition Assistance Program benefits, the case is closed.