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3000 ELIGIBILITY STANDARDS

3100 RESIDENCE REQUIREMENTS

Households must be living in the county in which they are applying. No individual may participate as a member of more than one household nor in more than one county in any month, unless an individual is a resident of a shelter for battered women and children and was a member of a household containing the person who abused the shelter resident. Residents of shelters for battered women and children are handled in accordance with Sections 2231 and 5300.

No duration residence requirement or fixed mailing address requirement may be imposed. Applicants living in the county for any purpose other than a vacation, regardless of the length of time they have been there or plan to stay, meet the residence requirements.

A conventional fixed residence is not required to determine eligibility, i.e. house or apartment. Persons living in tents, pick-up campers, migrant campsites, etc., satisfy the residence requirement.

All applications must contain a legible address and/or directions that will allow a home visit or an other means of verifying residence, if necessary.

3200 CITIZENSHIP AND ALIEN STATUS

An adult household member is required to sign a statement attesting to the citizenship or lawful alien status for each member of the household requesting or receiving food stamp benefits. The DSS-EA-301, Statement of Need, contains the Addendum, Certification of Citizenship or Alien Status, that must be completed and signed by an adult household member. In the absence of an adult in the household, the applicant may sign for non-adults.

When either a household or individual indicates inability or unwillingness to attest to the alien status for any household member, the person whose alien status is in question is an ineligible (not illegal) alien. If the individual is determined ineligible, we cannot continue efforts to obtain documentation of alien status. The household will, however, be required to answer questions and submit verifications about the excluded individual's income, resources, etc. The income and resources of those individuals are treated as described in Section 5500.

3210: ELIGIBILITY CRITERIA - GENERAL:

A: The individual is eligible to participate if he/she is:

1. A U.S. Citizen; or
2. A U.S. non-citizen national; or
3. A child under 18 who was born in a foreign county to U.S. parents and entered the U.S. before his/her 18th birthday; or
4. A child under 18 who was adopted by U.S. parents and entered the U.S. before his/her 18th birthday; or
5. An American Indian who:
   - Is born in Canada or Mexico and possesses 50 per centum of blood of the North American Indian Race; or
   - Is a member of an American Indian Tribe.

Section 3210, Eligibility Criteria - General continued:

B: The individual is who is lawfully residing in the U.S. is eligible if he/she is a:

1. Member of the Hmong or Highland Laotian Tribe or the spouse or unmarried dependent child of the Hmong or Highland Laotian; or
2. Refugee; or
3. Asylee; or
4. Parolee if he/she had parolee status for at least one year and meets military criteria; or if he/she has resided in the U.S. for at least a total of five years with parolee status; or
5. Deportation Withheld; or
6. Cuban/Haitian; or
7. Amerasian: or
8. Trafficking Victim; or
9. Conditional Entrant if he/she meets military criteria or has resided in the U.S. for at least a total of five years with conditional entrant status; or
10. Meets battered immigrant status criteria; or
11. Elderly and was legally residing in the U.S. on 08-22-96; or
12. Disabled; or
13. A child under 18 legally residing in the U.S.;
14. Meets military status criteria; or
15. Iraqi Special Immigrant; or
16. Afghan Special Immigrant.

C: The individual is admitted as a lawful permanent resident (LPR) status and is eligible if he/she:

1. Has resided in the U.S. for at least five years with a LPR status; or
2. Meets 40 quarter criteria.

Each category of alien status stands alone for purposes of determining eligibility. All non-citizens must be checked against each category to see if eligibility exists. Also, if the eligibility status expires, each eligible category must be reviewed to see if that individual is eligible under another status.

Example: Child turns 18 and is no longer eligible under the child status. If the child has been in the U.S. for at least 5 years under lawful permanent residence status, the child is eligible. (Remember to check each alien status for eligibility before determining ineligibility.)

3220 ELIGIBILITY CRITERIA - CITIZENS

U.S. citizens, including naturalized citizens, must meet citizenship eligibility requirements.

3221 DETERMINING CITIZENSHIP

The following information applies to persons who claim to be U.S. citizens. (Information on persons who claim to be aliens is found in Section 3230.)

Workers must verify a person's claim to be a U.S. citizen if questionable. The member whose citizenship is questionable is ineligible to participate until proof of U.S. citizenship is obtained. Until this proof is obtained, the member whose citizenship is questionable will have his/her income, less a prorata share, and all of his/her resources considered available to any remaining household members.

Citizenship verified for TANF purposes is considered verified for the Food Stamp Program. Birth, naturalization or derivation from parent(s) normally acquires U.S. citizenship.

3222 CITIZENSHIP BY BIRTH

Persons born in the United States (U.S.) are U.S. citizens. This principle applies even to children of parents who are present in the U.S. illegally. For this purpose, the U.S. is defined as the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands. Non-citizen nationals are individuals who were born in American Samoa and Swain's Island (outlying possessions of the U.S.) are treated just like U.S. citizens. For all manual references, non-citizen nationals will be included in the U.S. citizen group and not identified separately.

3223 CHILD UNDER 18 BORN TO U.S. PARENT OR ADOPTED BY U.S. PARENT:

Automatic citizenship is granted to children born in a foreign county upon entry to the U.S. if the child is under 18 years of age, admitted to the U.S. as a lawful permanent resident, and is in the legal and physical custody of at least one parent who is a U.S. citizen.

Automatic citizenship is granted to children who adoption is completed abroad by a U.S. parent(s) upon entry to the U.S. if the child is under 18 years of age, admitted to the U.S. as a lawful permanent resident, and is in the legal and physical custody of at least one parent who is a U.S. citizen. Automatic citizenship is not granted if the adoption is not finalized prior to the child entering the U.S. If that occurs the child must be meet other alien status criteria until the adoption is finalized. Once finalized, the child will receive automatic citizenship.

Because automatic citizenship is granted to children who meet the above criteria, they should be coded as citizens.

Children of unknown parentage found in the U.S. before the age of 5 years are assumed to have been born in this country. Such foundlings are considered U.S. citizens for life unless it is proved before the child reaches age 21 that he/she was born in another country.

3224 CITIZENSHIP BY NATURALIZATION

Persons who are not U.S. citizens may acquire citizenship through the courts by naturalization. Aliens do not become citizens simply by marrying a U.S. citizen. Spouses, however, can apply for naturalization and, if eligible, become citizens through the court.

In some instances, alien children become U.S. citizens when a parent is naturalized. These children might have their own separate naturalization records or papers. If so, their citizenship can be verified, if necessary, the same as an adult; if not, the situation should be referred through channels for determination of citizenship.

3225 VERIFICATION OF CITIZENSHIP

If questionable, citizenship may be verified by birth, hospital, or baptismal certificates, U.S. passports, INS certificates of citizenship or naturalization, ID cards for the use of resident citizens in the U.S. (INS Forms I-179 or I-197), or similar documents.

The member whose citizenship is in question is ineligible to participate until proof of U.S. citizenship is obtained unless the case is expedited. (Verification of non-citizenship status may be postponed in order to meet the expedited processing standards.)

A non-citizen must have completed all of the requirements for citizenship and received a certification of naturalization. Citizenship acquired by naturalization can be verified in the county where naturalization occurred. Each county clerk of courts has an index of all persons naturalized in that county. (Other states also have similar arrangements.) If the person's record cannot be located or the county of naturalization is not known, the worker should contact INS because they maintain an index of all naturalized persons.

As a last resort, if the household cannot obtain any of these verifications and can reasonably explain why verification is not available, an affidavit can be used. The affidavit must contain the signer's address and telephone number, and the food stamp case name and number. This form must be signed under penalty of perjury by a person who is a U.S. citizen and must declare that the person in question is also a U.S. citizen. Signers must be advised that the affidavit is a sworn statement and that they should certify only those facts of which they have personal knowledge. The following statement should be used for these situations:

"I declare under penalty of perjury that _____ is a United States citizen. It is my understanding that intentionally giving false information to help this person get food stamp benefits may result in a fine, imprisonment, or both."

3230 DETERMINING ELIGIBILITY - NON-CITIZEN

An alien is anyone living in the United States who is not a U.S. citizen. If verification of alien status is not provided within normal processing times, the eligibility of the remaining household members must be determined. The individual whose status is in question is ineligible to participate until the INS documentation is received, however the individual's income and expenses will be prorated and all of his/her resources considered available to any remaining household members (Section 5500). If verification is later received, and the individual is eligible, the case must be acted on as a reported change in household circumstances. For expedited cases, if the individual states he/she is an eligible alien, verification may be postponed under expedited services regulations (Sections 2511 and 2700)

To be eligible an individual must meet one of the alien statuses identified in 3231 or 3232 below. The individual should be matched against all statuses before being coded as an ineligible alien.

3231 LAWFULLY ADMITTED INDIVIDUALS:

Individuals are eligible if they were lawfully admitted and meet the following criteria:

A.) **Native Americans** are eligible indefinitely if they meet the following criteria:

1.) **Born in Canada or Mexico** if they **possess at least 50% of blood of the North American Indian Race.**
- North American Indian Race is defined as any tribe from the United States, Mexico, or Canada.
- Verification may be obtained from birth records, affidavits from tribal officials, INS Form **I-181 or I-551**, or other acceptable documentation.
  - Ω I-551 may be annotated with **KIC, KIP, or S13.**

2.) Born outside the United States however they are a member of an American Indian Tribe.
- State Office may be contacted to make a determination on the American Indian determination.
- Verification may be obtained from birth records, affidavits from tribal officials, INS Form **I-181 or I-551**, or other acceptable documentation.
  - Ω I-551 may be annotated with **KIC, KIP, or S13.**
- Native Americans may not have INS documentation but are still eligible if they meet one of the tribal criteria above.

B.) **Hmong or Highland Laotian** tribe members are eligible indefinitely if they are members 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 ending May 7, 1975 and are legally residing in the U.S. The individual must be born prior to 05/08/75 and state he/she is a member of a Hmong or Highland Laotian tribe who rendered assistance to the U.S. during the Vietnam era and he/she must present one of the following:

1.) INS Form **I-94** showing entry as **refugee under Section 207 of the INA**; or

2.) Form **I-551 or I-151** unless it states the individual entered under section 249 and entered after January 1, 1972 (ineligible under this status if so annotated); or

3.) Listed on a State Office master list as a Hmong/Highland Laotian refugee; or

4.) Sign an affidavit under penalty of law that he/she was a member of the tribe between 08/05/64 and 05/07/75.

C.) **Spouse or dependent child(ren)** are eligible if they are the spouse or dependent child(ren) of a **member of the Hmong or Highland Laotian 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 ending May 7, 1975. The individual must state the spouse or parent is a tribal member of a Hmong or Highland Laotian tribe who rendered assistance to the U.S. during the Vietnam era; they must present verification of the Hmong or Highland Laotian's INS forms and their status as a member of the tribal member's family; and must meet one of the following:

1.) Spouse remains married to the tribal member; or

2.) Was married to the member at the time of the member's death and has not remarried; or

3.) Unmarried dependent children of the tribal member are eligible if they are:

Section 3231, Lawfully Admitted Individuals, continued:

- ~ A legally adopted or biological dependent child of the tribal member (or deceased tribal member) if the child is under the age of 18 or a full-time student under the age of 22.
  - Ω Statement is sufficient verification unless questionable, then verification (parent, age and/or student status)is needed.
- ~ A disabled child age 18 or older if the child was disabled and dependent on the tribal member (or deceased tribal member) prior to the child's 18th birthday.
- ~ Child does not have to be residing with the tribal member.
- ~ Eligibility stops if the child turns 18, becomes married or the child is not longer dependent on the tribal member.

D.) **Refugee** entrants are eligible indefinitely. Refugee status is determined by the following:

1.) INS Form **I-94** showing entry as **refugee under Section 207**; or

2.) INS **Form I-688B** annotated **274a.12(a)(3)**; or

3.) INS Form **I-766** annotated **A3**; or

4.) INS Form **I-571**; or

5.) INS Form **I-551 or I-151** annotated **RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE86, RE9, IC6, or IC7**
- ~ RE-6, RE-7, RE-8, or RE-9 codes show the individual's status was changed from refugee to lawful permanent resident. Even if that occurs, individual remains eligible.

E.) **Asylee** entrants are eligible indefinitely. Asylee status is determined by the following:

1.) INS **Form I-94** showing grant of **asylum under Section 208**; or

2.) **Grant letter** from Asylum Office of the INS; or

3.) **Order** from immigration judge granting **asylum**; or

4.) INS Form **I-688B** annotated **274.a12(a)(5)**; or

5.) INS Form **I-766** annotated **A5**.

6.) INS Form **I-551** or **I-151** annotated with **AS6, AS7, AS8, or AS9**.
- ~ These codes show the individual's status was changed from asylee to lawful permanent resident. Even if that occurs, individual remains eligible.

F.) **Parolee** entrants are eligible if admitted under Section 212 (d)(5) of the INA and the parolee status is granted for at least one year <u>and</u> the individual:

1.) Meets **military eligibility criteria** identified under Section 0 below; or

2.) Has resided in the U.S. for at least 5 years with parolee status.

3.) Has INS Form **I-94** showing admission under section **212 (d)(5)** of the INA.
- ~ Status must be granted for at least one year.

Section 3231, Lawfully Admitted Individuals, continued:

G.) Entrants whose **deportation is being withheld** are eligible indefinitely. Deportation is being withheld status is determined by the following:

1.) **Order from Immigration Judge** showing **deportation withheld under Section 243(h) or 241(b)(3)**; or

2.) INS Form **I-688B** annotated **274a.12(a)(10)**; or

3.) INS Form **I-766** annotated **A-10**.

4.) If alien's status changes to lawful permanent resident, individual remains eligible.

H.) **Cuban** or **Haitian** entrants are eligible indefinitely. Cuban/Haitian status is determined by the following:

1.) INS Form **I-94** annotated with code **CU6 or CU7, or stamped Cuban/Haitian Entrant under Section 212(d)(5)** of the INA; or

2.) Unexpired temporary **I-551** stamp in foreign passport.

3.) INS Form **I-551 or I-151** annotated with code **CU6, CU7, or CH6**.
- These codes show the individual's status was changed from Cuban/Haitian to lawful permanent resident. Even if that occurs, individual remains eligible.

I.) **Amerasian** entrants are eligible indefinitely. Amerasian status is determined by the following:

1.) INS Form **I-94** annotated with code **AM1, AM2, or AM3**; or

2.) Unexpired temporary **I-551** stamp in foreign passport.

3.) INS Form **I-551** annotated with code **AM6, AM7, or AM8**.
- These codes show the individual's status was changed from Amerasian to lawful permanent resident. Even if that occurs, individual remains eligible.

J.) **Victim of Human Trafficking** are eligible as long as their Certification letter is valid. Trafficking status is determined by the following:

1.) Individuals, age **18 or older** must have an original Certification letter issued from the Office of Refugee Resettlement (ORR); or
- Date of entry is the date listed in the body of the letter titled certification date.
- ORR must be contacted at 1-202-401-5510, trafficking verification line, to verify the letter prior to providing benefits. If the certification letter does not have an expiration date, the number should be called to verify validation at each application/recertification.

2.) Individuals **under age 18** must have an original trafficking letter from the Office of Refugee Resettlement (ORR); or
- Date of entry is the date listed in the body of the letter titled certification date.
- ORR must be contacted at 1-202-401-5510, trafficking verification line, to verify the letter prior to providing benefits. If the certification letter does not have an expiration date, call the number to verify validation at each application/recertification.

Section 3231, Lawfully Admitted Individuals, continued:

3.) INS Form **I-94** showing entry under **section 212 (d)(5)** of the INA.
- Eligible if status granted for at least one year.
- The individual must contact ORR (1-202-401-5510) to get an original letter if they state they are in U.S. because they are a victim of trafficking. After the original letter is received, eligibility continues as long as the certification letter is valid. If the certification letter does not have an expiration date, the number should be called to verify validation at each application/recertification.

K.) Individual granted **conditional entry** pursuant to INS Section 203 (a)(7) is eligible if the individual:

1.) Meets **military eligibility criteria** identified under Section 0 below; or

2.) Has resided in the U.S. for at least 5 years with conditional entrant status; or

3.) Has INS Form **I-668B** annotated **274a.12(a)(3)**; or

4.) Has INS Form **I-766** annotated **A3**; or

5.) Has INS Form **1-551** or **I-151** with code **R86**.
- This code shows the individual's status was changed from Conditional Entrant to lawful permanent resident. Eligibility may also be granted with this code if the individual meets qualifying earned income credit criteria [Section 3233}.

L.) **Battered spouses and/or children** are eligible if the individual has petitioned INS for permanent resident status if they: *

1.) Have resided in the U.S. 5 years with INS status; or

2.) Meet the military criteria identified in Section 0 below; or

3.) Meet the 40 earned income quarters in 3233 if has lawful permanent resident status; <u>and</u>

4.) Are not residing with the family member who battered them.

5.) Verification of battered status is:
- **I-551** annotated with **IB6, IB7, or IB8**; or
- INS form **I-797** if it is a Notice of Approval or Notice of Prima Facie Determination; or
- Other INS documentation of battered status (like an approved self-petition or cancellation of removal or suspension of deportation filed as a victim of domestic violence).

M.) An individual who is **lawfully residing** in the U.S. may be eligible if he/she:

1.) Is age **65 or older and was lawfully residing in the U.S. on 08-22-96**; or

2.) Meets the FS definition of **disabled** (Sections 2012/2013); or

3.) Is **under age 18**; or

Section 3231, Lawfully Admitted Individuals, continued:

4.) Has resided in the U.S. for at least five years with a lawful resident status.

5.) **Lawfully residing** is defined as residing in the U.S. with INS approval.
- Any INS documentation will verify the lawful status.

6.) If none of the criteria in 1-5 is met, he/she must meet one of the criteria listed in this section (3200) to be considered eligible.

N.) **Past or Current U.S. Military Involvement** is defined as:

1.) Individual is on active duty with any of the U.S. Armed Forces units. Active duty is defined as minimum active duty (24 months) or the period for which the individual was called to active duty.
- If the active duty is for training such as National Guard or Army Reserve, individual is not eligible.

2.) Individual was honorably discharged from the U.S. Armed Forces for reasons other than alien status as long he/she fulfills the minimum active duty service or individual has died in active military naval or air service. This includes an individual who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the U.S. or in the Philippine Scouts.
- If the discharge was for alien status or for dishonorable service, the individual is not eligible under this status.

O.) **Spouse or Unmarried Dependent Children** of individual with **U.S. Military Involvement**:

1.) Spouse must be married to the veteran/service (wo)man or was married to the individual at the time of his/her death for a least one year, or for any period if a child was born to the veteran and non-citizen, and the spouse has not remarried.
- Spouse would not be eligible if he/she is divorced from the veteran/service (wo)man; or has remarried since the veteran/service (wo)man's death.
- Eligibility exists for the alien spouse regardless of whether or not the veteran/service wo(man) is a U.S. citizen.
- Eligibility stops if the service (wo)man is discharged from active duty for alien status or dishonorable service.

2.) Unmarried dependent children of the veteran/service wo(man) are eligible if they are:
- A legally adopted or biological dependent child of an honorably discharged veteran, active duty member of the Armed Forces, or deceased veteran if the child is under the age of 18 or a full-time student under the age of 22.
  - Statement from veteran/service (wo)man is sufficient verification unless questionable, then verification (parent, age and/or student status)is needed.
- A disabled child age 18 or older if the child was disabled and dependent on the active duty member or veteran prior to the child's 18th birthday.
- Child does not have to be residing with veteran/service wo(man).
- Eligibility stops if the child becomes married, is no longer a dependent, or the service (wo)man is discharged from active duty for alien status or dishonorable service.

Section 3231, Lawfully Admitted Individuals, continued:

P.) **Iraqi Special Immigrants** are eligible from the date of entry or from the date status was changed to special immigrant. **Spouses and unmarried children under the age of 21** are eligible from date of entry or from the date status was changed to special immigrant.

If the individual entered the U.S. under another immigration status and is eligible under program rules under that status, that status will continue regardless if the individual changes his/her status to Iraqi special immigrants.

Example: Individual U.S. as an asylee. Asylees are eligible without time restrictions thus the individual remains eligible under asylee status even if at a later date the individual changes his/her status to Iraqi special immigrant; or

Children under age 18 who are legally residing in the U.S. are eligible thus the child of an Iraqi special immigrant rules apply to children over age 17 and under 21 years of age.

This special immigrant status is determined by the following.

1.) Iraqi passport noting admittance under IV (immigrant visa) category **SI1, SQ1, SI2, SQ2, SI3,** or **SQ3** and DHS stamp or notation or I-94 showing date of entry or date of status granted; or

2.) **DHS Form 551** (green card) noting Iraqi nationality (or Iraqi passport) with an **IV** (immigrant visa) code of **SI6, SQ6, SI7, SQ7, SI9,** or **SQ9**.

Q.) **Afghan Special Immigrants** are eligible from the date of entry or from the date status was changed to special immigrant. **Spouses and unmarried children under the age of 21** are eligible from the date of entry or from the date status was changed to special immigrant.

If the individual entered the U.S. under another immigration status and is eligible under program rules under that status, that status will continue regardless if the individual changes his/her status to Iraqi special immigrants.

This special immigrant status is determined by the following.

1.) Afghan passport noting admittance under IV (immigrant visa) category **SI1, SI2,** or **SI3,** and DHS stamp or notation or I-94 showing date of entry or date of status granted; or

2.) **DHS Form 551** (green card) noting Afghan nationality (or Afghan passport) with an **IV** (immigrant visa) code of **SI6, SI7,** or **SI9**.

3232 INDIVIDUALS LAWFULLY ADMITTED FOR PERMANENT RESIDENCES (LPR)

Individuals who do not meet any of the criteria listed in 3220 or 3230 above are eligible if they:

A.) Meet **Lawful permanent resident** status as **verified by**

1.) INS Form **I-551 or I-151** (Resident Alien card)
- If the individual was admitted under Section 249 and entered after 01-01-72, no eligibility exists.
- If the **I-551** has code **IB6, IB7, or IB8,** and the individual does not meet the battered alien criteria, they are not eligible.

Section 3232, Individuals Lawfully Admitted for Permanent Residence, continued:

2.) Unexpired Temporary **I-551** stamp in foreign passport or on INS Form **I-94** verifies individual is admitted for lawful permanent residence; and

B.) Have resided in the U.S. for at least 5 years with lawful permanent resident status; or

C.) Can be credited with 40 qualifying quarters of earned income(Section 3233 below).

3233 QUALIFYING QUARTERS OF EARNED INCOME:

Individuals who are **lawfully admitted for permanent residence** [Section 3232] but have not resided in the U.S. at least five years must meet eligibility criteria status identified in 3231 or can be credited with 40 qualifying quarters of earned income to be eligible. A qualifying quarter of earned income is defined as the amount of earnings received by the individual (or his/her spouse or parents) for employment or self-employment covered under Title II of the Social Security Act. (Non covered SSA wages also count in the 40 quarters and are captured via SVES.)

The amount of earnings worked at a job covered by Social Security or self-employment earnings on which Social Security tax must be paid determine the qualifying quarters of coverage. Workers are credited a maximum of 4 quarters per year by the Social Security Administration (SSA). Aliens must have worked to earn 40 quarters of credit as per Social Security Administration's rules unless their spouse or parents can share their credits with them. Once the alien can be credited with 40 qualifying quarters, he/she has met non-citizen eligibility requirements even if he/she stops working. The only time credits would be removed from an alien would be if the individual received credits from a spouse, and they became divorced; or if parental rights terminated for a child. The same quarter of credit may be applied to more than individual (self, spouse, and dependent child(ren).

3233.1 SPOUSAL CREDITS:

Spousal credits may be shared for the period of time they are married if they are still married or were married at the time the spouse was deceased. Qualifying quarters may be credited to a non-citizen spouse even if the individual employed is a US citizen. If the marriage terminates during the certification period, the qualifying quarters from the spouse are no longer allowed to be credited when the case is next certified (eligibility continues until recertification occurs).

EXAMPLE 1: Jim and his wife Janet are aliens lawfully admitted for permanent residence. Jim has been credited with 25 qualifying quarters of employment and Janet has 10 qualifying quarters. Neither Jim nor Janet are eligible because they individually or together do not have 40 credits. (Jim has 25 + 10 from Janet = 35; Janet has 10 + 25 from Jim = 35.) [Even if Jim were a US citizen, Janet would receive credit for quarters of income that Jim earned during the period they were married to each other.]

EXAMPLE 2: Jim and his wife Janet are aliens lawfully admitted for permanent residence. Jim has been credited with 35 qualifying quarters of employment and Janet has 15 qualifying quarters. Jim and Janet are eligible because together they have at least 40 quarters (Jim has 35 + 15 from Janet = 50, Janet has 15 + 35 from Jim equals 50.)

3233.2 PARENTS/CHILDREN CREDITS:

The credits of income earned by a natural, adoptive, or stepparent, including a deceased parent, may be credited to children. Qualifying quarters may be credited to children until the child turns 18. Once the child turns 18, only the credits earned by the parents up until the 18th birthday of the child may be used, including the time period before the child's birth. (Example: John, age 25, applied April 2002. Any credits earned by John's parent for the time period up to his 18th birthday may be credited to John.) Credits may be credited from parent(s) to child(ren) through the quarter the child turns 18. A child can receive qualifying quarters from each parent as well as themselves. Quarters earned by children cannot be deemed to their parents or siblings.

> EXAMPLE: Jim and Janet have two children, Bob and Lori. Bob is 20 years of age and Lori is 10 years of age. Jim has earned 25 qualifying quarters, Janet has earned 10, and Bob has earned 5. Bob is eligible based on qualifying quarters; Bob receives 25 from Jim and 10 from Janet, in addition to 5 of his own = 40. Jim, Janet, and Lori are not eligible because they may each be credited with only 35 (25 from Jim and 10 from Janet).

Credits earned by adoptive parents can be credited to the adoptive child(ren) through the quarter the child(ren) turns 18, even credits earned by the adoptive parents prior to the date of adoption. Credits from the biological parent(s) are not allowed when the adoption becomes final.

Credits earned by stepparents are allowed from the quarter of the marriage of the stepparent as long as the marriage occurred before the children attained age 18. The credits are allowed through the quarter the child turns age 18. Credits are not allowed if the 40 quarter determination is made after divorce or annulment between the parent and stepparent. *However if the 40 quarters were credited to the stepchild(ren) before divorce or annulments, the credits cannot be removed from the child.*

> EXAMPLE: May was 17 years old when Ann, her mother, married Matt in January 2000. They applied for food stamps April 2002. (None of the individuals received Food Stamps, TANF, Medicaid, or SSI after December 1996. Matt has earned 40+ quarters but only 9 since the first quarter of 2000 (marriage date). Ann has earned 30 quarters through March 2002. May has earned 2 quarters. May is eligible because she is credited 9 quarters Section 3233,2, Parents & Children Credits continued:
>
> from Matt (marriage date), 30 quarters from Ann (mother) and 2 quarters herself = 41 quarters. May will never lose the 41 quarters deemed to her during the April 2002 application. If May were over 18 when the marriage occurred, she would only have 30 quarters from Ann and 2 quarters from herself. If Matt and Ann divorced before May could be credited 40 quarters, she would not be allowed to be credited any quarters from Matt.

The qualifying quarters that may be credited to child(ren) from their parents are retained for the child even if he/she turns 18. (Once received, they may not be taken away, unless parental rights are terminated.)

3233.3 QUALIFYING QUARTERS OF EARNED INCOME CHART

The amount of earned income that determines a credit is defined by the Social Security Administration (SSA). The amount varies every year. The following is a chart of the current amounts.

Section 3233.3, Qualifying Quarters of Earned Income Chart, continued:

Year	Quarterly Amount	Amount = 4 Quarters	Year	Quarterly Amount	Amount = 4 Quarters	Year	Quarterly Amount	Amount 4 Qrt
1978	$250	$1000	1979	$260	$1040	2008	$1050	$4200
1980	$290	$1160	1981	$310	$1240	2009	$1090	$4360 *
1982	$340	$1360	1983	$370	$1480			
1984	$390	$1560	1985	$410	$1640			
1986	$440	$1760	1987	$460	$1840			
1988	$470	$1880	1989	$500	$2000			
1990	$520	$2080	1991	$540	$2160			
1992	$570	$2280	1993	$590	$2360			
1994	$620	$2480	1995	$630	$2520			
1996	$640	$2560	1997	$670	$2680			
1998	$700	$2800	1999	$740	$2960			
2000	$780	$3120	2001	$830	$3320			
2002	$870	$3480	2003	$890	$3560			
2004	$900	$3600	2005	$920	$3680			
2006	$970	$3880	2007	$1000	$4000			

Contact State Office for assistance for prior to 1978.

Each individual may earn a maximum of four credits in a year. A credit will not be included in the 40 quarter computation until the first day of the quarter (example: John earned $900 January 2002 and applied in February 2002. He would receive one credit for the first quarter of 2002.) Calendar quarters mean the calendar months ending March 31, June 30, September 30, and December 31 of any year.

Any quarters earned from January 1997 and later may not be credited to an individual who received TANF, Food Stamps, Medicaid, or SSI in any month during that quarter.

3233.4 VERIFICATION OF QUALIFYING QUARTERS

The Social Security Administration (SSA) provides verification of the quarters of covered earned income amounts via the State Verification and Exchange System (SVES). To obtain the information, the non-citizen must sign a Consent for Release of Information. Each adult must sign his or her own consent form. Adults may sign for minor children if they are a parent or legal guardian of the child. The legal guardian of a legally incompetent adult may sign for the adult. Verification of the legal guardian status is required.

The information is requested on-line via SVES. A consent form releasing the information will continue to be required and must be filed in the permanent section of the case file (section 4). *Prior to receiving any information from SSA files, the Consent for Release of Information must be properly signed.* The SVES manual provides instructions on how to obtain 40 quarter information. If a non household member refuses to sign or cannot be located to authorize release of his/her information, contact the Social Security Administration for guidance.

SSA's income verification is generally a year behind. To obtain last year's earned income, income tax forms, W-2 forms, Schedule SE, wage stubs, etc., may be used to verify earned income.

Food Stamp benefits may be continued for a maximum period of 6 months if SSA is completing an investigation to resolve the individual's qualifying quarters if 1) the individual is a lawful permanent resident; 2) SSA has initially determined less than 40 quarters; and 3) the individual provides documentation produced by SSA indicating SSA is investigating the number of quarters creditable to the alien. The six month time frame starts from the date of SSA's initial review and continues until the SSA's review is complete or six months have elapsed, whichever is sooner.

3233.5 CALCULATING THE AMOUNT OF CREDITS

The SVES response automatically calculates the number of quarters an individual has earned. Remember credits are not credited until the first day of the quarter and credits may not be given for any quarter in which the individual received SNAP, TANF, Medicaid, or SSI benefits in any month in the quarter from January 1997 and forward. Even though SVES verifies SSI receipt, workers will still need to determine if an individual received TANF, SNAP, or Medicaid in that quarter and not count any credits for those quarter(s).

If SVES is not used, and SSA wage information is verified through SSA, it is distributed by a yearly amount, not by quarters. If, at any time during the year, the individual earned an amount equal to 4 quarters for a specific year, the individual (and/or spouse and children) will be credited with 4 quarters (except for the current year because a quarter is not credited until the first day of the quarter). It doesn't matter if income was earned in one quarter or over the entire year. If the individual earned the amount equivalent to 2 quarters, the individual (and/or spouse-children) will be credited with 2 quarters regardless of the time period the individual worked. If the individual earned 4 quarters (regardless of whether the income was earned in one quarter or the entire year) and received SNAP, TANF, Medicaid, or SSI benefits in 2 quarters (after 1996), only 2 quarters may be credited.

> EXAMPLE: Jose worked from January 1, 1996 through March 31, 1996. He earned $700 each month. He did not receive SNAP, TANF, Medicaid, or SSI until he applied December 2, 1996. He is credited with three quarters for 1996, which when added to his previous credits totals 39 credits. He is not eligible for December because his 4th quarter credits are needed to reach 40 and if he were approved for FS benefits, the 4th quarter credits could not count. He could however be eligible for January 1997 because he would have received a total of 40 credits.

3240 INS DOCUMENTATION:

The following documents may be used to verify INS status; however each code has differing eligibility criteria thus Section 3200 regulations must also be followed:

1.) **I-94**, Arrival/Departure Record annotated with:

a.) 207	:	Refugee including Hmong or Highland Laotian - identified in 3231 D or 3231 B/C.
b.) 208	:	Asylee - identified in 3231 E.
c.) 243(h)	:	Deportation Withheld - identified in 3231 G.
d.) 241(b)(3)	:	Deportation Withheld - identified in 3231 G.
e.) 212(d)(5)	:	Cuban/Haitian Entrant - identified in 3231 H.
f.) CU6 or CU7	:	Cuban/Haitian Entrant - identified in 3231 H.
g.) 212(d)(5)	:	Parolee - identified in 3231 F.
h.) 203(a)(7)	:	Conditional Entrant - identified in 3231 L [if in effect prior to 04-01-80].
i.) AM1,AM2 or AM3	:	Amerasian Entrant - identified in 3231 I.
j.) Iraqi	:	Iraqi Special Immigrants: only in effect for 8 months from date of entry or date of special immigrant status change.
k.) Afghan	:	Afghan Special Immigrants: only in effect for 6 months from date of entry or date of special immigrant status change.

2.) **I-688B**, Employment Authorization, annotated with:

a.) 274a.12(a)(3)	:	Refugee or Conditional Entrant - identified in 3231 D or 3231 L.
b.) 274a.12(a)(5)	:	Asylee - identified in 3231 E.
c.) 274a.12(a)(10)	:	Deportation Withheld - identified in 3231 G.

Section 3240, INS Documentation continued:

3.) **I-766**, Employment Authorization , annotated with:
- a.) A3 : Refugee or Conditional Entrant- identified in 3231 D or 3231 L.
- b.) A5 : Asylee - identified in 3231 E.
- c.) A10 : Deportation Withheld - identified in 3231 G.

4.) **I-571**, Refugee Travel Document: Refugee - identified in 3231 D.

5.) **I-551**, Permanent Resident or Resident Alien, or **I-151**, Alien Registration Receipt qualifies if meets eligibility criteria identified in Sections 3231 or 3232; or if annotated with:
- a.) RE1, RE2, RE3 : Refugee identified in 3231 D. and Hmong or RE4, RE5, RE6 Highland Laotian identified in 3231 B/C. [If RE7, RE8, RE86, marked admitted under Section 249 & entered RE9, IC6 or after 01-01-72, cannot be used for IC7 Hmong/Laotian].
- b.) AS6, AS7, AS8,or AS9 : Asylee - identified in 3231 E.
- c.) R86 : Conditional Entrant - identified in 3231 L.
- d.) CU6,CU7 or CH6: Cuban/Haitian Entrant - identified in 3231 H.
- e.) AM6,AM7 or AM8: Amerasian Entrant - identified in 3231 I.
- f.) IB6,IB7 or IB8: Battered spouse/child - identified in 3231 M [if meets battered criteria]
- g.) KIC,KIP or S13: Native Americans - identified in 3231 A.
- h.) SI6, SQ6, SI7: SQ7, SI9, or SQ9 Iraqi Special Immigrant - 3231 P.
- i.) SI6, SI7, SI9: Afghan Special Immigrant - 3231 Q.

6.) Foreign **passport** with unexpired temporary I-551 stamp may also be used to verify permanent resident status.

7.) Any INS document listing lawful residence if the individuals meet the criteria in Section 3231.

8.) Iraqi or Afghan **passport** with a stamp noting admittance under SI1, SQ1, SI2, SQ2, SI3, SQ3.

3241 IMMIGRATION AND NATIONALITY ACT (INA) TERMS

Alien status must be verified before the person can be certified. Aliens who are eligible for certification usually can verify their status in one of several specific ways as described below. Aliens who cannot provide acceptable verification cannot be certified at that point and must contact INS for clarification of status. Alien status is normally verified through annotations made by INS on Forms I-94, I-151, I-551, Passport, G-641, or I-688.

Employment Authorization Document (EAD) is not proof of eligibility for the Food Stamp Program.

3241.1 FORM I-94 - ARRIVAL/DEPARTURE RECORD

INS Form I-94 is acceptable to verify eligible alien status if it is annotated with the number of a section of the Immigration and Nationality Act as identified in Sections 3231 and 3232. These annotations are usually found in the lower right corner of the Form I-94.

Section 3241.1 Form I-94 - Arrival/Departure Record, continued

I-94s are not acceptable to verify eligible alien status if annotated only with any of the letters A through L, or terms or references to the Act not listed in Sections 3231 and 3232. For example, the terms "Employment Authorized" or "Under Docket Control" are not listed and, therefore, are not relevant in verifying alien status.

3241.2 I-94 EXPIRATION DATES

Some refugee's or parolee's I-94s include information which shows conditional entry with an expiration date. Until the card expires, these I-94s are acceptable verification of eligible alien status. If the card has already expired, the alien cannot be certified and must be referred to USCIS for renewal of the I-94. If an alien's card has not expired and the household is being certified, the certification period must not exceed the card's expiration date.

Aliens with I-94s stamped "Cuban/Haitian Entrant (Status Pending) Renewable January 15, 1981" may be certified if otherwise eligible. The January 15 date has since been extended indefinitely and is not to be considered an expiration date.

3242 FORMS I-151 OR I-551

Forms I-151 are no longer issued, however previously issued I-151's are still valid.

Form I-551's verifies the person is lawfully admitted for permanent residence. An alien who is lawfully admitted for permanent residence meets the qualified alien criteria however he/she must still pass the eligible alien criteria (identified under Sections 3231 and 3232).

Aliens who marry a US citizen receive an I-551 with a 2 year expiration date. If the alien is still married to the US citizen at the end of the 2 year period, they are given indefinite permanent alien status. The alien is considered a qualified alien and eligible to receive Food Stamp benefits during the 2 year period if he/she passes the eligible alien criteria (identified under Sections 3231 and 3232).

3243 PASSPORTS

Passport booklets that are stamped "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence" are acceptable verification of eligible alien status.

3244 FORM G-641

Form G-641 is titled "Application for Verification of Information from Immigration and Naturalization Service Records." This form is usually completed by an alien who is seeking to verify his status and is submitted by him to the BCIS office. If acceptable verification documents are not available, the worker must advise the household that submission of INS Form G-641 to BCIS could be completed by them to obtain the verification.

The form is acceptable to verify eligible alien status if it has been signed at the bottom by a USCIS official and dated.

3245 WORKER CONTACTS WITH USCIS

Workers may contact the United States Citizenship and Immigration Services (USCIS - formally INS) on behalf of an alien only at the alien's written request. If the alien does not wish to contact USCIS or give permission for the worker to do so, the worker will advise the household that it may withdraw its application or be certified without the alien.

The worker is responsible for contacting USCIS at the alien's request only when the alien has an USCIS document that does not clearly indicate eligible or ineligible status. The worker has no responsibility to contact USCIS at the alien's request if the alien has no USCIS document.

Workers must report to USCIS any alien household member(s) that DSS "knows" is not lawfully present in the US. To make this factual determination, our finding or conclusion of unlawful presence is made because:

1. A formal determination subject to administrative review and is supported by the USCIS or the Executive Office of Immigration and Review such as a Final Order of Deportation; or
2. There is an admission by the applicant or another household member or the household's authorized representative that illegal aliens are present in the household; or
3. USCIS documents presented by the household during the application process are determined to be forged.

If none of the above occurs, the individual is ineligible for benefits but should not be reported as an illegal alien.

A.) Workers are cautioned that a determination that a person is an ineligible alien is not equivalent to a determination that a person is an illegal alien. Therefore, do not assume that an alien is illegal just because he is disqualified and cannot get food stamp benefits.

B.) When a household indicates inability or unwillingness to provide documentation of alien status for any household member, that member must be classified as an ineligible alien. Do not assume an alien is illegal because he cannot or does not provide proof of his status.

If a determination has been made that an individual is residing in the US unlawfully, make the report in writing under the supervisor's signature to the regional USCIS office at:

DHS ICE,
Resident Agent in Charge
300 E. 8th Street
Sioux Falls, SD 57103
(605) 330-4276

Thoroughly document the circumstances in the case folder.

3246 INELIGIBLE ALIENS

Aliens other than those described in Sections 3231 and 3232 are not eligible for food stamp benefits. This includes, but is not limited to, alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country.

3247 ELIGIBILITY OF REMAINING MEMBERS

If a person is disqualified for food stamp benefits because citizenship or eligible alien status has not been verified, the remaining eligible members may be certified without the disqualified person. The income and resources of the ineligible alien or the questionable citizen which are available to remaining household members is discussed in Section 5500.

3250 NON-CITIZEN SOCIAL SECURITY NUMBER PROCEDURES

A Social Security number will not be assigned or a replacement card issued to an alien who does not have authorization from the USCIS to work in the United States unless the alien has a valid nonwork reason for needing the number. Food Stamp eligibility requirements are a valid reason for needing a nonwork SSN.

Form DSS-EA-274 documents the individual has a valid reason for needing a nonwork SSN to the Social Security Administration (SSA). Caseworkers should complete Section A of DSS-EA-274 and instruct the applicant that the form must also be completed by SSA, then returned to DSS. Receipt of the returned form verifies the individual has applied for SSN.

3260 SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE)

Federal regulations require verification of all eligible non-citizen USCIS documents and the Systematic Alien Verification for Entitlement (SAVE) is the process used for that verification. When non-citizens provide USCIS documents for verification of their USCIS status, a SAVE query must be sent to State Office with a copy of the documents. (The query document, SAVE, is located on the "P" drive under DSSforms, EconAsst, Complete/Print Forms.) State Office submits the documents to the SAVE system and forwards the response to the local office, generally a week later. If SAVE requests a secondary verification, State Office complies with the request and sends notification to the local office that the secondary request process has been submitted and that the response will be delayed by at least 2 weeks. When the response is received, it is forwarded to the local office.

The SAVE response should be received for all non-citizens prior to approving benefits, unless the verification is waived for one or two months (combined allotment cases) to meet expedited time frames. If waived for expedited processing, the response must be received prior to approving future benefits.

If a SAVE verification is returned showing the document is not valid because it is altered or counterfeit, notification must be sent to the District Director of the United States of Citizenship and Immigration Services (USCIS). The address is located in section 3245.

3300 ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD)

3310 DEFINITION OF ABLE-BODIED ADULT WITHOUT DEPENDENTS (ABAWD)

Effective December 1996, a physically and mentally fit individual who is between the ages of 18 and 49, inclusively, who is not exempt from work registration, is not pregnant, or is not receiving food stamp benefits for a dependent child(ren) under age 18 may only receive food stamp benefits for 3 months in a 36 month period unless they are working at a place of employment at least an average of 80 hours a month, or completing the required number of workfare (CWEP) hours at an approved site. Employment is defined as private or public employment, self-employment, Workforce Investment Act (WIA), Trade Adjustment Assistance (TAA), or in-kind. If an individual reports he/she is already volunteering at a community organization, Job Service should be contacted to explore the potential of setting up the site as a workfare site. If the site refuses workfare, contact FS State Office for guidance.

Individuals may receive up to 3 additional months of Food Stamp benefits if they found employment (private or public, self-employment, WIA, TAA or in-kind) of at least 80 hours in a 30 day period, and then lost that employment through no fault of their own, or if they participated at a workfare site for their required number of hours in a 30 day period and lost the workfare job through no fault of their own. The 3 month extension is only granted once in a 36 month period. Once the extension has been granted, it will continue even if the individual otherwise becomes ineligible to participate.

If the household receives prorated benefits, the month does not count in the initial or extended 3 month period. If the household received suspended benefits, or zero benefits, the month does not count in the initial or extended 3 month period.

The three month time limit is specific to each individual. If an individual has received three months of benefits, and does not meet the exemption criteria listed in 3320 or 3321, the individual is considered an excluded household member (Section 2231 D) - just like ineligible aliens. If the excluded individual has received his or her time limits and is not meeting any exemptions, the individual is not eligible for benefits however the remaining household members may be. The ineligible ABAWD's resources are counted in their entirety. Income and allowable expenses attributable to the ABAWD are prorated with all household members. More specific information about budgeting procedures for the excluded ABAWD's resources, income, and allowable expenses is outlined in Section 5000.

3320 EXEMPTIONS - ABAWD

Exemption criteria are determined prospectively. The countable months are determined on a prospective basis in the same manner that prospective eligibility is determined.

ACCESS automatically tracks the number of months an individual has received time limited benefits. The ABAWD history is located on an ABWD panel, which can be accessed from the MEMB panel or the PERS panel by entering ABWD in the command. Prior to application approval, ABAWD time limit history should be reviewed for individuals meeting the ABAWD criteria to ensure the history is correct. If it is not correct, contact the Help Desk for assistance.

Section 3320, Exemptions - ABAWDs, continued:

ACCESS ABAWD exemption codes are: R, V - Exempt due to waiver/15% criteria (code is determined based on geographical location); A - Refugee Job Link Program; P - pregnant; J - employment hours over 79; C - Workfare (CWEP); G - Secondary Education Program (GED); E - One of the 3 extension months; W - work registration or E & T exemption; S - Suspended month; X - prorated benefit month; Y - Countable. 0 - out of state ABAWD month used (must contact Help Desk to request entry on the ABWD history panel).

If the ABWD panel is blank, the individual is not considered an ABAWD because he/she is not 18 or is age 50 or older; the individual is receiving food stamp benefits with children under age 18; or the individual is coded permanently disabled (DISA panel with a "D").

3320.1 INDIVIDUALS UNDER AGE 18 OR OVER AGE 49 [ABAWD]

Individuals under age 18 or over age 49 are exempt from ABAWD time limit restrictions.

A.) Individuals turning 18:
The ABAWD time limit starts the month following the month the individual turned 18, unless the individual is otherwise exempt.
i. EXAMPLE: Jane turned 18 on August 2. She is not working or otherwise exempt. Her first month of the 3 months of benefits starts in September unless she meets other exemption criteria.

B.) Individuals turning 50:
The ABAWD time limit stops the month the individual turns 50.
i. EXAMPLE: Jane turns 50 September 30. She is no longer considered an ABAWD for September benefits.

3320.2 INDIAN RESERVATION LAND [ABAWD] WAIVER EXEMPTIONS/15% EXEMPTIONS

Waiver approval has been granted to exempt residents of areas with high unemployment rates or insufficient jobs. An individual will be considered exempt from ABAWD time limits if he/she resides within the following boundaries on application approval date or the 1st of the month for on-going cases. The household is required to report changes in residence and household composition, therefore when the changes are reported, workers must review the case to determine if an individual must meet ABAWD time limits.

A.) Individuals who reside within the county boundaries of the following counties are exempt from ABAWD time limits:

Corson	Dewey	Shannon	Todd	Ziebach

B.) Individuals who reside within the reservation boundaries of the following counties are exempt from ABAWD time limits:

Bennett	Buffalo	Charles Mix	Day	Gregory	Haakon
Hughes	Hyde	Jackson	Lyman	Marshall	Mellette
Moody	Roberts	Stanley	Tripp		

i.) EXAMPLE: John moved to Corson County 01-15-11. He had received 2 months of benefits [December 10 and January 11] in Pennington county. Benefits received for 02-11 do not count as month 3 because he is residing on exempt land.

ii.) EXAMPLE: John resided on Pine Ridge Indian Reservation (Shannon County) continuously from 12-10 through 05-11. On 05-16-11 he moved to Davison County. John is not otherwise exempt from the ABAWD regulations so his first month of the initial 3 month time limit starts with his 06-11 benefits.

3320.3 WORK REGISTRATION EXEMPT [ABAWD]

Individuals who meet work registration exemptions for non E & T counties are exempt from ABAWD time limits for the period of time they remain exempt from work registration. Individuals who reside in E & T counties must meet the non- E & T work registration exemptions to be exempt from ABAWD time limits.

The non E & T work exemptions are:

A.) The individual is a mandatory TANF WORK registrant; or
B.) The individual is receiving Unemployment Insurance Benefits (UI); or
C.) The individual is a student at least half-time; or
D.) The individual is caring for an incapacitated person in the household; or
E.) The individual is a regular participant in a drug/alcohol treatment and rehabilitation program.

Once the individual no longer meets one of the non E & T work exemption criteria listed above, the time limit clock will start the month following the month the exemption ends.

A.) EXAMPLE: Jane was receiving UI benefits. She reports on her June report form that her UI will stop June 30. Jane will no longer be exempt from work registration or ABAWD time limits effective July unless she meets other ABAWD exemption criteria.

3320.4 CHILDREN UNDER 18 YEARS OF AGE [ABAWD]

Individuals residing in a household that includes dependent child(ren) under 18 years of age are exempt from ABAWD time limits. All adults in the household are considered responsible for the dependent child(ren) because all household members are responsible for the child's care in some fashion - babysitting, discipline, education, training, meal purchase/preparation, cleaning up after the child, etc.. The adult does not have to be a parent of the child to be exempt under this provision. The individual and child(ren) must be in the same FS household, and receive FS benefits together for the individual to receive this exemption.

A.) EXCEPTION: The adult(s) are exempt from time limits if the child is not receiving FS benefits with them because the child is excluded from receiving benefits. The child could be excluded/disqualified for numerous reasons like alien status, work registration sanctions, etc.

B.) EXAMPLE: John is residing with his girl friend, Jane, and her child, Joseph. John and Jane purchase and prepare their food together so receive FS benefits for a three person household. John is exempt from ABAWD time limits because there is a child under 18 receiving FS benefits with John.

i.) If John and Jane had separate food stamp cases [did not purchase or prepare together], John would be considered an ABAWD unless he met one of the other ABAWD exemptions.

If the only child in the home turns 18, the time limits will start for any non-exempt individual the month following the month the child turned 18. Remember the child is then considered an ABAWD unless he/she meets other exemption criteria.

A.) EXAMPLE: In the example under B.) above, Joseph turns 18 July 17. August will be considered an ABAWD countable month for John, Jane, and Joseph unless other exemption criteria are met. ABAWD time limits are determined on an individual basis so each person would have to be determined exempt or not exempt.

3320.5 MENTALLY OR PHYSICALLY UNFIT [ABAWD]

Individuals who are physically or mentally unfit for employment are exempt from ABAWD time limits. If a mental or physical disability is claimed and the disability is not evident to the worker, proof is required. Evidence of temporary or permanent disability from governmental or private sources, such as Social Security and SSI, or a statement from a physician or licensed or certified psychologist, are acceptable proof. Prudent worker judgement, with Supervisory consultation, if needed, will make the incapacity determination. The DICT team should not be involved in this decision. If an individual has applied for permanent disability from governmental or private sources, the application may be considered acceptable proof until the application is processed (denied, approved, etc.).

3320.6 PREGNANCY [ABAWD]

Pregnant individuals are exempt from ABAWD time limits regardless of which trimester of pregnancy they are in. If the pregnancy is not evident to the worker, verification must be provided.

3320.7 Secondary Education [ABAWD]

Individuals who are currently participating in secondary education such as GED, but not limited to, are exempt from ABAWD time limits for the period of time they are participating in the academic program. Individuals who reside in E & T counties must meet the non - E & T work registration exemptions to be exempt from ABAWD time limits.

3321 WORK EXEMPTIONS [ABAWD]

Individuals who do not meet any of the exemption criteria identified in the 3320 series may receive a work exemption from time limits for each month they are employed at least 80 hours a month or completing workfare (CWEP) for the required number of hours. Once the individual is no longer meeting the work exemptions, the time clock is activated.

3321.1 EMPLOYMENT [ABAWD]

Individuals who work at a job, self-employment, in-kind employment, Trade Adjustment Assistance Program (TAA), or Workforce Investment Act (WIA) Program an average of 80 hours a month are excluded from time limits for each month the hours of employment average 80 hours or more. If an individual reports he/she is already volunteering at a community organization, Job Service should be contacted to explore the potential of setting up the site as a workfare site. If the site refuses workfare, contact FS State Office for guidance. Verification is required for all employment situations.

A.) EXAMPLE: John worked for 40 hours a week June 2-6 and June 9-13, then was laid off. John is exempt from ABAWD time limits for June because he averaged 20 hours a week for the month of June.

B.) EXAMPLE: Jane was hired for a job through WIA and anticipates working for 20 hours a week for the month of July. If verification confirms the 20 hours per week for the entire month, the month of July would not be counted in the ABAWD time limit calculation.

Section 3321.1, Employment (ABAWDs), continued:

The work exemption is determined prospectively therefore individuals who start employment may be exempt from ABAWD time limits if they can reasonably anticipate employment of at least 80 hours a month the following month for on-going cases, or the month of application for new applicants. Prudent worker judgment is a factor. If the individual provides verification of the employment start date, number of hours of employment is at least an average of 80 hours a month, and the information is not questionable, the individual may prospectively be considered exempt from the ABAWD time limits for that month.

If the individual was correctly determined eligible prospectively, and later in the month the job hours decreased to be below 80 hours a month through no fault of the individual, the month will remain exempt from the ABAWD time limit. However if the information was reported incorrectly or the individual caused the decreased hours, a claim needs to be completed, and the month will continue to count until the month's benefits have been repaid. State Office will track repayment of ABAWD benefits and notify staff when the month no longer counts. For State Office to monitor ABAWD repayment, a copy of the Overpayment Report, DSS-RE-894, must be sent to State Office at the same time the original document is sent to ORI.

A.) EXAMPLE: On July 15, Jane reported and verified that she was to start employment on July 29 for 20 hours a week. Jane was prospectively determined eligible for August and August was not a countable ABAWD month. Jane was laid off August 15 through no fault of her own. August remains a non-countable month because the prospective information was correct at the time it was reported.

3321.2 WORKFARE FOR ABAWDS

Individuals are excluded from ABAWD time limits if they work at a workfare (CWEP) site for the required number of hours. The required number of hours is determined by the SNAP allotment divided by federal minimum wage. If there is more than one person in the household completing workfare, the allotment is divided by the number of individuals completing workfare (CSRV code "F") and prorated. If an individual reports he/she is already volunteering at a community organization, Department of Labor and Regulation (DLR) staff should be contacted to explore the potential of setting up the site as a workfare site. If the site refuses workfare, contact SNAP State Office for guidance. DLR staff may also require the individual to complete job search as part of his/her workfare hours.

A.) EXAMPLE: John's October 1997 food stamp benefit is prospected at $122.00. He must work at a workfare site for 23 hours (122 divided by $5.15) in October.

B.) EXAMPLE: John and Jane's allotment is $180 for October 97. John and Jane have each located a workfare site. John and Jane must each complete 17 hours because $180 by 2 workfare members = $90 and $90 divided by October's minimum wage of $5.15 = 17.

The workfare exemption is determined prospectively therefore individuals who start at a workfare site may be exempt from ABAWD time limits if they can reasonably anticipate working their required number of hours during the prospective month. Prudent worker judgment is a factor. If verification of the workfare start date, number of scheduled hours is equal to their allotment divided by federal minimum wage, and the individual's participation is not questionable, the individual may prospectively be considered exempt from the ABAWD time limits for that month. If the individual has a past history of failing to participate or not working the required number of hours, approval may be withheld until the required workfare hours are completed. Once a history has been established of cooperation, benefits should be paid timely because prospective workfare eligibility should be considered reasonable.

Section 3321.2, Workfare for ABAWDS, continued:

If the individual was correctly determined eligible prospectively, and later in the month the individual did not complete all of the workfare hours required because of the workfare site or the individual had good cause, the month will remain exempt from the ABAWD time limit. However if the workfare hours were not met and the individual did not have good cause, a claim needs to be completed, and the month will continue to count until the month's benefits have been repaid. State Office will track repayment of ABAWD benefits and notify staff when the month no longer counts. For State Office to monitor ABAWD repayment, a copy of the Overpayment Report, DSS-RE-894, must be sent to Food Stamp State Office at the same time the original document is sent to ORI.

A.) EXAMPLE: On September 15, Jane reported and verified that she was to start employment at a workfare site on October 1 with 23 hours scheduled for October. On October 15, Jane became ill and entered the hospital. The doctor would not release Jane for work until November. October remains an exempt month from ABAWD time limits even though Jane only worked 15 hours because she had good cause for failing to complete the required hours. Prospective eligibility was correctly determined because her illness could not be reasonably anticipated.

If Jane had only worked 15 hours, then refused to work the remaining 10 hours in October, the month would become countable, and a claim established for October benefits. A copy of the DSS-RE-894, Overpayment Report, must be sent to Food Stamp State Office for monitoring repayment. The month continues to count until State Office notifies staff that the October benefits have been repaid in full.

Department of Labor and Regulation (DLR) staff will develop the workfare site, complete the workfare site agreement, explain the time sheets, and enter the hours of participation for all non-exempt able-adults without dependents (ABAWDS) regardless of where the individual resides. DLR may also require the individual to complete job search as part of the workfare hours. If DLR requires job search, along with workfare, DLR will continue to monitor attendance (time sheets) and job search requirements (job search contact form). If DLR does not require job search activities, it will be a mutual decision between DLR and DSS on who will monitor attendance at the worksite. In all instances, DLR must update the hours of participation.

Individuals who work at an approved workfare site will receive a $25 per month reimbursement check. DSS staff must enter an "F" in the CSRV field on the member panel on ACCESS to generate the $25 payment. The "F" code should be entered whenever an individual works at least one hour at an approved workfare site. The "F" code automatically generates the $25 payment mailed within 3 days following the date the "F" code is entered. After the initial payment, the $25 is paid around the 10th of the month unless there is a month's break in workfare, then the payment is paid within 3 days following the night of approval.

If an individual starts the approved workfare site but does not work the required number of hours, they are still entitled to the $25 reimbursement check for that month but are not entitled to the ABAWD exemption. To remove the ABAWD workfare exemption, workers must update the MEMS panel, ABWD COOP field to "N". Remember to change the "F" on the CSRV code to an "N" the following month.

If an individual is in the Refugee Job Link Program or Tribal Work Experience Program (TWEP), they meet the workfare exemption. Both programs require the individual to participate in their programs for 40 hours a week, therefore they have met their required number of hours. Each program is responsible for monitoring attendance and reimbursing the individual for expenses. DSS only needs to verify the individual is a participant of the program to consider the exemption being met. The individual must be notified to report when and if their participation in Job Links or TWEP is terminated.

3330 TIME LIMITS [ABAWD]

Individuals who do not meet any of the exemptions identified in 3320/3321 series are restricted to 3 months of food stamp benefits in a 36 month period with the possibility of one 3 month extension being granted. The first month of the ABAWD time limit starts December 1996. Each month a non-exempt able-bodied adult without dependent child(ren) (ABAWD) receives benefits from December 1996 forward counts toward the ABAWD time limits. ACCESS is programmed to track ABAWD time limits, however ACCESS can correctly track the individual's time limits only if the information is encoded correctly. Workers must also screen for time limited eligibility to ensure ACCESS ABAWD history is correct. If the ACCESS ABWD history panel is incorrect, the help desk must be called to correct the information.

3331 36 MONTH PERIOD [ABAWD]

The 36 month period is established on a "fixed clock" and is used for all individuals. Each 36 month period is identified and will be unchanged regardless of when an individual applies or receives benefits. Non-exempt individuals may only receive 3 months of initial benefits for non-exempt months and one 3 month extension in each 36 month period. Eligible individuals may receive unlimited benefits if they meet exemption criteria.

The first 36 month period is December 1996 - November 1999, the next period is December 1999 - November 2002, December 2002 - November 2005, December 2005 - November 2008, etc.. After each 36 month period, individuals start with a "clean clock".

A.) EXAMPLE: Jane applied for benefits 02-01-97. She is non-exempt and received benefits for February, March, and April. If she remains non-exempt for the remainder of May 1997 through November 1999, she will not qualify for benefits until December 1999 when the new 36 month period starts. [Jane may receive benefits if she applies after she becomes exempt or becomes eligible for a 3 month extension period.]

3332 INITIAL 3 MONTH BENEFIT PERIOD [ABAWD]

The first 3 months in a 36 month period in which the individual is not exempt, not meeting the work requirements, not receiving prorated, suspended, or zero benefits, or not sanctioned/disqualified is the initial 3 month period. The 3 months does not have to be consecutive and all 3 months must be used in the 36 month period before the individual can be denied eligibility under this provision.

The individual must receive food stamp benefits for the month to count for each initial 3 month benefit period. An individual may receive an initial 3 month benefit period in every 36 month time period.

A.) EXAMPLE: John and Jane applied for benefits 04-15-97. They do not meet any ABAWD exemption criteria. April is not considered an initial month because they received prorated benefits. May is the first month of the initial 3 month period for both John and Jane. John was sanctioned for June benefits for failure to comply with E & T requirements and Jane received benefits for herself. June was the second month for Jane's initial 3 month benefit period but didn't count for John since he did not receive any benefits. John was readded to the case for July because he had cured his sanction. July was Jane's third month and John's second. Jane will not be eligible for August benefits unless she becomes exempt, finds employment averaging at least 80 hours a month, or is hired at a workfare site for the required number of hours. John will be eligible for August and it will be his third month.

3333 EXTENDED 3 MONTH BENEFIT PERIOD [ABAWD]

Once an individual has received their initial 3 months benefits, extended benefits may be granted for a 3 month period if the individual worked 80 hours a month in a 30 day period at a place of employment or met their required workfare hours in a 30 day period. The three month extension cannot be granted if the individual will be sanctioned and not receive any benefits. Sanctions could be imposed for voluntary quit or E & T non-compliance. If it is determined the individual cannot be sanctioned due to time frames, or terminating a workfare job in a non E & T County, the 3 month extended benefits should be granted if the individual worked at least 80 hours in a 30 day period. If the individual receives prorated benefits the first month, the month is not counted in the 3 month extension.

The extended 3 months will only be approved after an individual has been denied eligibility, or would have been denied eligibility if they didn't meet one of the work requirements. The 3 month extension may be approved once in a 36 month period after an individual has met and lost one of the work requirements and is eligible for benefits.

The 3 months run consecutively so once approved, the individual has received the extension regardless of whether they receive benefits for all three months; therefore sanctions, disqualifications, suspended or zero benefits will not stop the 3 month count.

A 30 day period means any 30 consecutive days. It does not have to be a calendar month - may be a combination of 2 months. The employment rule of at least 80 hours in a 30 day period means the individual must have worked 80 hours in any 30 day period before eligibility may be reestablished. The 30 day period does not have to be a calendar month.

A.) EXAMPLE: Jane received her initial 3 month benefits in April, May, and June. She found employment of 20 hours a week June 15 and verified 80 hours. Jane is exempt from ABAWD time limits for July because of her employment. Jane was laid off August 15 through no fault of her own. When Jane reapplies, she is eligible for the 3 month extension because she worked 80 hours in a 30 day period since she received her initial 3 months.

B.) EXAMPLE: John received benefits January - March. He was not exempt from ABAWD time limits so received his initial 3 months during that time frame. He found employment in March and was ineligible for April based on prospective income. He quit his job on July 15 and applied for assistance. John did not have good cause for job quit and received the voluntary quit penalty. His job did not make him eligible for the 3 month extension because the voluntary quit penalty applied. If John would have applied for benefits September 30, he would have qualified for the 3 month extension because voluntary quit penalties could not be applied (quit was over 60 days from application date) and he had earned 80 hours of employment in a 30 day period after he received his initial 3 months of benefits.

C.) EXAMPLE: Jackie received benefits October and November. She was not exempt from ABAWD time limits so received 2 months of her initial 3 months. She started workfare December 1 and continuously worked at the workfare site for her required number of hours for December - March. The workfare site no longer needed Jackie's assistance effective March 15 through no fault of her own. December - March did not count as ABAWD months because Jackie met the workfare exemption. Jackie is eligible for April benefits because April is her third initial ABAWD month. Jackie would not be eligible for benefits for May forward unless she became exempt from ABAWD or met one of the work exemptions. She was not granted the 3 month extension for May because she had to meet the work requirements after receiving her three initial three months.

Section 3333, Extended 3 Month Benefit Period (ABAWD), continued:

D.) EXAMPLE: Joe received his three initial months in October, November, and December. In January and February he worked at a workfare site, then quit his workfare without good cause reasons. Since Joe resides in a non E & T County, there could be no penalty imposed for quitting the workfare site. He would be entitled to the three month extended benefits upon reapplication because he worked at workfare site for 80 hours in a 30 day time period after receiving his initial three months of benefits.

3334 PAST BENEFIT HISTORY [ABAWD]

The time limit clock for non-exempt able-bodied adults without dependents started effective with December 1996 benefits for applicants and recipients, regardless of where they lived in the United States. Individuals who were on-going recipients in December 1996 had their time clock started December however they were not screened for ineligibility until their next recertification, or if terminated for other reasons, at their next application.

If an applicant does not have a benefit history in South Dakota since December 1996, we are not required to determine if they have received any time limited benefits in another state UNLESS we become aware of potential benefit history in another state. We may become aware of the benefit history through applicant's report, page one of the 301, or during the interview process. If so, we must verify with the previous state the benefit history to determine if the applicant is eligible in South Dakota. Documentation of prior out-of-state benefit history is mandatory for these situations. If an individual has out-of-state countable ABAWD months, ACCESS help desk must be notified to add those months to the ABWD history panel.

3400 WORK REGISTRATION REGULATIONS

3410 WORK REQUIREMENTS

Each household member who is not exempt from work requirements must be work registered. In all areas of South Dakota, the individual must meet general work registration requirements. The EABS must explain to the individual work registration requirements, including voluntary quit or reduction of employment hours, rights and responsibilities, and the consequences for failure to comply whenever a household member must register for work. A signed affidavit, DSS-EA-345 is required for all non-exempt individuals in non E&T Counties.

In addition to the work registration requirements above, non exempt individuals in Minnehaha and Pennington Counties are offered more work components because there are Department of Labor and Regulation (DLR) Employment and Training (E&T) staff available to work with them. The name of the work program for those counties is the Employment and Training Program (E & T). Also a DSS-EA-345A is required to be signed if the requirements in Section 3425 are met.

3411 EMPLOYMENT AND TRAINING COUNTIES:

The E & T program is operated by DLR in Minnehaha and Pennington Counties.

3412 WORK REGISTRATION PROCESS FOR ALL COUNTIES EXCEPT MINNEHAHA AND PENNINGTON COUNTIES:

DSS must register each household member for work who is physically and mentally fit, age 16 through 59, and not exempt. Work registration is accomplished by coding "08" in the SNAP work registration code and having a DSS-EA-345 completed. This happens at initial certification and continues through the certification period unless:

Section 3412, Work Registration Process for all counties except Minnehaha and Pennington, continued:

A.) There was a change in the individual's situation and he/she is no longer exempt from work registration - he/she will be registered and the registration will continue through the certification period, unless the individual becomes exempt again or moves out of the household; or

B.) The case is inactive and at least one month has passed since the case was active, and the household is making reapplication; or

C.) The certification period has expired and the household is completing a new certification; or

D.) New member(s) has been added to the household who is not exempt from work registration must be registered.

The household or authorized representative must register each person not exempt from the work registration requirement. This is achieved by completion of the DSS-EA-345, Affidavit for the Supplemental Nutrition Assistance Program (SNAP) Work Registrant. The applicant must sign on the first signature line if they are required to work register. They must also sign the second line if there are other household members that are required to work register. The names of the other household members should also be listed on the affidavit. The individual should receive the original 345 and a copy must be filed in the third section of the case record and not sent to DLR.

Individuals in Non Employment & Training counties who refuse to sign DSS-EA-345 forms must have their application denied. If a new household member or a household member becomes mandatory within the certification period, send the household the EA-345, giving them 10 days to return the signed form. If the household refuses or fail to sign the EA-345 within the 10 day time period, terminate benefits following 10 day adverse action time frames. Benefits may be reinstated if the signed form is returned by the last day of the terminated month.

If a sanctioned individual is added back to the household, code "08" must be entered on the member panel but a new DSS-EA-345 is not required until the next certification.

3413 WORK REGISTRATION PROCESS MINNEHAHA AND PENNINGTION COUNTIES (EMPLOYMENT & TRAINING COUNTIES (E & T))

DSS must register each household member for Employment & Training who is physically and mentally fit, age 16 through 59, and not exempt. Registration is considered complete when all household members who are required to work register are coded "02" in the SNAP work registration field and the case is approved on ACCESS. This happens at initial certification and continues unless:

A.) There was a change in the individual's situation and he/she is no longer exempt from work registration - he/she will be registered and the registration will continue unless the individual becomes exempt again, or is no longer receiving benefits; or

B.) The case is inactive and at least one month has passed since the case was active, and the household is making reapplication; or

C.) New member(s) has been added to the household who is not exempt from E & T must be registered.

D.) Sanction period is over and the individual does not meet exemption criteria. He/she must be registered and the registration continues throughout the certification period unless the individual becomes exempt or sanctioned again.

3420 EXEMPTIONS TO WORK REGISTRATION REQUIREMENT FOR ALL WORK REGISTRANTS [BOTH E & T AND NON E & T COUNTIES]

The following individuals are exempt and not required to work register.

3421.1 PERSONS UNDER 16 YEARS OLD OR 60 YEARS OLD OR OLDER (ALL COUNTIES)

Persons under age 16 or persons 60 years of age or older are exempt from the work registration requirement. If a child's 16th birthday is within a certification period, the child must register as a part of the household's next scheduled recertification process, unless the child qualifies for another exemption.

3421.2 INDIVIDUALS 16-17 YEARS OLD (ALL COUNTIES)

Individuals age 16-17 are exempt from work registration requirements if they are:

A.) Attending school at least half-time; or

B.) Enrolled in a training or employment program on at least half-time basis; or

C.) A dependent child residing with a parent(s) or with an individual(s) with parental control.

Individuals who are 16-17, not in school or training/employment program at least half-time, and are residing in a household without a parent(s) or parental control individual are required to be work registered.

3421.3 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) WORK, TRIBAL JOBS NATIVE EMPLOYMENT WORK (NEW) PARTICIPANTS (ALL COUNTIES)

A household member is not required to food stamp work register if he/she is participating in the TANF WORK or Native Employment Work (NEW) Programs. The following policy applies:

1. When an individual applies for TANF and SNAP at the same time, the individual is exempt from SNAP work registration requirements due to TANF work participation. If the TANF case is denied because the individual did not follow through on the TANF work requirements, the individual is then coded mandatory SNAP work registrant and must comply with SNAP work rules.

2. When an on-going SNAP recipient applies for TANF, the SNAP work registration code remains unchanged until the TANF case is approved or denied. If approved, the SNAP work registration code is changed to exempt due to TANF work participation. If denied, there will be no change to the SNAP work registration code.

3. When an on-going TANF recipient applies for SNAP, the individual should be coded exempt for SNAP work registration due to TANF work requirements.

3421.4 PARENTS AND CARETAKERS (ALL COUNTIES)

A parent or other household member responsible for the care of a dependent child under age 6 is exempt from work registration. If a child's 6th birthday is within a certification period, the person responsible for the care of the child must be work registered at the next recertification process unless the person qualifies for another exemption.

If two members of the household claim responsibility for the care of a minor dependent child, the worker decides who has the actual responsibility by talking to both individuals and using prudent worker judgment to determine who has the actual care of the child. In cases where two mothers in the household have dependent children of their own under age six, both mothers are exempt from work registration.

3421.5 MENTALLY OR PHYSICALLY UNFIT (ALL COUNTIES)

Persons who are physically or mentally unfit for employment are exempt from the work registration requirement. If a mental or physical disability is claimed and the disability is not evident to the worker, the household is required to submit proof. Evidence of temporary or permanent disability from governmental or private sources, such as Social Security and SSI, or a statement from a physician or licensed or certified psychologist are acceptable proof. Prudent worker judgment, with Supervisory consultation, if needed, will make the incapacity determination. The DICT team should not be involved in this decision. If an individual has applied for permanent disability from governmental or private sources, the application may be considered acceptable proof until the application is processed (denied, approved, etc.).

3421.6 INCAPACITY OF A HOUSEHOLD MEMBER (ALL COUNTIES)

An otherwise mandatory person whose substantially continuous presence in the household is necessary for the care for another member of said household is exempt. This second individual must have a medically determinate condition which does not permit self-care; is ill or incapacitated as determined by a physician or licensed or certified psychologist; and has no other household member available to provide the care. Prudent worker judgment, with Supervisory consultation, if needed, will make the incapacity determination. The DICT team should not be involved in this decision.

If two members of the household claim responsibility for the care of an incapacitated person, the worker decides who has the actual responsibility by talking to the applicant or the person receiving the care. In the case of SSI or PA households which include an "essential person", the worker must examine the individual situation to decide whether to register the essential person.

3421.7 PERSONS RECEIVING UNEMPLOYMENT COMPENSATION (ALL COUNTIES)

A person receiving unemployment compensation is exempt from the work registration requirement. Persons who have applied for, but are not yet receiving, unemployment compensation qualify for this exemption because registration is a mandatory prerequisite in applying for unemployment benefits. If the exemption is questionable, the worker is responsible for verifying the exemption with Job Service.

3421.8 ADDICTS AND ALCOHOLICS (ALL COUNTIES)

A regular participant in a drug addiction or alcoholic treatment and rehabilitation program is exempt from work registration requirements. Residents of treatment centers authorized to accept SNAP benefits and persons participating in treatment programs on an outpatient basis qualify for this exemption.

3421.9 EMPLOYED (ALL COUNTIES)

Persons employed at least 30 hours a week or receiving weekly earnings equivalent to the federal minimum wage multiplied by 30 hours are exempt. This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin work within 30 days. Proof of the amount of income from this employment establishes the exemption if the amount is equivalent to 30 hours a week under general conditions in the community. Unpaid or in-kind employment hours are not counted in the 30 hours a week determination - the hours are only used to determine ABAWD eligibility. (Section 3310)

If the amount of income does not substantiate a claim of employment of 30 hours a week, but the person still claims to be employed, then, in cooperation with the worker, the applicant is required to supply documentary evidence which certifies the existence of an employee/employer relationship and that the number of hours worked is equivalent to at least 30 hours a week.

3421.10 SELF-EMPLOYED (ALL COUNTIES)

Self-employed persons are exempt if they work at least 30 hours a week or receive weekly earnings equal to the federal minimum wage multiplied by 30 hours. This applies whether the self-employed person is working 30 hours a week during the certification period or an average of 30 hours a week a year.

If a person claims exemption because of self-employment, proof of the amount of self-employment income is enough to establish the exemption. The amount of income verified must be consistent with full-time (30 hours a week) employment.

If the income is not enough to establish the exemption, but the client still claims to be self-employed, the worker must establish, with the client's cooperation, that the amount of income shows gainful employment. To decide that the self-employment enterprise is a full-time job, workers must evaluate the volume of work the client claims.

Persons engaged in hobbies, volunteer work, or any similar activity cannot be considered gainfully employed because of the small amount of money received from these activities. DSS does not exempt these persons from work registration regardless of the amount of time they spend in the activity. This applies to persons claiming to be employed or self-employed.

3421.11 STUDENTS (ALL COUNTIES)

Students are exempt from work registration if they are enrolled at least half-time in any recognized school, high school, training program, or institution of higher education.

3425 ADDITIONAL EXEMPTIONS FOR INDIVIDUALS RESIDING IN MINNEHAHA AND PENNINGTON COUNTIES (EMPLOYMENT & TRAINING COUNTIES (E & T))

Individuals residing in Minnehaha and Pennington Counties are exempt from work registration and E&T requirements if they meet the criteria identified in the 3421 series above. The individuals are also exempt from Employment & Training requirements if they meet the criteria listed under 3425 1-4.

However these individuals are not exempt from work registration requirements and are required to sign the DSS-EA-345A, Affidavit for Supplemental Nutrition Assistance Program (SNAP) Work Registrants.

Section 3425, Additional Exemptions for Individuals Residing in Minnehaha and Pennington Counties (Employment & Training counties), continued

For individuals meeting the following exemption codes, the work registration requirements identified in Section 3412 must be followed EXCEPT that the work registration is accomplished by coding the appropriate E&T exemption code in the SNAP work registration code and having a DSS-EA-345A completed.

3425.1 VISTA VOLUNTEER {E & T COUNTIES ONLY) - Exemption Code "33

A full-time volunteer serving under the Volunteers in Service to America Program is exempt.

3425.2 REFUGEE {E & T COUNTIES ONLY) - EXEMPTION CODE "34"

Persons, refugees or other eligible aliens, who are enrolled in the Job Links Program are exempt.

3425.3 PREGNANCY {E & T COUNTIES ONLY) - EXAMPTION CODE "37"

A pregnant woman beginning with the fourth month of pregnancy is exempt. If the pregnancy is not evident to the CW, the pregnancy must be verified by a licensed or certified physician, physician's assistant, nurse practitioner, or nurse midwife. The verification must contain the estimated delivery date.

3425.4 TRIBAL WORK EXPERIENCE PARTICIPANT [TWEP} - EXEMPTION CODE "32"

A person participating in the Tribal Work Experience Program is exempt. Verification of the participation is required and the individual must be notified to report when or if their participation is terminated.

3430 STRIKERS {ALL COUNTIES)

Strikers, unless otherwise exempt, are required to register for work regardless of where they reside. Participation in the program cannot be denied only because a person is not working because of a strike or lockout at this place of employment, unless:

A.) The strike has been enjoined under Section 208 under the Labor-Management Relations Act (29 USC 178-Taft Hartley Act) or
B.) An injunction has been issued under Section 10 of the Railway Labor Act (45 USC. 160).

A striker enjoined under either of these Acts who still refuses to return to work is considered as failing to accept suitable employment, unless he is otherwise exempt.

3440 ACTION WHEN CHANGES RESULT IN A LOSS OF EXEMPT STATUS

Changes during the certification period may cause a person to lose his exempt status; for example, when a person exempt because of employment loses his job. The action the worker must take depends on whether the change has to be reported which caused the loss of exempt status.

3440.1 WHEN THE CHANGE IS NOT REQUIRED TO BE REPORTED

Persons losing their exempt status due to a change in circumstances which does not have to be reported must register for work at their next recertification. (Changes have to be reported at recertification, six month report, income goes over the maximum allowed, or ABAWD is no longer meeting the 20 hour work requirement.)

Section 3440.1, When the Change is Not Required to Be Reported, continued:

EXAMPLE: Ms. Jones was certified for January through May. She is exempt because she has a dependent child under age 6. In March, the child is 6 years old. Ms. Jones is not required to report this change, although it results in the loss of her work registration exemption. Ms. Jones must register for work at the next recertification, unless otherwise exempt.

3440.2 WHEN THE CHANGE IS REQUIRED TO BE REPORTED

Persons losing their exempt status, because of any change in circumstances they must report, must register for work when they report the change. (Changes have to be reported at recertification, six month report, income goes over the maximum allowed, or ABAWD is no longer meeting the 20 hour work requirement.)

NON E & T COUNTIES: Work registration is accomplished by coding "08" on ACCESS in the SNAP work registration code and completion of the DSS-EA-345. If the household refuses or fails to return the DSS-EA-345, the worker must send a notice of adverse action that benefits will be denied at the end of the notice of adverse action period, if DSS does not receive the completed EA-345.

E & T COUNTIES: Work registration is accomplished by coding "02" on ACCESS in the SNAP work registration code and obtaining a DSS-EA-345A, if appropriate.

If an individual is mandatory and becomes exempt, ACCESS should be updated to the correct exemption code, regardless of whether or not the change was required to be reported unless the individual was sanctioned. If sanctioned, only change the code if the change was verified. (Changing the code from sanctioned to exempt cures the sanction.)

3450 FAILURE TO COMPLY

Individuals are required to comply with work registration procedures. Unless good cause is granted, individuals may not:

A.) Refuse or fail to register for employment:
- i.) Non E & T County: Refuse or fail to sign the DSS-EA-345.
  - x.) Deny application for uncooperative if refuses to sign EA-345.
  - xx.) If fails to sign, pend application and give household until the end of the 30 day processing time to complete form. If not received at end of 30 day time period, deny benefits.
  - xxx) If on-going case and the change is required to be reported, send EA-345 with notice of adverse action. If not returned by end of adverse action period, close case. If the change is not required to be reported, the EA-345 is required at certification.

B.) Refuse or fail to participate in an Employment & Training Program component or interview.
- i.) If the Food Stamp work registrant fails to meet any work requirements, the DLR representative will update the FNOT panel on ACCESS which automatically notifies registrants and DSS staff that an individual has failed to participate. The JSR will send e-mail to DSS describing facts and circumstances and indicating whether or not the registrant had good cause. When the notification is received, DSS staff must review the action. If DSS agrees with the action, and good cause is not granted, DSS must initiate the sanction process. DSS must update the MEMS panel - code 28 - and ACCESS will send notice to the household the next day. Updating the MEMS panel automatically creates a notice of adverse action.

C.) Refuse to accept an offer of employment:
- i.) The employment site must not be subject to strike or lockout;
- ii.) Wage must be:
  - 1.) Applicable federal or state minimum wage; or

Section 3450, Failure to Comply, continued:

2.) 80% of the applicable federal minimum wage if neither the federal or state minimum wage are applicable; or
3.) It is on piece rate basis and the average hourly yield the individual can reasonably expect to earn is less than the applicable hourly wage specified under 1 or 2.).

D.) Refuse to provide sufficient information to allow a determination of the individual's employment availability.

i.) Failure or refusal to provide information relating to the household's eligibility or benefit determination would result in rejection of the application or termination of benefits following adverse action time frames. If the failure to provide information is about employment history or wage amount/receipt (date job started/stopped; reason for termination, etc.), the household will be ineligible because of non-cooperation. However if the individual refuses or fails to submit information to determine exemption criteria such as a doctor's name to verify incapacity, Section 3451 would apply.

The deciding factor in determining which penalty is appropriate (case closure or individual sanction) is whether or not eligibility/benefit level may be determined without the information provided. If eligibility/benefit level cannot be determined, the case is denied or terminated for non-cooperation. If eligibility/benefit level can be determined without the information, the individual is sanctioned.

E.) Voluntarily quit the most recent job without good cause.

i.) The employment involved 30 hours or more per week or provided weekly earnings equivalent to the federal minimum wage multiplied by 30 hours; and
ii.) The quit occurred within 60 days prior to the date of application or anytime thereafter for participating households; and
iii) The quit was without good cause; and
iv.) The individual was required to work register or was exempt from work registration because of the job he/she quit.

F.) Voluntarily reduced hours of employment without good cause.

i.) The employment involved 30 hours or more per week; and
ii.) The hours were reduced below 120 hours a month (30 hours a week); and
iii) The reduction of hours occurred within 60 days prior to the date of application or anytime thereafter for participating households; and
iv.) The reduction of hours was without good cause; and
v.) The individual was required to work register or was exempt from work registration because of the employment for which he/she reduced hours.

For applicants who are unemployed at the time of application (ie - employed less than 30 hours per week or receiving less than weekly wages equal to federal minimum wage times 30 hours) or have reported a reduction of employment hours (reduction below 120 hours a month) within the 60 days prior to the application date, or anytime thereafter, caseworkers must determine if there was a voluntary quit/reduction of hours based on the above criteria. f the caseworker learns a household has lost a source of income or reduction of employment hours after the date of application but before the household is certified, the caseworker must determine if a voluntary quit/reduction of hours occurred.

Section 3450, Failure to Comply, continued:

In the case of participating households, caseworkers must determine if a member voluntarily quit or reduced his/her hours while participating when there is a loss or reduction of a source of earned income. Also, if someone enters a participating household and the individual is unemployed, caseworkers must determine if the individual quit employment without good cause within the prior 60 days.

Persons on strike are not considered to have quit or reduced hours of employment. However, an employee of the Federal government, or of a State or local government who participates in a strike against such government, and is dismissed from his or her employment because of participation in the strike, shall be considered to have voluntarily quit without good cause.

Under some circumstances, a person who loses his/her job or has a reduction in hours can be considered to have voluntarily quit/reduced hours even though technically the person was fired or the employer reduced the hours. The basic rule of thumb to determine if the termination/reduction is not considered a voluntary quit/reduction is if the reason for the termination/reduction was beyond the employee's control.

If the reason is within the employee's control, the voluntary quit/reduction of hours penalty should be applied. If the person had been warned by the employer, and continues the objectionable behavior after the warning, the employee could be considered as voluntarily quitting employment - an example is if an individual has been warned about smoking on the job, continues smoking on the job, and is fired when the employer catches him/her. DSS also considers a person to have voluntarily quit who simply leaves the job unannounced or does not return to work. If the person says the absence was because of illness or similar good cause reasons, even if he does not report this to the employer, the person was fired and did not voluntarily quit, therefore, no work registration sanction may be applied. Prudent worker judgment is necessary to determine if a sanction for quit/reduction of hours should be imposed.

In addition, there are certain situations or changes in employment status that will not be considered a voluntary quit. They are:

A.) If a change in employment status results from the employer reducing hours of employment through no fault of the employee, no penalty would be imposed;

B.) Terminating a self-employment enterprise;

C.) Resigning from a job at the demand of the employer if the employee did not cause the employer to request his/her resignation; or

D.) Quitting a job to take a new job with 30 or more hours a week of employment or employment paying at least the Federal minimum wage equivalent of 30 hours a week) and is then laid off or loses the new job through no fault of their own, the initial quit is not considered voluntary.

3451 PENALTIES FOR NON-COMPLIANCE

Non-exempt individuals who do not comply with work registration [Section 3450] are not eligible to receive food stamp benefits. If the individual is sanctioned, he/she is considered an excluded household member as per Section 5500. If an individual becomes exempt from work registration, his/her sanction will terminate, and eligibility may once again be established for that individual.

Section 3451, Penalties for Non-Compliance, continued:

The time frame for all work registration sanctions statewide are:

A.) ONE month for the first occurrence:

B.) SIX months for the second occurrence; and

C.) TWELVE months for the third and subsequent occurrences.

The household is entitled to a notice of adverse action and may appeal (Section 7100) through DSS' hearing system. The disqualification period shall begin the first month following the expiration of the adverse action period unless the household complies or requests a fair hearing. A disqualification may be imposed after the end of a certification period thus a notice of adverse action (NCOM notice, for example) must be sent whenever the State agency becomes aware of an individual's non-compliance during a month they participated in the Food Stamp Program. The disqualification period may begin after the certification period expires even if the household has not recertified. If the household reapplies during the disqualification period, the sanction continues until the end of the time period unless the individual is exempt from work registration requirements.

> EXAMPLE: Judy's Food Stamp case closed for July. The worker received a notice to sanction on July 5th because Judy failed cooperate with Job Services in the month of June. Since the failure to cooperate occurred in a participating month (June), the sanction must be imposed for August (following 10 day adverse action time frames). If she had failed to cooperate in July (FS case closed), no sanction would be imposed because we cannot make her follow work registration requirements during a month she is not participating.

The sanction continues for the entire time frame unless the individual becomes exempt from work registration or E & T requirements. When the sanction time period ends, the individual must be registered and added back into the household the month following the month the sanction ends.

> Example: DSS received a notice to sanction from Job Services on May 15th because Jane failed to comply with E & T regulations. This was Jane's second sanction so she was disqualified for 6 months [June through November]. On July 7th, Jane reported that her 5 year old child moved in with her. Jane is exempt from E & T effective for August because she has a child under age 6. Jane's sanction ends August 1st when she becomes exempt from E & T registration. If Jane hadn't become exempt from work registration during the 6 month sanction period, she would have been added back into the household for December benefits.

Registration occurs in an E & T County by coding "02" in the work registration field on ACCESS member panel [Section 3413]. Registration occurs in non E & T counties by coding "08" in the work registration field on ACCESS member panel [Section 3412.

The household is entitled to a notice of adverse action and may appeal (Section 7100) through DSS' hearing system. The disqualification period shall begin the first month following the expiration of the adverse action period unless the household complies or requests a fair hearing.

3451.1 - EXAMPLES - PENALTY PERIODS

The following examples explain how to decide when the penalty period begins and ends. Individuals are removed from benefits the month following the expiration of the adverse action time period. Individuals are added to the household the month following the month the sanction ends or the individual becomes exempt from work registration or E & T.

Section 3451.1, Examples - Penalty Periods, continued:

Notice of sanction may be sent using SPEC C NCOM for situations in which the case is closed or when ACCESS will not allow the worker to update the MEMS panel (usually when the sanction must be imposed the month following the month of receipt due to the 10 day adverse action time frames). The NCOM notice allows the worker to easily send a ten day adverse action notice as soon as the notice to sanction is received. Households are also notified of the sanction when the MEMS panel is updated, and when eligibility results are approved if a household member has been disqualified.

Example 1 -- On March 15, employer notified DSS that a non-exempt recipient voluntarily quit employment without good cause. After discussion with the recipient, DSS determined good cause did not exist. The MEMS panel must be updated by March 20 with a "30". The penalty period begins April 1 and continues until expired or the individual becomes exempt from work registration.

Example 2 -- On March 19, Job Services notifies DSS that non-exempt recipient failed to cooperate. DSS must update the MEMS panel immediately. If the MEMS panel is updated by March 20th, the penalty period begins April 1. If the MEMS panel is delayed beyond March 20th, the penalty period begins May 1st.

Work registration/E & T sanctions must be imposed with 10 day adverse action notice if a household member fails work registration or E & T requirements during the household's certification period. When the worker updates the MEMS panel with a "28" or "30" sanction code, an automated notice is sent to the household the following day. It is important that the MEMS panel is updated 10 days prior to the end of the month to meet 10 day adverse action notices.

3452 GOOD CAUSE FOR VOLUNTARILY QUITTING OR REDUCING HOURS OF EMPLOYMENT

If the individual has good cause for reduction of employment hours or voluntarily quitting employment, no penalty will be imposed. DSS staff are responsible for determining good cause for individuals who have voluntarily quit a job or reduced their employment hours.

A decision that good cause exists must involve all the facts and circumstances of the situation including those given by the household member and the employer. Good cause includes circumstances beyond the registrant's control. Examples are illness, illness of another household member serious enough to require the member's presence, no transportation available, or a household emergency. Good cause may also be granted if the individual left employment because they lacked adequate child care for children under age twelve.

Problems caused by the client's inability to speak or write English could constitute good cause. For example, a person who speaks and writes only Spanish is employed as a laborer. When he is given new job responsibilities that require the ability to write English, he has good cause for quitting the job.

Good cause also includes leaving a job for the following reasons:

A.) Discrimination by the employer based on age, race, sex, color, handicap, religious belief, national origin, or political beliefs.
B.) Work conditions or demands that make continued employment unreasonable such as working without being paid on time.
C.) Acceptance of employment (at least 30 hours a week or 30 hours multiplied by federal minimum wage) equal to the salary <u>or</u> hours of the job terminated that was the reason for the quit.

Section 3452, Good Cause, continued:

D.) Acceptance by any other household member of employment of at least 30 hours a week, or the equivalent of 30 hours a week multiplied by the federal minimum wage that requires the individual to leave employment because the employment was located in another county or similar political subdivision which required the household to move.

E.) Enrollment by the individual of at least half-time in any recognized school, training program, or institution of higher education that requires the individual to leave employment.

F.) Enrollment by any other household member at least half-time in any recognized school, training program, institution of higher education in another county or similar political subdivision which requires the household to move and, thus, requires termination of employment.

G.) Resignation by persons under age 60 recognized by the employer as retirement.

H.) Leaving one job to take another job involving at least 30 hours a week or weekly earnings equivalent to 30 hours a week at federal minimum wage. Good cause is still granted if the job later does not materialize or results in employment of less than 30 hours a week or weekly earnings of less than the federal minimum wage multiplied by 30 hours as long as the change in job circumstances was beyond the control of the individual.

I.) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another. For example, to find work, migrant farm workers or construction workers frequently move from one employer to anther.

J.) Employment which becomes unsuitable after the acceptance of employment such as:

1.) The wages offered are less than the highest of:
   a.) The applicable federal minimum wage;
   b.) The applicable state minimum wage;
   c.) Eighty percent of the federal minimum wage if neither the federal nor the state minimum wage are applicable.

2.) It is on a piece-rate basis and the average hourly yield the employee can reasonably expect to earn is less than the applicable hourly wage specified in 1.)

3.) The household member, as a condition of employment or continuing employment, must join, resign from, or not join a legitimate labor organization.

4.) The work offered is at a place subject to a strike or lock-out at the time of the offer unless:
   a.) The strike has been enjoined under Section 208 of the Labor-Management Relations Act (29 USC. 178-Taft Hartley Act), or
   b.) An injunction has been issued under Section 10 of the Railway Labor Act (45 USC. 160).

5.) The degree of risk to health and safety is unreasonable.

6.) The registrant is physically or mentally unfit to do the job, as documented by medical evidence or by other reliable information.

7.) The distance from the registrant's home to the job is unreasonable considering the expected wage and the time and cost of commuting. Employment is unsuitable if the daily commuting time exceeds two hours a day, not including taking a child to and from a child care facility. Employment also is unsuitable if the distance to the job prohibits walking, and public and private transportation are not available to take the registrant to work.

8.) The working hours or nature of the employment interferes with the member's religious observations, convictions, or beliefs. For example, a Seventh Day Adventist could refuse to work on Saturday.

There may be some circumstances when households apply for food stamps between jobs, particularly in cases when work may not yet be available at the new location. Even though employment at the new location has not actually began, DSS considers quitting the job to be for good cause if this is part of the pattern of that type of employment.

3452.1 - VERIFICATION OF GOOD CAUSE

To the extent the information given by the household is questionable (Section 6230), caseworkers shall request verification of the household's statements. If it is difficult for the household to obtain documentary evidence or suggest the names of reliable collateral contacts in a timely manner, then the caseworker shall offer assistance. However, primary responsibility for verifying good cause rests with the household. DSS-EA-324, Wage Verification form, may be utilized by the caseworker to verify reason for termination.

3453 - TEMPORARY ASSISTANCE FOR NEEDY FAMILIES(TANF) WORK REGISTRANTS WHO FAIL TO COMPLY WITH WORK REQUIREMENTS

TANF and Tribal TANF recipients sanctioned under the TANF WORK Program for failure to comply will have the disqualification carry-over into SNAP. The individual is disqualified under the carry over provisions, not as an E & T sanction. [Sections 5520 (K) and 5570 provide greater detail on carryover disqualification.]

The carryover sanction will be basically the same as the TANF/Tribal TANF sanction. If the sanction is grant reduction, FS will budget the TANF grant amount prior to the reduction (this covers prorata, 50%, and $50 grant reductions) in the corresponding FS budget month. If the sanction removes the individual from TANF/Tribal TANF, FS will remove the individual from the food stamp household count and his/her resource, income, and allowed expenses will continue to count towards the household's eligibility and benefit level.

If the TANF/Tribal TANF case is terminated for a time controlled period (voluntary quit or 100% sanction), the individual is removed from the food stamp household count and his/her resources, income, and allowable expenses will count for the period of time the individual is disqualified for TANF/Tribal TANF, the individual would be ineligible for TANF for another reason, or until the individual is readded to TANF, whichever is first. Remember the carryover disqualification only occurs for TANF/Tribal TANF recipients, not applicants. Also the individual must have been on SNAP at the time the TANF/Tribal TANF disqualification occurred.

EXAMPLE: Jane's TANF case is closed for July through September for voluntary quit. Jane was on SNAP at the time she quit but was exempt from food stamp work registration requirements because of her TANF WORK participation. Jane is removed from SNAP for July through September and her income, resources, and allowable expenses continue to count in the food stamp budget. In August, Jane secures new employment that would make her ineligible for TANF but eligible for SNAP. When Jane reports the new job, she is added back into the food stamp household for September because she is no longer eligible for TANF for reasons other than the quit.

3454 - APPEAL

Each household has a right to appeal through DSS Fair Hearing process (Section 7100) a denial, a reduction, or termination of benefits because of a determination of mandatory status or refusal or failure to comply with work registration/ Employment & Training requirements which include voluntary quit/reduction of hours provisions. The household can also appeal Job Service's actions if there are areas of dispute.

If a fair hearing is requested within 10 days, the household's benefits must be continued on the basis authorized immediately prior to the notice of adverse action, unless continuation of benefits is specifically waived.

Section 3454, Appeal, continued:

If the hearing examiner upholds the Department's determination and the household has been receiving continued benefits pending the outcome of the hearing, the sanction period will begin the first month after the hearing decision is rendered.

The continued benefits the household received pending the fair hearing decision do not constitute an overpayment if the issue in dispute results in a sanction (FS E & T/non E & T work registration including voluntary quit/reduction of hours).

3600 RESOURCE ELIGIBILITY STANDARDS

The uniform eligibility standards contained in this Section shall apply to all households.

3610 MAXIMUM ALLOWABLE RESOURCES

Eligibility will be denied or terminated if the value of nonexempt resources exceeds the following:

A.) $3,250 for all households with an eligible disabled member or an eligible member age 60 or over; and,

B.) $2,000 for all other households.

If there is only one member in the household who is disabled or age 60 or over, the household's resource limit is $2,000 if that member is not receiving food stamp benefits because he/she is an ineligible alien or disqualified for no SSN, duplicate benefit conviction, fleeing felon, parole/probation violator, trafficking conviction, TANF carryover disqualification, work registration (all counties) sanction, IPV disqualification, or an ineligible student, roomer, or live in attendant (Section 5500).

Categorically eligible households (Section 2900) do not have resource limits.

Before denying or terminating a household's benefits due to excess resources, the Benefits Specialist must ask the household if they received an income tax refund in the last 12 months. If so, then the resources, liquid or non-liquid, must be reduced by the amount of the refund (section 3640(Q)(8)).

3620 DEFINITION OF RESOURCES

Available resources at the time the household is interviewed is used to determine eligibility. In determining the resources of a household, the following shall be included and documented in sufficient detail to permit verification:

3620.1 LIQUID RESOURCES

Liquid resources, such as cash on hand, money in checking or savings accounts, savings certificates, stocks or bonds and nonrecurring lump-sum payments. Money in a checking or savings account must not be counted as income and as a resource in the same month. Exclude any current month's income deposited into a checking or savings account. If a check has been written and sent to the payee, even it has not yet been cashed, the money is not available for other purposes and is deducted from the account balance before the balance is shown as a resource.

Exclude any funds held in a retirement plan, contract, or account, described in Sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)18 of the Internal Revenue Code and the value of funds in a Federal Thrift Savings Plan as provided in Section 8439 of Title 5, US Code. This includes retirement funds in Individual Retirement Accounts (IRA), Roth, and 401(k) plans.

Exclude any funds held in a qualified tuition program described in Section 529 or 530 of the Internal Revenue Code.

Money received in the form of a nonrecurring lump sum payment, including but not limited to, rebates, or credits; retroactive lump sum Social Security, SSI, public assistance, railroad retirement or other payment; retroactive lump sum insurance settlements; and refunds of security deposits on rental property or utilities are considered as resources in the month received, unless specifically excluded from consideration as a resource by other Federal laws. The household is responsible for reporting the receipt of such money. Income tax returns have separate federal exclusion requirements (Section 3640(Q)(8)), and must not be counted as a resource for 12 months after receipt.

3620.2 NON-LIQUID RESOURCES

Non-liquid resources, personal property, licensed and unlicensed vehicles, buildings, land, recreational properties, and any other property not specifically excluded in Section 3640. The value on non-exempt resources (except for licensed vehicles not used primarily for income producing purposes as per Section 3660.1) shall be the equity value. The equity value is the fair market value less encumbrances. The encumbrance would include any mortgage or loan, etc. that would need to be dissolved should the property be sold.

EXAMPLE: A lot has a fair market value of $7900 and the household owes $7200 against it. Therefore the CW would use $700 as a resource.

3630 JOINTLY OWNED RESOURCES

Resources owned jointly by separate households shall be considered available in their entirety to each household, unless the applicant household can demonstrate that such resources are inaccessible to that household. If the household can demonstrate that it has access to only a portion of the resource, only that portion shall be counted toward the household's resource limitation. The resource shall be considered totally inaccessible to the household if it cannot be practically subdivided and the household's access to the resource is dependent on the agreement of a joint owner who refuses to comply. The same policies used to determine whether a resource is accessible to the household also apply to resources attributed to the household but owned by an excluded member (including ineligible aliens living with the household).

Jointly owned resources are not considered accessible to individuals if a legal separation or divorce has been filed as per State Law 25-4-33, unless the other owner has given consent for accessibility.

Jointly owned certificates of deposits (CD's) are available in their entirety to both owners unless one owner has the certificate and refuses to release it the other co-owner. Verification of the co-owner's refusal to cash the CD should be obtained. (If the CD is identified as purchased under the Uniform Gifts to Minor's or Uniform Transfer to Minor's Act, it is countable regardless of who possesses it - Section 3640 K.)

Special resource rules regarding jointly owned vehicles are located under Section 3660.3.

Resources held jointly by persons living in shelters for battered women and children and their former households are considered inaccessible, if:

A.) The resources are jointly owned by the household in the shelter and by members of their former household, and

B.) The shelter resident's access to the value of the resources depends on the agreement of a joint owner who still lives in the resident's former household.

3631 AVAILABLE RESOURCES

Resources shall be considered inaccessible to the household as long as they were truly unknown to the household. Once the household discovers resources that are legally available to them, the resource must be counted in determining the household's eligibility for SNAP. In other words, at the point the household is made aware of the resource, the resource shall be considered available to them from that time forward. The resources would then be counted in determining the household's eligibility for SNAP. This is the case regardless of the manner in which the household is made aware of the existence of a resource.

Section 3631, Available Resources, Continued

EXAMPLE: Jane's grandfather purchased CDs for Jane's children but never told Jane or the children of the existence of the CDs. The CDs were not considered available to the household until Jane was informed of their existence. In this situation, no claim would have been created for the months Jane was unaware of their existence.

3640 RESOURCE EXCLUSIONS

The following list of resource exclusions is all inclusive:

A.) Exclude the home and surrounding property that is not separated from the home by intervening property owned by others. Public rights of way, such as roads which run through the property and separate it from the home, will not affect the exemption of the property. The home and surrounding property remain exempt when temporarily unoccupied because of employment, training for future employment, illness, or uninhabitability caused by casualty or natural disaster, if the household intends to return. Households not currently owning a home who own or are purchasing a lot on which they intend to build or are building a permanent home shall receive an exclusion for the value of the lot and, if it is partially completed, for the home. Property essential to the self-employment of a household member engaged in training shall continue to be excluded for one year from the date the household member terminates his/her self-employment from farming.

B.) Exclude household goods, personal effects, including such items as furniture, appliances, jewelry, and the cash value of life insurance policies.

The cash value of pension plans or funds shall be excluded per the chart below:

Retirement Plan/Account Type and Internal Revenue Code Section #	What is it?
Pension or traditional plan - Section 401(a)	Employer based retirement plan
401(k) Plans - Section 401(a)	Employees have a pre-tax contribution from wages
Simple 401(k) Plans - Section 401(a)	Available to small businesses
501(c)(18) - Section 501(c)(18)	Offered by unions pre 1959 - mostly obsolete
403(a) or 403 (b) Plans - Section 403(a) and 403 (b)	Annuity or custodial account plans offered by tax-exempt organizations or public educational institutions
457 Plans - Section 457	Employees of state and local governments
Federal Employee Thrift Savings Plans - Section 8439 of Title 5 of US Code	Employees of the federal government
Keogh Plan - Section 401(a)	Individuals who are self-employed
Individual Retirement Accounts (IRA) - Section 408	Individual pre-tax retirement plan
Roth IRA - Section 408(a)	Similar to IRAs but with different criteria
SIMPLE IRA - Section 408	Employer based IRA available only to small businesses
Simplified Employer Plan - Section 408	Employer-sponsored plan available to small businesses.
Profit Sharing Plan - Section 401(a)	Employer-based plan which may be linked to profits.
Cash Balance Plans - Section 401(a)	Employer based plan with differing criteria

The cash value of tax deferred education saving plans are excluded for:

Tax Deferred Education Account and Internal Revenue Code Section #	What is it?
Qualified Tuition Programs - Section 529	Allows owners to prepay a student's educational expenses or contribute to an account to pay those expenses
Coverdell Education Savings Accounts - Section 530	An IRA type of account designed to pay a student's education expense.

C.) Exclude one burial plot per household member, including disqualified household members. Bona fide pre-paid funeral agreements of up to $1500 of equity value for each member of the household are excludable, even if accessible. A bona fide agreement is a pre-paid written agreement between the household member and by the funeral home/director whereby the funeral home/director promises to provide burial services or merchandise to a household member in exchange for funds paid by the household member. Bona fide pre-paid funeral agreements that are not accessible to the household are excluded regardless of their value.

D.) Licensed vehicles shall be excluded as specified in Section 3660.1.

E.) That portion of property, real or personal, that is directly related to the maintenance or use of a vehicle excluded under section 3660.1,(A) 1, 2, or 5. For example, a household which owns a produce truck as part of self-employment may be prohibited from parking the truck in a residential area. The household may own a 100-acre field (not income producing) and only use a quarter-acre to park and/or service the truck. Only the value of the quarter-acre would be excludable, not the entire 100 acres.

All of the exclusions in Section 3660.1 Part A remain in effect when the vehicle is temporarily not being used. For example, a taxi driver is ill and cannot work, or a fishing boat is temporarily out of order and cannot be used, or the vehicle is not being used because of temporary unemployment.

F.) Exclude property that is annually producing income consistent with its fair market value, even if only used on a seasonal basis - such property includes rental homes and vacation homes.

G.) Exclude property, such as farm land, or work related equipment such as the tools of a tradesman or machinery of a farmer, that is essential to the employment or self-employment of a household member. Property essential to the self-employment of a household member engaged in farming shall continue to be excluded for one year from the date the household member terminates his/her self-employment from farming.

H.) Exclude installment contracts for the sale of land or buildings if the contract or agreement is producing income consistent with its fair market value. The exclusion also applies to 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.

Section 3640, Excluded Resources, Continued

I.) Exclude governmental payments designated for restoration of a home damaged in a disaster, if the household is subject to legal sanction for not using the funds as they are intended. Examples are HUD payments through the individual and family grant program and SBA disaster loans or grants.

J.) Exclude any resource that, as a practical matter, cannot be sold for a significant return. A significant return means estimating any return amounting to greater than $1500 after estimating the costs of sale or disposition, and taking into account the household's ownership interest. This could occur if the household's interest is relatively slight or the costs of selling the household's interest would be relatively great. This exclusion does not apply to financial instruments that may be negotiable such as stocks, bonds, etc. Additionally, if the household's licensed vehicle value is not more than $1500, the vehicle is excluded as a resource (section 3660 A-7). Verification is required only if the information is questionable, however, documentation is mandatory.

If the resource is owned jointly with nonhousehold members, the resource is limited to the household's share. If the resource is jointly owned, and not accessible to the household because the joint owner(s) refuse to sell and the household cannot sell the resource without consent of the joint owner(s), it is excluded until the household may sell the resource.

EXAMPLE: A household member is one of four siblings who together inherit 160 acres of land. The household's share is 40 acres. The household may sell the 40 acres without the consent of his/her siblings. The land's value would be considered a resource unless the 40 acres were put up for sale (3660.K), or the household's anticipated net return of the profit is $1500 or less.

K.) Exclude resources whose cash value is not accessible to the household, such as, but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, and the real property that the household is making a good faith effort to sell at a reasonable price and that has not been sold. The CW may verify that the property is for sale and that the household has not declined a reasonable offer. Collateral contacts, or documentation such as advertisement for public sale in a newspaper, or real estate broker listing are acceptable methods of verification; and,

Resources shall be excluded if they cannot be sold for a significant return. A significant return is defined as over $1500. If the sale of the resource is unlikely to produce over $1500 for the support of the household, the value of the resource is excluded. Verification of the resource exclusion is required only in questionable situations, however documentation is mandated.

Funds in a Uniform Gifts to Minors or Uniform Transfer to Minors Act accounts are considered a countable resource regardless of whether or not the guardian is a member of the household or will release funds from the account.

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Section 3640, Excluded Resources, Continued

Funds in a trust or transferred to a trust, and the income produced by that trust, are considered inaccessible if:

1.) The trustee administering the funds is either: (A) a court, or an institution, corporation, or organization which is not under the direction or ownership of any household member, or (B) an individual appointed by the court who has court imposed limitations placed on his/her use of the funds which meet the requirements of this paragraph;

2.) The funds held in irrevocable trust are either: (A) established from the household's own funds, if the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational or medical expenses of any person named by the household creating the trust, or (B) established from non-household funds by a non-household member.

3.) The trust investments do not directly involve or assist any business or corporation under the control, direction or influence of a household member; and,

4.) The trust arrangement will likely continue throughout the certification period; and,

5.) No household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period.

L.) Exclude Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF) participants' resources if they receive benefits or "are entitled to receive benefits" from Supplemental Security Income (SSI) or Temporary Assistance For Needy Families (TANF) from the remainder of the household's resource determination.

M.) Resources, such as those of self-employed persons or students, that have been prorated as income.

N.) Where an exclusion applies because of 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.

For example, work related equipment essential to the employment of an ineligible alien or disqualified person is excluded (Section 3640(E)) as shall one burial plot/funeral agreement per ineligible alien or disqualified person (Section 3640(C)).

O.) Non-liquid resource(s) against which a lien has been placed as a result of taking out a business loan and the household is prohibited by the security or lien agreement with the lien holder (creditor) from selling the resource(s).

P.) Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

Section 3640, Excluded Resources, Continued

Q.) Resources that are excluded for food stamp purposes by express provision of Federal statute; and,

1.) Exclude WIC program benefits (PL 100-435).

2.) Exclude payments of "Wartime Relocation of Civilians" made to certain United States citizens of Japanese ancestry, resident Japanese aliens, and certain eligible Aleuts under Title I of Public Law 100-383.

3.) Exclude reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (PL 91-646).

4.) Exclude payments received from Youth Incentive Entitlement Pilot Projects, the Youth Community Conservation and Improvement Projects, and the Youth Employment and Training Project under Title IV of the Comprehensive Employment and Training Act Amendments of 1978 (Public Law 95-524).

5.) Exclude payments or allowances made under any Federal, State, or local laws for the purpose of energy assistance. These payments or allowances must be clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. Among the Federal payments that would be excluded are energy assistance payments provided through the Department of Health and Human Services' Low-Income Energy Assistance Program and the Community Services Administration's Energy Crisis Assistance and Crisis Intervention Programs. (PL 99-425)

6.) Exclude mandatory deductions from military pay for educational purposes while the recipient is enlisted. (PL 99-576.)

7.) Exclude payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.). The disabled veteran will receive yearly payments, and survivors of deceased veterans will receive a lump sum payment from the AETNA Insurance Company. (Public Laws 101-201, 101-239)

8.) Income Tax Returns, Earned Income Tax, and Child Care Tax Credit payments are excluded as a resource in the month of receipt and 12 months following receipt of the refund. The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), was signed into law on December 17, 2010. Under the new law, the total amount of a federal income tax refund received after December 31, 2009 through December 31, 2012 (regardless of whether the refund is the result of a refundable credit, over-withholding, or both)is disregarded as income and resources for 12 months. If an individual is over resources the Benefits Specialists must ask the individual if he/she received an income tax return within the last 12 months. If yes, then the amount of the refund is subtracted off of his/her total resources, and the adjusted amount would be the countable resources. It doesn't matter if the individual kept the tax refund or spent it, the amount must be deducted before determining countable resources.

Section 3640(Q), Resources Excluded by Federal Statute, Continued

These tax refunds are not a countable resource even if the applicant/recipient is not the one who originally received the tax refund. For example: Joe is an ongoing SNAP recipient, he is given his sister's tax refund. The money given to him from his sister's tax return is not a countable resource for Joe for 12 months from the date his sister received it. Document in the case narrative how the resource determination was made.

9.) Exclude payments paid as a result of an emergency or major disaster as defined in the Disaster Relief Act of 1974 (PL 93-288, PL 100-707) or the Disaster Relief & Emergency Assistance Amendments of 1988. A major disaster is any natural catastrophe or regardless of fault, any fire, flood, or explosion which the President determines causes damage of sufficient severity and magnitude to warrant major disaster assistance. An emergency is an occasion or instance for which the President determines that federal assistance is needed to save lives and protect property and public health and safety.

10.) Payments made under the Radiation Exposure Compensation Act are excluded from the resource determination. (PL 101-426)

11.) Exclude from resources any compensation made under the Crime Act of 1984 to crime victims (PL 103-322). This includes any payment made to crime victims under South Dakota's Victim's Compensation Program.

12.) Exclude from resources any payment made to individuals because of their status as victims of Nazi persecution (PL 103-322).

13.) Exclude from resources any value of assistance to children from the School Lunch Program, Summer Food Service Program for Children, Commodity Distribution Program, and the Child and Adult Care Food Program (PL 7-3096 of the National School Lunch Act). Note: the exclusion is only for assistance provided to children, rather than that paid to providers.

14.) Exclude from resources any payments made to children of Vietnam veterans who are born with spina bifida October 1, 1997 and forward (PL 104-204).

15.) Individual Development Accounts (IDAs) are excluded from resources. An IDA is a restricted savings account that is used for a specific purpose (education, business start-up, home ownership, etc.) in which money contributed by the household is matched by private or public funds. (PL 104-193; PL 106-554)

16.) Settlement payments made under the Ricky Ray Hemophilia Relief Fund Act are excluded. (PL 105-369)

17.) Indian per capita payments of $2,000 or less for each household member per payment. Purchases of $2,000 or less made solely with funds distributed after December 31, 1981 but prior to January 12, 1983 are totally excluded from resources. Purchases made after January 12, 1983 count in their entirety. (PL 93-134, PL 97-458 and PL 98-64.) These payments come from funds distributed as a result of judgment awards from breaches of treaty provisions and funds held in trust by the Secretary of the Interior from the sale or lease of

oil, gas, and other tribal trust assets. Payments made to tribal members from the profits of tribal casino operations are counted as a lump sum resource if it is a one-time payment. Funds paid on a recurring basis from tribal casino profits are counted as a resource the month following the month of receipt (if not spent).

18.) Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian claims agreement (PL 92-203, 100-241).

19.) Payments received by certain Indian tribal members under Public Law 94-114, Section 6, regarding submarginal land held in trust by the United States.

20.) Payments received from disposition of funds of the Grand River Band of Ottawa Indians (Public Law 94-540).

21.) Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalaro Reservation from the Indian Claims Commission as designated under Public Law 95-433, Section 2.

22.) Payments to the Passamaquoddy Tribe, Houlton Band of Maliseet, and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Section 5.

23.) Payments of relocation assistance to members of the Navajo and Hopi Tribes under Public Law 93-531.

24.) Per capita payments made under PL 98-124, Distributions to the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Pack Indian Reservation, Montana.

25.) Per capita payments made to the Chippewas of Mississippi under PL 99-377 and payments made to the Red Lake Band of Chippewa Indians under PL 98-123.

26.) Per capita payments made to Sac and Fox Tribes of Oklahoma, Sac and Fox Tribe of the Mississippi in Iowa (PL 94-189); Chippewas of Lake Superior, Lac Courte Oreilles Reservation of Wisconsin, Bad River Band Reservation, Sokagon Chippewa Community of the Mole Lake Band of Chippewa Indians, St. Croix Chippewa Indians of Wisconsin (PL 99-146).

27.) Funds paid to Turtle Mountain Band of Chippewas, Arizona (PL 97-403); Blackfeet, Grosventre, and Assiniboine Tribes of Montana and Papago, Arizona (PL 97-408); White Earth Band of Chippewas in Minnesota (PL 99-264); Saginaw Chippewa Indian Tribe of Michigan (PL 99-346); Puyallup Tribe, Washington (PL 101-41); Seneca Nation (PL 101-503).

Section 3640(Q), Resources Excluded by Federal Statute, Continued

28.) Funds paid under Old Age Assistance Claims Settlement Act to heirs of deceased Indians except for per capita payments in excess of $2000 (PL 98-500).

29.) Funds paid to the Seminole Nation of Oklahoma, Miccosukee Tribe of Florida, and independent Seminole Indians of Florida (PL 101-277) are excluded except for per capita payments in excess of $2000.

30.) Funds to Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (PL 103-436).

31.) Veterans benefits paid to children of women Vietnam veterans who suffer from birth defects. (PL 106-419).

32.) Educational funds (loans, grants, scholarships, etc.) are excluded as a resource during the period they are intended to cover.

3650 HANDLING EXCLUDED FUNDS

Money excluded from resources and kept in a separate account is exempt as a resource. This money is exempt indefinitely, unless combined in an account with money which is not excluded.

If excluded and non-excluded money is combined, the excluded funds are exempt for six months from the date the funds were combined. The six-month limit begins for each separate deposit of exempt funds on the date it is combined with non-excluded funds. If excluded money is placed in a separate, interest-bearing account, the interest is counted as income in the month received. After the month of receipt, the interest would become a countable resource to the household. Any funds in the combined account are counted as a resource when the six-month period expires.

Money exempt as a resource because it is prorated as income is, if combined with non-excluded funds, exempt for the time over which it is prorated. Examples of this type of income are student and self-employment income which has been prorated.

Income tax returns keep their 12 month exclusion (3640(Q)(8)), regardless if the funds are commingled or not.

3660 VEHICLES

3660.1 LICENSED VEHICLES

The resource value of licensed vehicles is determined as follows:

A.) The total value of the following licensed vehicles is excluded:

1.) One vehicle per household is automatically excluded.

2.) Vehicles used for income-producing purposes are excluded. Examples are taxis, trucks, fishing boats, vehicles used for deliveries or to call on clients, etc. Additionally if the vehicle is a condition of employment it is excluded. However vehicles are not excluded if they are only used for commuting to and from the job site. Licensed vehicles which have previously been used by a self-employed member engaged in farming but are no longer used in farming because the household member has terminated his/her self-employment from farming shall continue to be excluded as a resource for one year from the date the household member terminated his/her self-employment from farming.

3.) Vehicles which annually produce income consistent with their fair market value, even if used only on a seasonal basis.

4.) Vehicles necessary for long-distance travel when the travel is essential to the employment of a household member or disqualified household member but not including daily commuting. For example, the vehicle of a traveling salesperson or of a migrant farm worker who is following the migrant stream is exempt.

5.) Vehicles used as the household's home. Please note: If the vehicle is used as a home, it does not need to be licensed - it is excluded as the household's home regardless of whether or not it is licensed.

6.) Vehicles necessary to transport physically disabled individuals residing in the household or disqualified members who are physically disabled, regardless of the purpose of the trip. If the household has more than one vehicle, only the primary one for transporting a disabled person can be excluded. There is no requirement that the vehicle be used exclusively by or for the disabled person. Work registration physical disability criteria is used to determine disability for this exclusion.

"Necessary to transport" means that if the household has a disabled individual residing with them who requires transportation, they are entitled to a vehicle exclusion. The determining factor for a vehicle exclusion is the fact that a physically disabled individual lives in their household and requires a vehicle for transportation. This includes vehicles specially equipped to meet the specific needs of the disabled persons and also normal vehicles used to transport the disabled person.

7.) Vehicles used to carry water or the primary source of fuel for heating for home use if the household does not have piped-in heating or water, regardless of any other use of the vehicle.

8.) A vehicle shall be excluded if its sale would produce an estimated return of $1500 or less. The equity value may or may not be same as the estimated return if the vehicle is sold. EXAMPLE: A household owns a vehicle with a Fair Market value of $7000. They owe $4000 against the vehicle thus their equity value is $3000. However they have provided a statement that the vehicle is in bad shape and would not sell for more than $1000, if that. Since the household does not anticipate receiving more than $1500, the vehicle is excluded under this rule. The ACCESS fair market value would need to be entered as $1000 for this exclusion and the narrative documented explaining the vehicle exclusion.

9.) Vehicles are totally excluded for TANF/SSI recipients and categorically eligible households.

Section 3660.1, Licensed Vehicles, continued:

All vehicles that can be excluded must be excluded therefore if a household has more than one vehicle, check each vehicle against the exclusion rules. Each vehicle should be coded to the appropriate vehicle exclusion rule on ACCESS. Example: Food Stamp household has three vehicles. Vehicle #1 has a fair market value of 10,000; vehicle #2 has a fair market value of $7,000 and vehicle #3 have a fair market value of $2000. All of the vehicles are paid in full. Also the household has a physically disabled individual residing with them. Vehicle #1 is totally excluded as the primary vehicle; vehicle #2 is totally excluded for transporting a physically disabled household member, and vehicle #3 is excluded because the equity is excluded for adult household member, and the fair market value is less than $4650.

B.) Equity value is excluded for one licensed vehicle per each adult household member and any other licensed vehicle a household member under age 18 uses for transportation to and from employment, training or education (including all regular courses of study at high school or college) preparatory to employment or looking for employment. Household members include disqualified members or ineligible aliens whose resources are being considered available to the household. The fair market value of each of these vehicles in excess of **$4650** must be considered a resource to the household, regardless of any encumbrances on the vehicle or the household's investment in the vehicle. The worker's evaluation of the fair market value in excess of $4650 should be made for each individual vehicle. If the vehicle's value does not exceed $4650, it is exempt as a resource. This exemption remains in effect for vehicles used for employment purposes even during temporary periods of unemployment.

C.) All other licensed vehicles not listed in A.) or B.) above must be evaluated for both fair market value in excess of $4650 and full equity value. Equity value is the fair market value less encumbrances. The greater of the two values must be considered a resource to the household. For example, a son's car not used for employment or education purposes must be evaluated for fair market value in excess of $4650 and equity value. If fair market value is $5000 and the equity value is $2000, the equity value would be credited to the household as a resource since the equity value would be greater than the $350 by which the fair market value exceeds $4650. Unlicensed vehicles are tested for equity value only unless they meet total exclusion as a home.

TYPE VEHICLES	**STATUS**
LICENSED VEHICLE IS PRIMARY VEHICLE	TOTALLY EXEMPT
LICENSED VEHICLE IS INCOME PRODUCING	TOTALLY EXEMPT
LICENSED VEHICLE USED FOR DISABLED INDIVIDUAL	TOTALLY EXEMPT
VEHICLE USED AS A HOME	TOTALLY EXEMPT
LICENSED VEHICLE USED TO CARRY WATER OR PRIMARY SOURCE OF HEATING FUEL FOR HOME USE	TOTALLY EXEMPT if no piped in water or fuel for heat
LICENSED VEHICLE IF CANNOT BE SOLD FOR MORE THAN $1500	TOTALLY EXEMPT
LICENSED VEHICLE FOR EACH ADULT HOUSEHOLD MEMBER	COUNT FAIR MARKET VALUE IN EXCESS OF $4650; EXCLUDE EQUITY VALUE
LICENSED VEHICLE USED BY HOUSEHOLD MEMBER UNDER 18 FOR WORK OR EDUCATION PREPARATORY FOR WORK	COUNT FAIR MARKET VALUE IN EXCESS OF $4650; EXCLUDE EQUITY VALUE
OTHER LICENSED VEHICLES	CONSIDER GREATER OF FAIR MARKET VALUE OVER $4650 OR EQUITY VALUE
UNLICENSED VEHICLES; IF NOT USED AS HOME	COUNT EQUITY VALUE; NO FAIR MARKET VALUE
SSI OR TANF INDIVIDUAL; CATEGORICAL ELIGIBLE HH	TOTALLY EXCLUDED

The fair market value of licensed automobiles, trucks, and vans will be determined by the average trade-in value or the wholesale value as listed in the National Automobile Dealers Used Car Guide (NADA). The NADA book used must have been updated within the last six months. If the household indicates that the book value is inappropriate because the vehicle is in less than average condition, for reasons such as body damage or inoperability, the household may provide verification of the true value from a reliable source. Never should the basic value of the vehicle be increased by the worker because of factors such as low mileage or optional equipment. Households must be asked to acquire verification of the value of licensed antique, custom made, or classic vehicles, if the caseworker is unable to make an accurate appraisal. For vehicles especially equipped with apparatus for the handicapped, a NADA book value will be assigned as if the vehicle were not so equipped.

The household's estimate of the value of automobiles no longer listed in the NADA book will be accepted unless the worker has reason to believe the estimate is incorrect. If the vehicle's value would affect the household's eligibility, the household is required to obtain an appraisal or provide other evidence of its value such as a tax assessment or a newspaper advertisement indicating the amount at which like vehicles are being sold.

To determine the value of new automobiles not yet listed in the NADA book, attempts should be made to obtain the wholesale or trade-in value from a source such as a bank loan officer or new car dealer. If the wholesale or trade-in value cannot be obtained, the client's estimate of the value should be accepted unless it is questionable and would affect the household's eligibility. As a last resort, the worker may use the car's loan value. The circumstances should be carefully documented.

3660.2 UNLICENSED VEHICLES

Unlicensed vehicles are tested for equity value only and this amount is credited to the household's resources. Exception: If the unlicensed vehicle is the home; it is totally excluded from resource consideration.

3660.3 JOINTLY OWNED VEHICLES

Jointly owned vehicles are considered accessible and countable in their entirety unless they meet other exclusion criteria or the household demonstrates they have no access to the vehicle. Examples of inaccessibility are if the co-owner has the vehicle and his/her whereabouts are unknown, or the co-owner has the vehicle and refuses to sell or release the vehicle to the household member. Also if the joint owners have filed for divorce or legal separation, and the court has issued an injunction against both parties from disposing of the vehicle, the vehicle is excluded from the resource determination until the injunction is revoked. If the vehicle is considered inaccessible, documentation must clearly identify the reason the vehicle is excluded.

3661 INCOME-PRODUCING PROPERTY

Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis, or other property essential to the employment or self-employment of a household member such as tools of a tradesman, machinery or land of a farmer, goods, and property is exempt as resources.

Rental homes used by households for vacation purposes at some time during the year qualify under this exemption as long as they are producing income consistent with their fair market value.

The value of installment contracts for the sale of land or other property is exempt if the contract or agreement is producing income consistent with its fair market value.

The value of any property sold under an installment contract and property held as security in exchange for a purchase price is exempt if consistent with the fair market value of that property.

3670 TRANSFERRING RESOURCES

Households who have knowingly transferred resources for the purpose of qualifying for food stamps are disqualified from participation in the program for up to one year from the date the transfer is discovered. The disqualification applies if the resources of any household member or disqualified member were knowingly transferred in the three months before application or any time after the household is determined to be eligible for benefits.

> FOR EXAMPLE: A certified household receives a lump sum social security payment. The household transfers the payment to prevent exceeding the maximum resource limit. The transfer would disqualify the household. Acceptance of the client's statement at the time of the interview is sufficient to establish the reason for the transfer.

The disqualification begins in the month of application unless the household is participating when the transfer is discovered. In those instances, a notice of adverse action is required and the procedures for adverse actions are followed.

3671 TRANSFER NOT AFFECTING ELIGIBILITY

Transfer of the following resources do not effect eligibility:

A.) Resources which would not otherwise effect eligibility, such as furniture or of money that, when added to other non-exempt household resources, total less at the time of the transfer than the allowable resource maximums;

B.) Resources sold or traded at, or near fair market value;

C.) Resources transferred for reasons other than qualifying or attempting to qualify for food stamps, for example, a parent placing money in an educational trust fund;

D.) Resources transferred between members of the same household (including excluded persons).

3672 LENGTH OF DISQUALIFICATION

For households qualifying or attempting to qualify the period of disqualification shall begin with the month of application. For households already on the program, the disqualification period shall begin with the first allotment to be issued after the notice of adverse action has expired, unless a fair hearing and continued benefits have been requested by the household.

Section 3672, Length of Disqualification, continued:

Length of disqualification will be as follows:

Amount in Excess of Resource Limit	Periods of Disqualification
$ 0 thru 249.99	1 mo.
250 thru 999.99	3 mo.
1000 thru 2999.99	6 mo.
3000 thru 4999.00	9 mo.
5000 or more	12 mo.

For Example: A one-person household with $1750 in a bank transferred ownership of a car worth $6000. The first $4650 of the car's value is exempt. The amount of the vehicle counted towards resources is $1350. $2000 resource limit less $1750 existing resources allows $250 of the $1350 to meet the $2000 maximum. The transfer disqualification period would be 6 months - $1100 [$6000 less $4650 less $250 = $1100.)

3680 RESOURCES OF NON-HOUSEHOLD AND EXCLUDED MEMBERS

Resources of non-household members (as defined in Section 2231 (C) shall not be counted as available to the household.

Resources of excluded household members shall be counted as available to remaining household members. These excluded members include:

A.) Persons disqualified from the program for intentional program violation in accordance with Section 7300; or,

B.) Persons disqualified for failure to comply with Social Security requirements (Section 3700); or

C.) Persons who are ineligible aliens (as defined in Section 3210) and who would be considered a household member if not for his or her ineligible alien status; or

D.) Persons disqualified for failure to comply with work registration or Employment & Training requirement, including voluntary quit or reduction hours (Section 3400); or

E.) Persons disqualified for fraudulently receiving duplicate benefits; convicted of trafficking benefits for weapons or drugs in excess of $499; fleeing felons or parole/probation violators; or disqualified for failure to comply with TANF. (Section 5500).

F.) Able-bodied adults without dependents (ABAWDS) who are not eligible because they have received their time limited benefits.

3700 SOCIAL SECURITY NUMBERS (SSN)

A household participating or applying for participation in the Food Stamp Program must provide the CW with the SSN for each household member or apply for one before certification unless the individual is a child 6 months of age, or younger. If the individual has good cause, follow procedures identified in Section 3760. If an individual has more than one number, all numbers shall be required. If an individual is unable to provide documents required to apply for a SSN, see Section 3740.

The CW must explain to applicants and participants that refusal or failure without good cause to provide a SSN will result in disqualification of the individual for whom a SSN is not obtained.

DSS is authorized to use SSNs in the administration of the Food Stamp Program in accordance with Federal regulations.

3710 OBTAINING SOCIAL SECURITY NUMBERS FOR INDIVIDUALS OVER 6 MONTHS OF AGE

Most applicants and recipients already have a SSN. If an applicant or recipient has never applied for a SSN, and they are under age 18, they must be referred to the nearest Social Security office to make application. SS-5's may still be completed for original SSN applications for individuals 18 or older, or for duplicate SSN requests for individuals of any age. If the individual is referred to SSA, proof of the SSN application is required. Proof may consist of SSA-5028, Receipt for Application for SSN or a statement form the SSA office. For expedited cases, the SSN or proof of application need not be provided until the second issuance, or third issuance if the household received expedited combined allotments (Section 2511).

> NOTE: If an individual reports more than one SSN, all numbers should be documented. The CW should evaluate the numbers provided and enter the number which appears to be the individual's primary SSN. Individuals reporting duplicate SSNs must be referred to the local Social Security Administration Office so SSA can clear their records.

If the applicant recently applied for a SSN just prior to application, the client should also be advised to ask for proof of application from SSA. SSA normally uses Form SSA-5028, Receipt for Application for a Social Security Number, as evidence that the individual has applied for a SSN. A signed statement from SSA is also acceptable.

If proof exists that a recipient has applied for a SSN (SS-5, SSA-5028, or signed statement form SSA), the recipient may continue to participate pending federal verification of the SSN.

For individuals who furnish their SSN, DSS shall record the SSN.

3720 OBTAINING SOCIAL SECURITY NUMBERS FOR NEWBORNS 6 MONTHS OR YOUNGER

When a newborn is added to an existing FS household, SSN or proof of application for a SSN for a newborn baby must be submitted at the household's next recertification, or within 6 months following the month in which the baby was born, whichever is later. We do not require proof from SSA or the hospital that a SSN has been applied for unless the newborn does not have a SSN at the next recertification or 6 months following the month of birth, whichever is appropriate. Households should be advised that when a SSN is received, they should report it on a report form or by office contact. If, at the time of the next recertification or 6 months following the birth, the baby does not have a number or the household cannot provide proof that a number has been requested, an SS-5 should be completed following procedures identified in the Enumeration Manual for duplicate numbers or the individual should be referred to SSA if they state it is an original request, unless good cause exists. If good cause does not exist, failure or refusal to furnish the SSN or application for a number results in ineligibility for the baby. Proof of a SSN application could be SSA-2853 [hospitals will use this form if an application has been made through Enumeration at Birth (EAB)], SSA-5028, Receipt for Application for SSN, completed by SSA when an individual applies for a number, SS-5, or signed statement from the SSA.

> EXAMPLE: Jane's certification ends 06-31. On 05-29, she reported birth of her child on 05-25. Jane should be told she has until December 1 to provide a SSN for the child or proof that a number has been applied for, or good cause on why she does not have a number or proof of an application for a number for the baby. If she does not have good cause, and does not apply or provide the number, the baby is disqualified from receiving benefits.

If the household is applying for assistance and has a child under 7 months of age, proof of an application for a Social Security number or the SSN must be provided before the child turns 7 months old, unless there is good cause. If good cause does not exist, failure or refusal to furnish the SSN or application for a number results in ineligibility for the newborn.

3730 VERIFICATION OF SOCIAL SECURITY NUMBERS

As a condition of eligibility, each applicant/recipient must furnish a SSN for all members of the household unless the individual is less than 7 months old. It is DSS's responsibility to verify the number with the Social Security Administration, unless the number is questionable. If an individual is unable to furnish a SSN or does not have one, and does not have good cause, DSS shall require the individual to submit proof of application of a SSN, or may complete Form SS-5, Application for a Social Security Number, in accordance with enumeration procedures if the request is for a duplicate number, or an original number for individuals over age 18.

Caseworkers may continue to accept a social security card or other official document to meet the requirement that an applicant or recipient furnish their SSN or SSNs. However, household members cannot be denied for failure to provide their SSN card or other official document as proof of an existing number, unless the number is questionable.

Section 3730, Verification of Social Security Numbers, continued:

Once a SSN has been federally verified by the Social Security Administration, ACCESS will show a "X" code by the SSN on the MEMB panel. An "X" code is considered permanent SSN verification.

When an individual's SSN has been submitted to SSA for federal verification and the number was not federally verifiable, a printout will be sent identifying the reason the number did not match. Once DSS receives the printout, DSS shall require the individual to submit information to resolve the discrepancy or require the individual to submit verification of a SSN application or complete Form SS-5 in accordance with Enumeration procedures.

3740 FAILURE TO COMPLY

If the CW determines that a household member has refused or failed without good cause to provide or apply for a SSN, the individual without the SSN will be ineligible to participate in the program. The disqualification applies to the individual who has not provided a SSN, and not the entire household.

The earned or unearned income of an individual excluded from the household for failure to comply is handled according to Section 5500.

3750 GOOD CAUSE

Good cause applies when a household has made a good faith effort to provide required documents in order to apply for a SSN. In determining what would constitute a "good faith effort" the CW should consider information from the household member, SSA, and DSS.

If the household member applying for a SSN has been unable to obtain the documents required by SSA, the CW should make every effort to assist the individual in obtaining these documents. While the individual is making a good faith effort to obtain documents necessary to apply for a SSN (i.e. a birth certificate), the individual may participate. The circumstances must be clearly documented in the case record. The CW must review the individual's circumstances monthly to establish whether the household has applied for a SSN, has obtained the SSN or is still making a good faith effort to apply for a SSN. Good faith effort only applies to providing required documents. Good faith effort does not apply to illness, lack of transportation or temporary absence, since DSS is completing the SS-5 for the individual.

Once a SS-5 has been filed or proof that a SSN has been applied for, DSS shall permit the member to continue to participate pending notification of the member's SSN.

3760 ENDING DISQUALIFICATION

Disqualified household members may become eligible by providing the CW with the SSN or demonstrating that an application has been made at SSA for a SSN.