
POLICY TRANSMITTAL NO. 05-07	DATE: MAY 10, 2005
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:50, Table of Contents; 340:50-3, Table of Contents; 50-3-2; 340:50-5, Table of Contents; 50-5-8.1; 50-5-26; 50-5-27; 50-5-45; 50-5-64; 50-5-87; 50-5-88; 50-5-97; 50-7-2; 340:50-9, Table of Contents; 50-9-1; 50-9-6; 340:50-11, Table of Contents; 50-11-85; and 340:50, Appendix D.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:50-3-2 is revised to correct the processing standard for expedited benefits from five to seven days.

OAC 340:50-5-8.1 is revised to clarify the process for procedures related to ineligible and illegal aliens.

OAC 340:50-5-26 is revised to define what constitutes a resident of a drug or alcohol treatment facility and how to determine if persons in the facility can participate in the Food Stamp Program.

OAC 340:50-5-27 is revised to update information on agencies that approve group homes as a retailer.

OAC 340:50-5-45 is revised to add clarifying language regarding students.

OAC 340:50-5-64 is revised to state that an individual older than 49 years of age is exempt from the Food Stamp Program work requirement.

OAC 340:50-5-88 is revised to correct the disqualification period for head of household who is non-compliant with the Employment and Training (E&T) program.

OAC 340:50-5-87 and 340:50-9-6 are revised to replace outdated information with current information.

OAC 340:50-5-97 is a proposed new rule regarding the procedure to approve childcare for E&T participants.

OAC 340:50-7-2 is revised to add clarifying language and to include an additional resource that is exempt.

OAC 340:50-9-1 is revised to add clarifying language.

OAC 340:50-11-85 is revoked.

OAC 340:50, Appendix D, Application and Affidavit for Emergency Disaster Food Stamp Assistance, revoked as it is no longer used.

Original signed on 3-29-05

Mary Stalnaker, Director
Family Support Services Division

Sharon Neuwald, Interim Administrator
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WF # 04-28 (DT)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS as the rulemaking agency; the “2” specifies the Chapter number; and the “1” specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

REMOVE

INSERT

340:50, Table of Contents	340:50, Table of Contents, 1 page only, revised 5-12-05
340:50-3, Table of Contents	340:50-3, Table of Contents, 1 page only, revised 5-12-05
340:50-3-2	340:50-3-2, pages 1-4, revised 5-12-05
340:50-5, Table of Contents	340:50-5, Table of Contents, pages 1-2, revised 5-12-05
340:50-5-8.1	340:50-5-8.1, 1 page only, revised 5-12-05
340:50-5-26	340:50-5-26, pages 1-3, revised 5-12-05
340:50-5-27	340:50-5-27, pages 1-4, revised 5-12-05
340:50-5-45	340:50-5-45, pages 1-4, revised 5-12-05
340:50-5-64	340:50-5-64, pages 1-5, revised 5-12-05
340:50-5-87	340:50-5-87, 1 page only, revised 5-12-05
340:50-5-88	340:50-5-88, pages 1-8, revised 5-12-05
-----	340:50-5-97, pages 1-2, issued 5-12-05
340:50-7-2	340:50-7-2, pages 1-8, revised 5-12-05
340:50-9, Table of Contents	340:50-9, Table of Contents, 1 page only, revised 5-12-05

REMOVE

INSERT

340:50-9-1

340:50-9-1, pages 1-9, revised 5-12-05

340:50-9-6

340:50-9-6, pages 1-2, revised 5-12-05

340:50-11, Table of Contents

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revised 5-12-05

340:50-11-85

340:50, Appendix D

CHAPTER 50. FOOD STAMP PROGRAM

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9. Eligibility and Benefit Determination Procedures	340:50-9-1
10. Electronic Benefit Transfer (EBT)	340:50-10-1
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Appendix A.	Food Stamp Application [REVOKED]
Appendix B.	List of Needed Verifications [REVOKED]
Appendix C.	Application for Food Stamps [REVOKED]
Appendix D.	Application and Affidavit for Emergency Disaster Food Stamp Assistance [REVOKED]
Appendix E.	Notification of Food Stamp Overpayment [REVOKED]
Appendix F.	Job Search Plan [REVOKED]
Appendix G.	Food Stamp Rules [REVOKED]
Appendix H.	Action Taken on Your Food Stamp Case [REVOKED]
Appendix I.	Maximum Stamp Coupon Allotments and Standards for Deductions, Maximum Income and Utilities (Food Stamps) [REVOKED]
Appendix J.	Maximum Income Limits and Coupon Allotment for FCS Declared Disasters [REVOKED]
Appendix K.	Notice of Failure to Participate [REVOKED]
Appendix L.	Changes in Household Circumstances [REVOKED]
Appendix M.	Food Stamp Repayment Agreement [REVOKED]
Appendix N.	Head of Household Designation [REVOKED]

SUBCHAPTER 3. APPLICATION PROCESS

Section

- 340:50-3-1. The application process
- 340:50-3-2. Interview process
- 340:50-3-3. Verification

340:50-3-2. Interview process

(a) **Face-to-face interview.** All households initially applying for food stamp benefits except those waived in (b) of this Section and certain reapplications and recertifications as described in Subchapter 11 of this Chapter, including those submitting applications by mail, must have a face-to-face interview with a worker in the county office. The person interviewed may be the head of the household, spouse, any other responsible member of the household, or an authorized representative who knows the household's circumstances. The household may bring any person of their choice to the face-to-face interview. During the face-to-face interview, the worker: ■ 1

(1) reviews the information the household listed on the application form and explores and resolves with the household unclear and incomplete information;

(2) inquires whether changes have occurred in the household's income, resources, deductions, or other circumstances since the application was filed;

(3) advises the household of its rights and responsibilities, including reporting requirements;

(4) conducts the face-to-face interview as an official and confidential discussion of household circumstances limited to facts related to food stamp eligibility factors; and

(5) ensures the household's right to privacy is protected.

(b) **Waiver of the county office face-to-face interview.** The county office face-to-face interview may be waived upon request by any household that is unable to appoint an authorized representative and does not have a household member able to come into the county office because of hardship conditions.

(1) Hardship conditions include, but are not limited to:

(A) education, training, or work hours which make it difficult to come into the office during regular county office business hours;

(B) illness or the need to care for a family or household member;

(C) bad weather conditions;

(D) transportation problems of any kind;

(E) residence in a rural area; or

(F) advanced age or disability.

(2) When the county office face-to-face interview is waived, the worker conducts the interview as soon as possible either by phone or at a location convenient to the household such as a home visit. ■ 2

(A) The seven day expedited service or 30 day processing standards apply.

(B) The home visit is scheduled in advance with the household.

(C) The household must provide the required verification. If the household is unable to furnish the required verification, the worker provides assistance.

(c) **Scheduling interviews.** The county office face-to-face interview or alternate interview method is scheduled as promptly as possible after the filing of the application to ensure the household, if eligible, may participate within 30 calendar days following the date of application. If the person to be interviewed is employed, an appointment is scheduled to minimize the person's absence from work even if it must be scheduled outside the normal business hours. If the person is unable to attend a scheduled face-to-face interview for any of the reasons stated in (b) of this Section, the worker offers to waive the county office face-to-face interview and schedule a home visit.

(1) **Timely reapplications.** A household making a timely reapplication has the interview scheduled as early as possible, but not later than the last day of the month.

(A) If the household fails to appear for the first interview, further interviews are not scheduled unless the household requests another appointment by the 30th calendar day after the application date.

(B) Upon request, the worker reschedules the interview at the earliest possible date.

(2) **Untimely reapplications and initial applications.** A household making an untimely reapplication or an initial application is scheduled for an interview as early as possible, but not later than 20 calendar days from the application date.

(A) If the household fails to appear for the scheduled interview, further interviews are not scheduled unless the household requests another appointment by the 30th calendar day after the application date.

(B) Upon request, the worker reschedules the interview at the earliest possible date.

(d) **Household cooperation.** To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and information on the application form required to determine eligibility must be verified.

(1) If the household refuses to cooperate with the worker in completing this process, the application is denied at the time of the refusal.

(A) For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take the necessary actions required to complete the application process.

(B) The household is also ineligible if it refuses to cooperate in any subsequent review of eligibility, including reviews generated by reporting changes, recertifications, or an Office of Inspector General Quality Control (QC) review.

(2) If an application is denied or food stamp benefits are terminated for refusal to cooperate, the household may reapply, but may not be determined eligible until it cooperates.

(3) If food stamp benefits have been terminated for refusing to cooperate with the QC reviewer and reapplication is made after 95 calendar days from the end of the QC review period, October 1 through September 30, the household must provide verification of eligibility factors only for the reapplication. For example, if a household had a QC review during the October 2003 through September 2004 annual QC review period and food stamp benefits were terminated for refusal to cooperate with the QC review, the household is required to provide verification for the reapplication only if it is filed after January 2, 2005.

INSTRUCTIONS TO STAFF

- 1. In order to conduct an in-depth interview the worker must review previous applications and other information contained in the food stamp case record and all related case records prior to the interview.**
- 2. When the county office face-to-face interview is waived and an alternate interview method is used, information must be included in the Family Assistance/Client Services (FACS) case notes to document the reason the**

individual was unable to come to the county office for the face-to-face interview.

SUBCHAPTER 5. NON-FINANCIAL ELIGIBILITY CRITERIA**PART 1. HOUSEHOLD DEFINITION**

Section

- 340:50-5-1. Food stamp household composition
- 340:50-5-2. Periods of absence
- 340:50-5-3. Individuals who cannot be separate food stamp households
- 340:50-5-4. Definition of elderly or disabled household member
- 340:50-5-5. Non-household members
- 340:50-5-6. Households with non-household members
- 340:50-5-7. Excluded households and/or household members
- 340:50-5-8. Ineligible aliens **[REVOKED]**
- 340:50-5-8.1. Ineligible and illegal aliens
- 340:50-5-9. Illegal aliens **[REVOKED]**
- 340:50-5-10. Disqualified household members **[REVOKED]**
- 340:50-5-10.1. Disqualified household members
- 340:50-5-11. Ineligible household members **[REVOKED]**

PART 3. SPECIAL HOUSEHOLDS

- 340:50-5-25. Centers, shelters and group homes
- 340:50-5-26. Drug addiction or alcohol treatment centers
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- 340:50-5-97. Voucher-authorized child care for Employment and Training (E&T) activities

340:50-5-8.1. Ineligible and illegal aliens

Aliens not identified as qualified aliens in OAC 340:50-5-67(3) are not eligible for food stamp benefits. Income and resources of ineligible aliens are considered available to the household. All aliens who are in the United States unlawfully, must be reported to the United States Citizenship and Immigration Services (USCIS). ■ 1

INSTRUCTIONS TO STAFF

1. **Determinations of immigration status are the responsibility of the United States Citizenship and Immigration Services (USCIS). The Family Support Services Division (FSSD) Food Stamp Section, in accordance with Section 11(e)(16) of the Food Stamp Act, reports to USCIS the names and addresses of food stamp benefit applicants and/or recipients who are determined to be residing in the U.S. unlawfully.**

(1) The worker does not report:

(A) applicants and/or recipients who are undocumented and appear to be residing in the U.S. unlawfully; or

(B) individuals who are not applicants or recipients who are not required to declare their citizenship status.

(2) The worker reports to FSSD the names and addresses of applicants and/or recipients who:

(A) admit illegal aliens are present in the household AND present USCIS documentation that is determined to be forged; or

(B) present a formal order of deportation or removal.

(3) The eligibility of households that include undocumented aliens is determined in the same manner as households that do not have undocumented individuals.**(4) The requirement to report applicants and/or recipients who are residing in the U.S. unlawfully is not used to discourage participation in the Food Stamp Program.**

340:50-5-26. Drug addiction or alcoholic treatment centers

Residents of drug addiction or alcoholic treatment centers are certified for program participation through the use of an authorized representative who is an employee of, and designated by the publicly-operated, community mental health center or the private, non-profit organization or institution administering the treatment and rehabilitation program. The organization or institution receives and spends the food stamp benefit allotment for food prepared by or served to a person who is drug or alcohol addicted.

(1) **Persons addicted to drugs or alcohol in treatment programs.** Persons addicted to drugs or alcohol who regularly participate in publicly operated or private non-profit drug or alcoholic treatment and rehabilitative programs on a resident basis may voluntarily apply for the Food Stamp Program. ■ 1 The child(ren) of a resident who lives with his or her parents in the treatment center may also qualify to participate. Residents have eligibility determined as a one person household or, when applicable, as a family unit. They may use all or part of the food stamp benefits issued to them in the treatment center to purchase food prepared for them during the treatment program.

(A) Residents of treatment centers are certified using the same provisions that apply to all other applicant households except certification is completed through use of authorized representatives.

(B) Participants in a drug addict or alcoholic treatment and rehabilitative program are exempt from the work registration requirement. Participation must be verified through the organization or institution operating the program before granting the exemption if the information is inconsistent with other information on the application, previous application, or other documented information.

(2) **Approved centers.** The drug or alcohol treatment and rehabilitative center must be approved by the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), or by Food and Nutrition Services (FNS) as a retailer. ■ 2

(3) **Center responsibility.** All treatment and rehabilitative centers must provide the county office with a list of currently participating residents on a monthly basis. This list must include a statement signed by a responsible center official attesting to the validity of the list. ■ 3

(4) **When participant leaves the center.** When a participant leaves a treatment center, the center:

(A) notifies the departing resident household they may have food stamp benefits left in their Electronic Benefit Transfer (EBT) account.

(i) The departing household receives its full food stamp benefit if no food stamp benefits have been spent on behalf of that individual household. These procedures are applicable any time during the month.

(ii) The center accesses only half of the food stamp benefits in the resident's EBT account prior to the 15th of the month.

(iii) If the resident remains in the facility after the 15th day of the month, the remaining food stamp benefits may be accessed on behalf of the resident.

(iv) If the household leaves after the 16th day of the month and the food stamp benefits have already been issued and used, the household does not receive any food stamp benefits;

(B) is no longer allowed to act as that person's authorized representative;

(C) provides, if possible, the person with a form FSP-38, Changes in Household Circumstances, and advises them to return the form to the local Oklahoma Department of Human Services (OKDHS) county office within ten calendar days;

(D) informs the departing household they must go to the local OKDHS county office to secure their own Access Oklahoma card;

(E) deactivates immediately the Access Oklahoma card by calling the phone number shown on the back of the card; and

(F) notifies the county office the participant left the treatment center.

(5) Reporting changes. The treatment center must notify the county office of changes in the household income or other household circumstances required to be reported as outlined in OAC 340:50-9-5.

(6) Treatment center liability. The organization or institution is responsible for any misrepresentation or fraud it knowingly commits in the certification of treatment center residents.

(A) As an authorized representative, the organization or institution must be knowledgeable about the households' circumstances and carefully review these circumstances with residents prior to applying on their behalf.

(B) The organization or institution is strictly liable for all losses or misuse of food stamp benefits held on behalf of resident households and for all over issuances which occur while the households are residents of the treatment center. ■ 4

INSTRUCTIONS TO STAFF

- 1. To be considered a resident of the drug or alcohol treatment center, the treatment plan must require a minimum 30-day stay in the facility.**
- 2. Prior to certifying any resident for food stamp benefits, the worker verifies the treatment center is approved by the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) and approved to participate in the Food Stamp Program. Facilities approved by ODMHSAS can be found on the ODMHSAS Web site. The Family Support Services Division (FSSD) Food Stamp Section provides notification to the county office of each treatment center approved to participate in the Food Stamp Program. The notification is verification for approval of otherwise eligible residents in that treatment center. The FSSD Food Stamp Section notifies the county when a center is no longer approved to participate in the Food Stamp Program.**
- 3. At least once every calendar quarter the worker, designated by the county director, visits the treatment center to ensure the accuracy of the listings and the Oklahoma Department of Human Services (OKDHS) records are consistent and up to date.**
- 4. The county office notifies, FSSD Food Stamp Section when it has reason to believe an organization or institution is misusing food stamp benefits in its possession.**

340:50-5-27. Disabled or blind residents of group homes

Residents of group homes may be certified for food stamp benefits through the use of an authorized representative who is designated by and is an employee of the group home. The group home may either receive and spend the food stamp benefits for food prepared by or served to the eligible resident or allow the eligible resident to use all or any portion of the food stamp benefit allotment on his or her own behalf.

(1) Residents in group homes.

(A) Residents of group homes who are disabled or blind as defined in OAC 340:50-5-4 may voluntarily apply for food stamp benefits. The resident may apply and be certified:

- (i) through an authorized representative employed and designated by the group home;
- (ii) on his or her own behalf; or
- (iii) through an authorized representative of his or her own choice.

(B) The group home determines what method the resident uses to make application based on the resident's mental and physical ability to handle his or her own affairs. The group home consults with other agencies providing services to the resident in making this determination.

(C) If the resident applies through the use of the group home's authorized representative, eligibility is determined for a single person household. The household must meet all conditions of eligibility.

(D) If the resident applies on his or her own behalf or through an authorized representative of his or her own choice, household size is determined in accordance with the definition in OAC 340:50-5-1. ■ 1

(i) The food stamp benefits may either be turned over to the facility to be used to purchase food for meals served communally or individually to eligible residents, used by the eligible resident to purchase and prepare his or her own food, or to purchase meals prepared and served by the group.

(ii) The resident is responsible for reporting changes in circumstances.

(2) **Approved group homes.** The group home must be approved by the Developmental Disabilities Services Division (DDSD) or by Food and Nutrition Services (FNS) as a retailer. ■ 2

(3) **Group home's responsibility.** Each group home must provide the county office with a list of currently participating residents on a monthly basis. Included on this list is a statement signed by a responsible official of the group home attesting to the validity of the list. ■ 3

(A) When the group home is acting in the capacity of authorized representative, it is responsible for notifying the county office of changes in income or other household circumstances required to be reported. [OAC 340:50-9-5]

(B) The group home has no responsibility to report changes for residents certified on their own behalf or through an authorized representative of their own choice.

(4) **When participant leaves the group home.**

(A) When a participant leaves the group home, the group home acting as an authorized representative or retaining use of the resident's food stamp benefits must:

(i) notify the departing resident there may be benefits remaining in his or her Electronic Benefit Transfer (EBT) account.

(I) The departing household receives its full food stamp benefit if no food stamp benefits have been spent on behalf of that individual household. These procedures are applicable any time during the month.

(II) The group home accesses only half of the food stamp benefits in the resident's EBT account prior to the 15th of the month.

(III) If the resident remains in the facility after the 15th day of the month, the remaining food stamp benefits may be accessed on behalf of the resident.

(IV) When the household leaves after the 16th of the month and the food stamp benefits have already been issued and used, the household does not receive any food stamp benefits;

(ii) no longer act as authorized representative for that individual;

(iii) inform the departing household they must go to the local Oklahoma Department of Human Services (OKDHS) county office to secure their own Access Oklahoma card;

(iv) deactivate immediately the Access Oklahoma card by calling the phone number shown on the back of the card when the resident leaves the group home; and

(v) notify the county office the individual left the group home.

(B) Residents who applied on their own behalf and retained use of their own food stamp benefits are entitled to keep the food stamp benefits when they leave.

(C) The group home, if possible, provides the household leaving the facility with a Form FSP-38, Changes in Household Circumstances, and advises them to return the form to the local OKDHS county office within ten calendar days.

(5) **Group home liability.** When the group home is acting as an authorized representative, the organization is responsible for any misrepresentation or fraud it knowingly commits in the certification of residents.

(A) As an authorized representative, the organization must be knowledgeable about the household's circumstances and carefully review these circumstances with residents prior to applying on their behalf.

(B) The organization is strictly liable for all losses or misuse of food stamp benefits held on behalf of resident households and for all over issuances which occur while the households are residents of the group home.

(C) The group home is not liable for over issuances for residents certified on their own behalf or through an authorized representative of their own choice.

INSTRUCTIONS TO STAFF

- 1. These residents are certified using the same procedures that apply to all other households.**
- 2. Prior to certifying any resident for food stamp benefits, the worker verifies the group home is approved by the Developmental Disabilities Services Division (DDSD). Residents of approved group homes are approved to participate in the Food Stamp Program if otherwise eligible. The list of facilities approved**

by DDS is available on the DDS Web site. The Family Support Services Division (FSSD) Food Stamp Section provides notification to the county office of each group home approved to participate in the Food Stamp Program. The notification is verification for approval of otherwise eligible residents in that center. The FSSD Food Stamp Section notifies the county when a center is no longer approved to participate in the Food Stamp Program.

- 3. At least once every calendar quarter the worker visits the group home to ensure the accuracy of the listings and that the Oklahoma Department of Human Services (OKDHS) records are correct.**

340:50-5-45. Students

(a) **Student classification.** Persons enrolled at least half-time in an institution of higher education are considered students through vacation and breaks as well as normal periods of class attendance. Persons who graduate, are expelled or suspended, dropout, or do not intend to register for the next normal school term, excluding summer school, are no longer considered students. Student enrollment status begins on the first day of the school term of the institution of higher education.

■ 1

(1) A college or university which offers degree programs is considered an institution of higher education even when a high school diploma or equivalency certificate is not required to enroll. Students enrolled at least half time in the **regular curriculum** are considered enrolled in higher education. A college includes a junior, community, two-year, or four-year college, or university. Individuals enrolled at a college or university in special programs, such as courses for English as a second language, or other courses which are not part of the regular degree programs are not considered enrolled in higher education.

(2) Business, technical, trade, or vocational schools which normally require a high school diploma or equivalency certificate for enrollment in the curriculum are also considered higher education. **■ 2**

(3) Courses in business, technical, trade, or vocational schools which do not require a high school diploma or equivalency certificate for enrollment are not considered higher education. **■ 3**

(b) **Students not subject to eligibility restrictions.** The students described in this subsection may participate in the Food Stamp Program if all other eligibility criteria are met. Eligibility restrictions discussed in subsection (c) of this Section do not apply if the students are:

(1) under age 18 or age 50 or older;

(2) physically or mentally unfit.

(A) If mental or physical unfitness is claimed and the unfitness is not evident to the worker, verification may be required.

(B) Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, participation in a

state vocational rehabilitation (VR) program, or of a statement from a physician or licensed or certified psychologist;

(3) attending high school;

(4) participating in an on-the-job training program. Students are considered participating in on-the-job training programs only during the period of time the students are being trained by the employer;

(5) attending an institution of higher education less than half-time; or

(6) enrolled half-time or more in schools and training programs which are not institutions of higher education.

(c) Eligibility restrictions for students.

(1) Persons between the ages of 18 and 50 who are physically and mentally fit and are enrolled at least half-time in an institution of higher education may participate in the Food Stamp Program only if:

(A) employed for a minimum of 20 hours per week and paid for that employment. Earning wages equal to the federal minimum wage times 20 is not a substitute for this restriction;

(B) self-employed for a minimum of 20 hours per week and receives weekly earnings at least equal to the federal minimum wage times 20;

(C) participating in a state or federally financed work study program during the regular school year.

(i) To qualify under this provision, the students must be approved for work study at the time of application for food stamps.

(I) The work study must be approved for the school term and the students must anticipate actually working during the school term.

(II) The exemption begins with the month in which the school term begins or the month work study is approved, whichever is later.

(III) Once begun the exemption continues until the end of the month in which the school term ends, or it becomes known the students have refused an assignment.

- (ii) The exemption does not continue between terms when there is a break of a full month or longer unless the student is participating in a work study program during the break;
- (D) responsible for the care of a dependent household member under the age of six; ■ 4
- (E) responsible for the care of a dependent household member six through 11 years of age when the worker determines that adequate child care is not available to enable the students to attend class and work 20 hours per week or participate in a state or federally financed work study program. The reasons for lack of adequate child care include but are not limited to location of the nearest child care facility or availability of funds to pay child care expenses. Determination of availability of adequate child care is made on a case-by-case basis; ■ 5
- (F) single parents enrolled in an institution of higher education on a full-time basis as determined by the institution and responsible for the care of a dependent child under age 12, regardless of the availability of child care.
- (i) This provision applies in those situations where only one natural, adoptive, or stepparent regardless of marital status is in the same food stamp household as the child.
- (ii) If no natural, adoptive, or stepparent is in the same food stamp household as the child, another full-time student in the same food stamp household as the child may qualify for eligible student status under this provision if he or she has parental control over the child and is not living with his or her spouse;
- (G) Temporary Assistance for Needy Families (TANF) recipients; or
- (H) assigned to or placed in an institution of higher education through:
- (i) the Workforce Investment Act (WIA);
- (ii) a food stamp employment and training program;
- (iii) the Job Opportunities and Basic Skills (JOBS) program under Title IV of the Social Security Act;

(iv) a program under Section 236 of the Trade Act of 1974 currently known as The Trade Assistance Program and administered by the Oklahoma Employment Security Commission; or

(v) a state or local employment or training program, as determined appropriate by the United States Department of Agriculture, Food and Nutrition Service (FNS).

(2) Only one person may be considered as responsible for a dependent child. The caretaker need not be the person providing for the child's support.

INSTRUCTIONS TO STAFF

- 1. Student status begins on the first day of the school term for students who have not attended an institution of higher education previously or there has been a break of more than a semester since they last attended.**
- 2. "Normally Requires" means a student is required to have a high school diploma or equivalency certificate, but if the student does not have either, he or she may be enrolled by passing a special entrance examination. If a high school diploma or equivalency certificate is only required prior to completion of coursework, as opposed to required for enrollment, students are not considered to be attending an institution of higher education. In addition, programs designed to help a person pass the General Educational Development (GED) test do not qualify the person as attending an institution of higher education.**
- 3. Students engaging in on-line courses or telecourses are considered attending an institution of higher education if the school requires the student to have a high school diploma or equivalency certificate for enrollment and the student is enrolled at least half time.**
- 4. The dependent child must be included in the food stamp benefit. A dependent child is defined as the biological, step, or adopted child of the student.**
- 5. When both parents are students, only one parent can be exempt as caretaker of a child. In order for both parents to be exempt as caretaker, there must be at least two children under age six and each parent is caretaker for a different child at a different time of day. For example, the mother attends school at night and watches one of the children during the day, while the other child is in kindergarten and the father is in school. The father watches both children in the evening while the mother is in school.**

PART 7. RELATED PROVISIONS

340:50-5-64. Work requirements

(a) **Able-bodied adults without dependents (ABAWDs).** ABAWDs who are members of eligible households receiving food stamp benefits must be exempt from or comply with work requirements to be eligible to participate as a member of any food stamp household for longer than three months, consecutive or otherwise, during any 36-month period. It is the worker's responsibility to explain to the applicant the household member's work requirements and responsibility. At each application the worker must establish that each household member:

(1) is working continuously 20 hours or more per week averaged monthly; ■ 1

(2) participates in and complies with:

(A) Workforce Investment Act (WIA) Program assignment;

(B) Trade Adjustment Assistance Act Program assignment; or

(C) Employment and Training, not including Job Search; or

(3) is exempt from the work requirements listed in (b) of this Section.

(b) **Exemptions from the work requirements.** An individual is exempt from the work requirement provision of the Food Stamp Program if the individual is:

(1) younger than 18 or older than 49 years of age;

(2) medically certified as physically or mentally unfit for employment.

(A) Persons who are physically or mentally incapable of gainful employment either on a permanent or temporary basis or participating in federal or state programs based on disability are considered exempt. ■ 2

(B) Persons claiming exemption as unfit for employment must, in the absence of physical evidence, obtain documented evidence from medically qualified sources to substantiate the medical exemption. ■ 3

(C) Persons claiming temporary exemption are required to comply when they are released by their medically qualified source to return to work;

(3) a parent or other member of a household with responsibility for care of a dependent child younger than 18 years or an incapacitated person of any age; ■ 4

(4) pregnant;

(5) receiving or has applied for unemployment insurance benefits; ■ 5

(6) a regular participant receiving treatment for drug or alcohol addiction in a rehabilitative program on a resident or non-resident basis; ■ 6

(7) an eligible student enrolled at least half-time in any recognized school, training program, or institution of higher education; ■ 7

(8) a household member registered for or participating in the Temporary Assistance for Needy Families (TANF) Work;

(9) employed a minimum of 30 hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended, multiplied by 30 hours; or ■ 8

(10) a resident living in a county approved for exemption of the work requirements by the United States Department of Agriculture (USDA). ■ 9

(c) **Participation without time limits.** Food stamp benefit participation without time limits applies to an individual who:

(1) is exempt;

(2) works continuously 20 hours or more per week, averaged monthly; or ■ 10

(3) participates in and complies with:

(A) WIA Program assignment;

(B) Trade Adjustment Assistance Act Program assignment; or

(C) Employment and Training, not including Job Search.

(d) **Participation with time limits.** Individuals who are not exempt or fail to comply with work participation requirements are eligible for only three months, consecutive or otherwise, during any 36-month period. Once the three-month eligibility limit has been

reached, eligibility can be regained for at least an additional three consecutive months if the individual: ■ 11

(1) works 80 hours or more in any 30-day period; or ■ 12

(2) participates for 80 hours or more in and complies with:

(A) WIA Program assignment;

(B) Trade Adjustment Assistance Act Program assignment; or

(C) Employment and Training, not including Job Search.

(e) **Individuals who regain eligibility.** An individual can regain eligibility only one time for an additional three consecutive months during the 36-month period by meeting the requirements of (1) or (2) of subsection (d). An individual who regains eligibility maintains eligibility by complying with the requirements of subsection (c). If eligibility is subsequently lost, the individual may receive food stamp benefits only if one of the exemptions listed in subsection (b) is met or the 36-month period has expired. ■ 13

INSTRUCTIONS TO STAFF

1. Working an average of 20 hours per week or 80 hours per month, or more for some form of compensation is considered meeting the work requirement.

2. Examples of federal and state programs based on disability are:

(1) vocational rehabilitation;

(2) Veterans Administration disability compensation;

(3) Social Security disability benefits; and

(4) Supplemental Security Income (SSI).

3. A doctor's statement giving a diagnosis is best, but if the client is unable to obtain a doctor's statement, a statement from another qualified source is sufficient.

(1) Other medically qualified sources include, but are not limited to: therapists, counselors, and medical social workers.

- (2) The statement does not need to state the person cannot work, but does need to give information indicating a physical or mental problem that may limit the individual's ability to work.
- 4. More than one household member may be exempt as caretaker for the same person, as long as they share caretaker responsibility.**
 - 5. This exemption includes individuals who are involved in the unemployment insurance benefits (UIB) appeals process.**
 - 6. Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings qualify if they are a part of the treatment plan.**
 - 7. See OAC 340:50-5-45 to determine student eligibility.**
 - 8. An individual working 30 or more hours per week automatically qualifies as exempt regardless of the amount earned or how the individual is paid, such as work performed in exchange for rent or other goods and services. How much an individual earns is relevant in determining exempt status only when the employed or self-employed person works less than 30 hours per week. An individual who works less than 30 hours per week must earn weekly wages at least equal to the federal minimum wage times 30 hours in order to qualify as exempt. Volunteer work or court-ordered community service is not considered.**
 - 9. Effective April 1, 2005, the United States Department of Agriculture (USDA), has exempted these counties from the work requirement: Adair, Atoka, Choctaw, Coal, Craig, Ellis, Harper, Haskell, Hughes, Johnston, Kay, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Muskogee, Nowata, Okfuskee, Okmulgee, Ottawa, Pawnee, Pittsburg, Pushmataha, Seminole, Washington, and Woods.**
 - 10. Working an average of 20 hours per week or 80 hours per month for compensation is considered meeting the work requirement. The individual may receive in-kind income or cash earnings for the work, but there must be actual work performed. Volunteer work or court-ordered community service is not considered.**
 - 11. The 36-month period begins with the first month benefits are received and the individual is not meeting the work requirement or not considered exempt.**

- 12. Eligibility can be regained only after the individual has received the initial three months of benefits without being exempt or meeting the work requirement.**
- 13. The additional three months must be consecutive. If the individual receives less than three months, they are not entitled to receive the additional month(s) at a later date.**

340:50-5-87. Work registration procedures

If any registered member of a household receiving food stamp benefits fails to comply with work registration requirements the entire household could be disqualified for one to six months in accordance with OAC 340:50-5-88(6). ■ 1 Household members in the Job Search Project county required to register for work complete Form FSP-15, Employment and Training Assessment. Registration is completed at the face-to-face interview for all household members who are required to register. After registration, the job search process is initiated unless a household member is obviously exempt from the Job Search Project. ■ 2

(1) **Loss of exemption status.** When changes in circumstances required to be reported are reported, household members who have lost their exempt status because of the reported change must register for work. If it is not possible to complete Form FSP-15 at the time of the reported change, it must be completed within ten calendar days of the reported change.

(2) **Failure to comply.** The same definitions of head of household and individuals who fail to comply as described in OAC 340:50-5-88(6) apply for the Job Search Project. The disqualification can be ended before the disqualification period expires only if the household member registers for work, becomes exempt from work registration, or leaves the household.

INSTRUCTIONS TO STAFF

- 1. All work registration requirements, including requirements after registration, are explained to households at the time of application.**
- 2. Oklahoma County 55J is the Job Search Project county.**

340:50-5-88. Requirements after registration

Requirements after registration in the Job Search Project are applicable only to registrants in the Job Search Project county.

(1) **Employment and training (E&T).** The intent of the Food Stamp E&T Program is to ensure all able-bodied food stamp benefit recipients are involved in meaningful work related activities which will lead to paid employment and a decreased dependency on assistance programs. The Oklahoma Department of Human Services (OKDHS) is responsible for assisting and directing individuals in E&T activities which enable them to achieve or maintain economic self support. These activities include registration for E&T, employment related evaluations and assessment, employability planning, counseling, job developing, and job placement.

(A) All work registrants not exempted from work registration who live in the Food Stamp E&T county or have not been exempted from E&T activity must participate in the Food Stamp E&T Program. Food stamp benefit recipients exempted from work registration or from E&T may participate in the Food Stamp E&T Program as a volunteer.

(B) The E&T requirement applies each time a registrant loses a work registration exemption, re-enters the Food Stamp Program after a period of absence, or each 12 months, whichever occurs first.

(C) If a work registrant becomes exempt from work registration at any point during the E&T process, E&T requirements no longer apply.

(D) When a work registrant moves from a non-E&T county into the Job Search Project county, the E&T is initiated for work registrants immediately following receipt and review of the case file. When a work registrant moves from the Job Search Project county into a non-E&T county, E&T requirements no longer apply.

(2) **Food stamp E&T exemptions.** Mandatory work registrants not exempted from work registration may be exempted from the Food Stamp E&T Program if the registrant:

(A) resides an unreasonable distance from the county office or potential employer. A distance is considered unreasonable if the round trip exceeds two hours by public or private transportation;

(B) is a migrant or seasonal farm worker away from his or her home base and following the work stream;

(C) lacks adequate child care;

(D) has physical or mental problems;

(E) is 55 years old or older and working under Title V of the Older American Act; or

(F) is homeless as defined in OAC 340:50-5-29.

(3) **E&T classification.** Participants are classified into four groups.

(A) **Job ready.** The registrant does not have substantial barriers to employment.

(B) **Not job ready.** This classification is assigned when the food stamp work registrant has barriers that require services not available through the Food Stamp E&T Program. If this classification is assigned, the food stamp worker or food stamp E&T worker finds services to eliminate these barriers to employment.

(C) **Job attached.** The registrant is temporarily laid off or expects to return to work within 60 calendar days. This classification is assigned for only 60 calendar days. At the end of the 60 calendar day period, the registrant, if still unemployed, is reassessed and reclassified to a different category.

(D) **Exempt.** This classification is assigned if the registrant meets any of the conditions listed in paragraph (2) of this subsection.

(4) **Food stamp E&T component assignments.** Participants classified as job ready are assigned to an E&T components are described in (A) through (C) of this paragraph. ■ 1

(A) **Job Search.** Participants assigned to this component are required to contact a minimum of 24 employers within an eight-week period or two four-week periods. One eight-week period is eight consecutive weeks of job search with a follow-up meeting after the first four weeks. A two four-week job search period has a period of time between the two job search periods. One follow-up interview is required each four weeks.

(i) A job contact is defined as a registrant presenting himself or herself as available and applying for work.

(ii) Appointments are scheduled on Form FSP-20, Food Stamp Employment and Training Letter. ■ 2

(iii) The job search assignment is given to the registrant in writing on Form FSP-22, Job Search Plan. This form is also used to schedule follow-up interviews and used by the registrants to report job contacts. Job contacts are reported in writing and the registrant must attest that the signed statement is true. Employers contacted by the registrant are not required to provide written confirmation of the contact but the registrant is required to sign the statement attesting he or she made the contacts. ■ 3

(iv) If an E&T participant is referred to a job contact by the food stamp E&T worker and does not make this contact, the E&T worker initiates conciliation. [OAC 340:50-5-88(6)(A)]

(v) If an E&T participant does not accept a job offered to him or her without good cause, the food stamp E&T worker initiates conciliation. [OAC 340:50-5-88(6)(A)]

(B) Workforce Investment Act (WIA) component. Participants assigned to this component are eligible for all the services available at WIA. ■ 4 Participants assigned to this component have completed the job search component without finding a job or are identified by the E&T worker as individuals who can benefit from the services available through WIA. When the component is assigned, the participant is provided Form TW-3, Interagency Referral and Information, to take to WIA. ■ 5 The E&T participant is responsible for returning to the E&T worker Form TW-3 signed by a representative of WIA. ■ 6

(C) Oklahoma Employment Security Commission (OESC) component. Participants assigned to this component are eligible for all the services available at OESC. ■ 7 Participants assigned to this component are E&T participants the E&T worker has determined would benefit from these services. When this component is assigned, the E&T worker gives the participant Form TW-3 to take to OESC. ■ 5 The E&T participant is responsible for returning to the E&T worker Form TW-3 signed by a representative of OESC. ■ 8

(5) **E&T related expenses.** Participants in the Food Stamp E&T Program may receive up to \$25 per month for E&T activity if another agency is not reimbursing the participant for the same type of activity. Reimbursement is \$3 for a half day, four hours or less, and \$6 for a full day, more than four hours.

(A) The food stamp E&T worker gives Form TW-13, Time and Progress Report, to the E&T participant to complete Part 1 and return to the county office during the first week of each month.

(B) Work registrants with a child(ren) under 12 years of age required to participate or who volunteer in the Food Stamp E&T Program are eligible for a maximum child care payment of \$200 per month per child vendor purchased child care.

(6) Failure to comply.

(A) A registrant who fails to keep a scheduled E&T interview or fails to comply with E&T requirements and does not meet the good cause provision in OAC 340:50-5-88(7), is given the opportunity to comply through a conciliation period. The purpose of conciliation is to resolve disputes in an informal fashion and avoid invoking penalties. The conciliation period starts the day after noncompliance with E&T requirements is determined and lasts for no more than ten calendar days.

■ 9

(B) If the registrant has not responded to the conciliation process by the tenth calendar day, the ten-day advance notice is sent. The adverse action is taken for noncompliance of E&T requirements. This notice is sent no later than the last day of the conciliation period.

(C) To comply with conciliation or show a good faith effort to comply, the participant during the conciliation period must:

- (i) be assessed or assigned, if he or she failed to be assessed or assigned;
- (ii) complete the balance of job contacts or at least three verified contacts, if he or she failed to complete job search component; or
- (iii) provide Form TW-3, if he or she failed to return Form TW-3 from the WIA or OESC component.

(D) If conciliation has failed, mandatory disqualification periods are imposed. The disqualification period for households whose non-compliant E&T registrant is the head of household does not exceed the lesser of the duration of ineligibility listed in (i) through (iii) this paragraph or 180 calendar days. For all other non-compliant E&T registrants, disqualification periods remain in effect until the later of the date the household member complies with the work rules or is disqualified for:

- (i) the first violation, one month;

(ii) the second violation, three months; or

(iii) the third or subsequent violation, six months.

(E) The disqualification cannot be ended unless the required household member meets the criteria in (6)(D) of this subsection, leaves the household, or becomes exempt from work registration. If any household member who failed to comply with E&T joins another household as the head of household, the entire new household is ineligible for the remainder of the disqualification period. If the member who failed to comply with E&T joins another household where he or she is not the head of the household, the individual is considered an ineligible household member.

(F) Households and individuals disqualified for failure to comply with E&T requirements may request a fair hearing and continue participation.

(G) If the participant fails to comply with E&T requirements and meets the definition of head of household, the case is closed.

(H) If the participant fails to comply with E&T requirements and does not meet the definition of head of household, that individual is removed from the case. His or her income and resources continue to be counted.

(I) For purposes of failure to comply with work requirements, the head of household is defined in OAC 340:50-5-90.

(J) The principal wage earner is the household member, including excluded members, who has the greatest earned income in the two months prior to the violation.

(7) **Good cause.** Good cause includes circumstances beyond the registrant's control, such as, but not limited to: ■ 10

(A) illness;

(B) illness of another household member requiring the presence of the registrant;

(C) a household emergency;

(D) unavailability of transportation; or

(E) lack of adequate child care for children ages 6 through 11.

(8) **Suitable work.** Any employment offered is considered suitable:

(A) if the wage offered is at least the highest of the applicable federal minimum wage, the applicable state minimum wage, or 80% of the federal minimum wage, if neither the state nor federal minimum wage applies;

(B) if the employment offered is on a piece-rate basis and the average hourly wage the employee can reasonably expect is at least equal to the applicable hourly wages specified;

(C) if the registrant, in order to be hired or to continue working, is not required to join, resign from, or refrain from joining any legitimate labor organization;

(D) if the work offered is not at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under the Labor Management Relations Act (Taft-Hartley) or an injunction has been issued under Section 10 of the Railway Labor Act; or

(E) unless the registrant demonstrates or the worker determines the:

(i) risk to health and safety is unreasonable;

(ii) household member is physically or mentally unfit to perform the employment as documented by medical evidence or other reliable information;

(iii) employment offered within the first 30 calendar days of registration is not in the registrant's major field of experience;

(iv) distance from the registrant's home to the place of employment is unreasonable based on the expected wage and the time and cost of daily commuting. Commuting time cannot exceed two hours daily; or

(v) working hours or nature of the employment interferes with the registrant's religious observations, convictions, or beliefs.

(9) **Monitoring E&T.** The Family Support Services Division staff monitor the Food Stamp E&T Program. ■ 11

INSTRUCTIONS TO STAFF

1. This component assignment is the responsibility of the employment and training (E&T) worker.
2. If the participant does not comply with the first scheduled appointment, a computer-generated notice is sent.
3. Upon completion of the job search period, the E&T worker selects one of the registrant's job contacts at random and verifies the information provided by the registrant.
4. It is the responsibility of the E&T worker to learn what services are available through Workforce Investment Act (WIA) in their Service Delivery Area (SDA) such as on-the-job training, classroom training, structured job search, or entry employment experience.
5. An appointment is scheduled with the participant by the E&T worker no later than 30 calendar days from the date the participant was referred to this component.
6. If the participant complies with the requirements, Family Assistance/Client Services (FACS) is updated showing the component has begun. If the participant does not comply with the first scheduled interview, a computer-generated notice is sent.
7. It is the E&T worker's responsibility to learn what is available in the Oklahoma Employment Security Commission (OESC) office assigned to his or her county such as employment testing, employment counseling, or job placement.
8. If the participant complies with the requirements, FACS is updated showing the component has begun. If the participant does not comply with the first scheduled appointment, a computer-generated notice is sent.
9. During this period the E&T worker tries to resolve disputes between the Oklahoma Department of Human Services and the non-complying individual. The E&T worker attempts to remove social, physiological, and psychological barriers to participation.
10. In determining good cause, the worker or E&T worker considers facts and circumstances submitted by the registrant and the employer.

11. A food stamp E&T monitoring schedule is mailed each fiscal year showing the date the county is to be reviewed for that fiscal year. E&T reviews also are conducted when a problem appears to exist.

340:50-5-97. Voucher-authorized child care for Employment and Training (E&T) activities

Eligible food stamp benefit recipients who live in a Food Stamp E&T county may receive voucher-authorized child care for E&T activities if child care services are necessary for the parent or caretaker to participate in the E&T activities. Participants are eligible for a maximum of 12 full-time days or 24 part-time days in an eight-week period per child. ■ 1

(1) Child care services are available whether the parent or caretaker is a required or voluntary participant.

(2) In two-parent or two-caretaker families, both parents may participate in E&T activities simultaneously and receive voucher-authorized child care unless one parent or caretaker has been exempted to care for a child(ren) under six years of age.

(3) Child care services are only purchased from licensed and contracted out-of-home child care facilities.

(4) Food stamp E&T participants are predetermined eligible for voucher-authorized child care and are approved with a zero family share co-payment.

(5) At the end of each calendar month, the client submits to the E&T worker a completed Form FSP-22, Job Search Plan. ■ 2

(6) An overpayment is written for any voucher-authorized child care used by the client for which he or she was not eligible. ■ 3

(7) The Family Support Services Division (FSSD) Food Stamp Section monitors a random selection of cases quarterly to ensure the integrity of the program.

INSTRUCTIONS TO STAFF

1. See OAC 340:50-5-88 for authorized Employment and Training (E&T) activities. There is no limit to the number of times food stamp voucher-authorized child care may be authorized but workers are expected to use prudent judgment. The food stamp E&T worker is responsible for:

(1) completing the child care application with the client;

- (2) authorizing E&T child care by completing and giving Forms FSP-39, Client Notification Regarding Day Care for Food Stamp Employment and Training, and TXX-37-V-JS, Authorization for Food Stamp (FS) E&T Day Care Services, to the E&T participant. An authorization is not entered in the Auth. Daycare tab for this type approval;**
 - (3) maintaining the service case for the duration of the authorized child care for food stamp E&T activities;**
 - (4) referring the non-PA food stamp benefit recipient to the appropriate worker when other services are requested or needed;**
 - (5) closing the service case at the completion of E&T activities for which child care is needed or transferring the case to a worker after employment or training is secured;**
 - (6) submitting any established overpayment to the Family Support Services (FSSD) Overpayment Section; and**
 - (7) advising the FSSD Food Stamp Section of all voucher-authorized child care.**
- 2. This is a written log of activities and dates which justifies the need for child care.**
- 3. The overpayment is sent to FSSD Overpayment Section. See OAC 340:40-15-1 for more information regarding overpayments.**

340:50-7-2. Excluded resources

In households applying for or receiving food stamp benefits, resources listed in this Section are excluded for household members, for disqualified members whose resources are counted, or for ineligible aliens who would otherwise be a household member. When an exclusion applies because of use by or for a household member, the exclusion also applies when the resource is used by or for a disqualified person whose resources are counted or for an ineligible alien who would otherwise be a household member.

(1) **Home and surrounding property.** The home and surrounding property which is not separated from the home by intervening property owned by others is exempt. Public right-of-way, such as roads which run through the surrounding property and separate it from the home, does not affect exemption of the property.

(A) The home and surrounding property remain exempt when temporarily unoccupied by reasons of employment, training for future employment, illness, vacation, or uninhabitability caused by casualty or natural disaster so long as the household intends to return.

(B) Households that currently do not own a home, but own or are purchasing a lot on which they intend to build or are building a permanent home receive an exclusion for the value of the lot and, if it is partially completed, for the home.

(2) **Household personal goods, life insurance, and pension plans.** Household goods, personal belongings, including one burial lot per household member, the cash value of life insurance policies, and prepaid burial plans are exempt. The cash value of pension plans or funds is excluded, except for Individual Retirement Accounts (IRA) and Keogh Plans. A Keogh Plan may be excluded if it involves a contractual arrangement with individuals outside the household. ■ 1

(3) **Vehicles.**

(A) Exclude one licensed vehicle per adult household member, including an ineligible alien or disqualified household member whose resources are considered available to the household, regardless of the use of the vehicle. Exclude any other licensed vehicle a household member under age 18, including an ineligible alien or disqualified household member under age 18 whose resources are considered available to the household, drives to and from employment, or to and from training or education which is preparatory to employment, or to seek employment. This exclusion applies during temporary periods of unemployment to a vehicle which a household member under age 18

customarily drives to and from employment. Also exclude any licensed vehicle if:

(i) used for income-producing purposes such as, but not limited to, a taxi, truck, or fishing boat, or a vehicle used for deliveries, to call on clients or customers, or required by the terms of employment. Licensed vehicles that have previously been used by a self-employed household member engaged in farming but are no longer used in farming because the household member has terminated his or her self-employment from farming must continue to be excluded as a resource for one year from the date the household member terminated his or her self-employment farming;

(ii) annually producing income consistent with its fair market value, even if used only on a seasonal basis;

(iii) necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, ineligible alien, or disqualified person whose resources are considered available to the household, such as the vehicle of a traveling sales person or of a migrant farm worker following the work stream;

(iv) used as the household's home;

(v) necessary to transport a physically disabled household member, physically disabled ineligible alien, or physically disabled disqualified person whose resources are considered available to the household, regardless of the purpose of such transportation. The vehicle need not have special equipment or be used primarily by or for the transportation of the physically disabled household member. Only one vehicle per physically disabled household member may be excluded;

(vi) necessary to carry fuel for heating or water for home use when the transported fuel or water is anticipated to be the primary source of fuel or water for the household during the certification period. Households must receive this resource exclusion without having to meet any additional tests concerning the nature, capabilities, or other uses of the vehicle. Households must not be required to furnish documentation unless the exclusion of the vehicle is questionable;

(vii) the value of the vehicle is inaccessible because its sale would produce an estimated return of not more than \$1,500;

(viii) jointly owned by a food stamp household member and someone who

does not live with the food stamp household. To be excluded, the vehicle must not be used by, nor in the possession, of anyone who lives in or with the household. The member must also be unable to sell the vehicle because the signature of the co-owner is needed and that person will not sign; or

(ix) legally prohibited from being sold by the food stamp household. The determination of whether a food stamp household can legally sell a vehicle is governed by the law of Oklahoma.

(B) The exclusions in (i) through (iii) of this subsection continue to apply when the vehicle(s) is not in use because of temporary unemployment such as when a taxi driver is ill and cannot work or the vehicle is broken down and cannot be used.

(4) Real or personal property directly related to the maintenance of excluded vehicles. Property, real or personal, to the extent it is directly related to the maintenance or use of a vehicle described in paragraph (3) of this subsection is excluded. Only that portion of real property determined necessary for maintenance or use is excluded. For example, a household which owns a produce truck to earn its livelihood may be prohibited from parking the truck in a residential area. The household may own a 100-acre field and use a quarter-acre of the field to park or service the truck. Only the value of the quarter-acre is excluded under this provision, not the entire 100-acre field.

(5) Income producing property. Income producing property which annually produces income consistent with the fair market value is excluded even if used on a seasonal basis. Examples of such property are rental homes and mineral rights. When it is necessary to determine if property is producing income consistent with its fair market value, the worker contacts a local realtor, tax assessor, the Small Business Administration, Farmer's Home Administration, or other knowledgeable sources to determine the prevailing rate of return from similar property in the area.

(6) Property essential to employment. Property, such as farm land or work related equipment including tools of a tradesman or the machinery of a farmer, which is essential to the employment or self-employment of a household member is excluded. Property of a household member engaged in farming continues to be excluded for one year from the date the household member terminates his or her self-employment from farming.

(7) Installment contracts. Installment contracts for the sale of land or buildings are excluded if the contract or agreement is producing income consistent with its fair market value. The exclusion applies to the value of the property sold under the

installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property.

(8) **Inaccessible resources.** Resources whose cash value is not accessible to the household are exempt, such as but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, and real property which the household is making a good faith effort to sell at a reasonable price and which has not been sold. If questionable, the worker establishes that the property is for sale and that the household will accept a reasonable offer. A resource is considered inaccessible if its sale or other disposition is unlikely to produce funds amounting to one half or more of the applicable resource limit for the household. The value of the inaccessible resource is the amount of the expected return to the household after subtracting estimated cost of sale or disposition, and consideration of the ownership interest to the household. A single resource may not be subdivided solely to obtain an exclusion as inaccessible. This inaccessible provision does not apply to vehicles or financial instruments such as stocks, bonds, or negotiable financial instruments. ■ 2 Any funds in a trust or transferred to a trust and the income produced by that trust to the extent it is not available to the household is considered inaccessible to the household if:

(A) the trust arrangement is not likely to cease during the certification period and no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period;

(B) the trustee administering the funds is either a court, or an institution, corporation, or organization which is not under the direction or ownership of any household member, or an individual appointed by the court who has court imposed limitations placed on his or her use of the trust funds;

(C) trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of a household member; and

(D) the funds held in irrevocable trust are either 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 established from non-household funds by a non-household member.

(9) **Education assistance.** All education grants, work study, scholarships, and student loans are exempt if receipt is contingent upon the student regularly attending school.

(10) **Resources excluded by law.** Resources currently excluded by law are:

(A) payments received:

(i) under the Alaska Native Claims Settlement Act [Public Law (P.L.) 92-203, § 21(a)];

(ii) under the Sac and Fox Indian Claims Agreement [P.L. 94-189];

(iii) from the disposition of funds to the Grand River Band of Ottawa Indians [P.L. 94-540];

(iv) by members of the Confederated Tribes of the Mescalero Reservation [P.L. 95-433]; or

(v) under the Maine Indian Claims Settlement Act of 1980 to members of the Passamaquoddy and the Penobscot Nation [P.L. 96-420];

(B) payments received by certain Indian tribal members under P.L. 94-114, Section 6 regarding submarginal land held in trust by the United States;

(C) Indian per capita payments distributed from judgment awards and trust funds made pursuant to P.L. 98-64. Exclude any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest or investment income accrued on such funds. Exclude any per capita payments, headrights of Osage tribe, income from mineral leases, or other tribal business ventures, as long as the payments meet the distribution requirements as stated in this subparagraph.

(i) Any interest or income derived from the funds after distribution is considered as any other income.

(ii) The per capita exclusion applies per person rather than per family.

(iii) When these excluded funds are deposited in a bank or other financial institution, the deposits are excluded as long as the funds are kept in a separate account and not commingled in an account with non-excluded funds.

(iv) When the excluded funds are commingled in an account with non-excluded funds, the excluded funds retain their exemption for six months

from the date of commingling. After six months from the date of commingling, all funds are counted as a resource.

(v) Purchases made with excluded funds are considered a resource;

(D) interests of individual Indians in trust or restricted lands;

(E) benefits received from Special Supplemental Nutrition Program For Women, Infants, and Children (WIC) [P.L. 92-443, § 6];

(F) reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 [P.L. 91-646, § 216];

(G) Earned Income Tax Credit (EITC) payments received by a participating food stamp household member as part of a federal tax refund or as advance payments received as part of a paycheck, excluded for 12 months during continuous participation. This does not mean that households lose the exclusion if they temporarily leave the program for administrative reasons;

(H) refunds of the state EITC as a result of filing a state income tax return in the month received and the following month;

(I) payments received from the Youth Incentive Entitlement Pilot Projects, the Youth Community Conservation and Improvement Projects, and the Youth Employment and Training Programs under Title IV of the Comprehensive Employment and Training Act of 1978 [P.L. 95-524];

(J) financial assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act in accordance with P.L. 99-498;

(K) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

(L) payments received under the Civil Liberties Act of 1988. These payments are made to individuals of Japanese ancestry who were detained in internment camps during World War II;

(M) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;

(N) amounts held in an account for the fulfillment of a Plan for Achieving Self-Support (PASS) under Title XVI of the Social Security Act;

(O) the resources of any non-household member unless the individual is disqualified from the program by an administrative or court fraud hearing, by failing to obtain or refusing to provide a Social Security number, or is an ineligible alien who would otherwise be a household member;

(P) payments or allowances made under any federal law for the purpose of energy assistance such as the Low Income Home Energy Assistance Program (LIHEAP);

(Q) earmarked resources, such as those governmental payments made by the Individual and Family Grant Program or the Small Business Administration which are designated for the restoration of homes damaged in a disaster and which are subject to a legal sanction if the funds are not used as intended. Resources such as those of self-employed persons, which have been prorated and counted as income, and Indian lands held jointly with the tribe or land that can be sold only with the approval of the Bureau of Indian Affairs are also exempt;

(R) the identified resources of all Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI) recipients when the household's total resources are calculated for food stamp eligibility purposes;

(S) excluded monies kept in a separate account, which are not commingled in an account with the non-excluded funds retain excluded status for an unlimited period of time.

(i) Monies of self-employed households that are excluded as a resource because they have been prorated over the period they are intended to cover and are commingled in an account with non-excluded funds retain their exclusion for the period of time over which they have been prorated as income.

(ii) All other excluded monies which are commingled in an account with other funds retain their exempt status for six months from the date they are commingled. When the household's total resources, including all funds in the commingled account, exceed the allowable limit after that time, all funds in the commingled account are considered as a resource;

(T) payments made to individuals because of their status as victims of Nazi persecution;

(U) any funds deposited in an Individual Development Account (IDA) operated under the Assets for Independence Act; and

(V) monetary allowances as described in Section 1823(c) of Title 38 of the United States Code (USC) provided to certain individuals who are children of Vietnam War veterans.

(11) Department of Housing and Urban Development (HUD) Family Self-sufficiency (FSS) Program escrow accounts. Families participating in the HUD FSS program may withdraw money from their escrow accounts prior to completion of the program. This money is excluded both as income and as a resource.

INSTRUCTIONS TO STAFF

1. The list of excluded retirement savings and pension plans are:

(1) 457 plans, which are plans for state and local governments and other tax-exempt organizations;

(2) 401(k) plans, which are generally a cash or deferred arrangement and generally limited to profit-making firms;

(3) Federal Employee Thrift Savings plan;

(4) Section 403(b) plans, which are tax-sheltered annuities provided for employees of tax exempt organizations and state and local educational organizations;

(5) Section 501(c)(18) plans, which are retirement plans for union members consisting of employee contributions to certain trusts that must have been established before June 1959; and

(6) Keogh plans that involve a contractual obligation with someone who is not a household member.

2. Refer to paragraph (3)(A)(i) through (ix) of this Section for information about unavailable vehicles.

SUBCHAPTER 9. ELIGIBILITY AND BENEFIT DETERMINATION PROCEDURES

Section

- 340:50-9-1. Determining the food stamp benefit allotment and teleprocessing certifications
- 340:50-9-2. Issuing identification cards **[REVOKED]**
- 340:50-9-3. Providing certification notices
- 340:50-9-4. Determining cause for processing delays
- 340:50-9-5. Changes after application and during the certification period
- 340:50-9-6. Procedures relating to food stamp benefit recertification

340:50-9-1. Determining the food stamp benefit allotment and teleprocessing certifications**(a) Cases with unverified deductible expenses.**

(1) **Food stamp benefits without deductions.** If a deductible expense cannot be verified before the 30-day processing standard for applications expires, the worker determines the household's benefit level without giving a deduction for the claimed but unverified expense. If the household;

(A) is eligible without allowing the expense, an allotment which does not reflect deduction of the expense is provided within 30 calendar days after the application is filed; or

(B) chooses to claim expenses for an unoccupied home, the worker verifies the household's utility expenses for the unoccupied home and uses the appropriate utility standard.

(2) **Benefits delayed.** If a deductible expense cannot be verified before the 30-day processing standard for applications expires and the household is ineligible unless the expense is allowed, the household application is held pending or denied.

(b) **Determining household eligibility.** In calculating net monthly income, cents are used in determining each source of each individual's monthly income and the household's monthly dependent care, shelter, or medical expense. When the monthly amount of each individual's source of income or each of the household's expenses is established, and at all other steps of the net income computation, cents are rounded to the nearest dollar, 1 cent through 49 cents is rounded down and 50 cents through 99 cents is rounded up. For example an individual's weekly earnings of \$99.90 are multiplied by the number of checks that will be received in a month's time and the cents rounded to the nearest dollar, $\$99.90 \times 4.3 = \429.57 rounded to \$430. Due to changes in composition or circumstances, households certified under gross income standards may become subject to net income standards during the certification period or vice versa. The worker is required to change the one income standard to the other when any change is made in the case to adjust the household's eligibility, benefit level, or certification period, or at recertification, whichever is earlier.

(1) **Households without elderly or disabled members.** If the household does not have an elderly or disabled member, the household's total gross monthly income and household size are the first basis for determining eligibility. The household is not eligible if the total gross income exceeds the Maximum Gross Income Standard

for the appropriate household size as shown on Oklahoma Department of Human Services (OKDHS) Appendix C-3, Maximum Food Stamp Allotments and Standards for Deductions, Maximum Income, and Utilities (Food Stamps). After gross income, resource, and non-financial conditions of eligibility are established, the net food stamp monthly income is computed and compared to the Maximum Net Income Standard for the appropriate household size as shown on OKDHS Appendix C-3. If the net food stamp income does not exceed this standard, the household is determined eligible. The steps in (A) through (H) of this paragraph are used to determine the household's net food stamp monthly income if the household does not include an elderly or disabled member.

(A) Add gross monthly income earned by all household members including any net self-employment income minus the earned income exclusions to determine the household's total gross earned income.

(B) Multiply the total gross earned income by the appropriate earned income deduction according to OKDHS Appendix C-3 and subtract that amount to determine the net monthly income. The earned income deduction is not allowed on any portion of income earned under a work supplementation or support program that is attributable to public assistance.

(C) Add the net monthly earned income and the total monthly unearned income of all household members, minus income exclusions.

(D) Subtract the standard deduction as shown in OKDHS Appendix C-3.

(E) Subtract monthly dependent care expenses, if any, up to the maximum amount allowed as shown in OKDHS Appendix C-3. A dependent care deduction cannot be allowed for dependent care expenses which are reimbursed or paid for under an Employment and Training Program or other source.

(F) Subtract verified legally-binding child support payments made to someone outside the food stamp household.

(G) Add the allowable shelter expenses to determine the total shelter costs. Subtract from the total shelter costs 50% of the adjusted income, the household's monthly income after all of the deductions given in subparagraphs (A) through (F) of this paragraph have been subtracted. The remaining amount, if any, is the excess shelter costs. If there are no excess shelter costs, the net monthly income has been determined. If there are excess shelter costs, go to the next step.

(H) To apply the excess shelter costs, subtract excess shelter costs from the adjusted income if the total of excess shelter costs does not exceed the maximum shown in OKDHS Appendix C-3. If the total of the shelter costs exceeds the standard shown in OKDHS Appendix C-3, only the amount not exceeding the standard is deducted.

(2) Households with elderly or disabled members.

(A) The steps listed in (i) through (ix) of this subparagraph are used to determine the household's net food stamp income if the household includes an elderly or disabled member.

(i) Add gross monthly income earned by all household members, including any net self-employment income minus the earned income exclusions, to determine the household's total gross earned income.

(ii) Multiply the total gross earned income by the appropriate earned income deduction from OKDHS Appendix C-3 and subtract that amount to determine the net monthly income. The earned income deduction is not allowed on any portion of income earned under a work supplementation or support program that is attributable to public assistance.

(iii) Add the net monthly earned income and the total monthly unearned income of all household members, minus income exclusions.

(iv) Subtract the standard deduction as shown in OKDHS Appendix C-3.

(v) Subtract medical expenses which exceed \$35 for the elderly or disabled household members only. Thirty-five dollars is subtracted only once for the household rather than for each household member.

(vi) Subtract monthly dependent care expenses, if any, up to the maximum amount allowed as shown in OKDHS Appendix C-3. A dependent care deduction cannot be allowed for dependent care expenses which are reimbursed or paid for under an Employment and Training Program or other source.

(vii) Subtract verified legally-binding child support payments made to someone outside the food stamp household.

(viii) Add the allowable shelter expenses to determine the total shelter costs. Subtract from the total shelter costs 50% of the adjusted income, the household's monthly income after all of the deductions in (i) through (vi) of this subparagraph have been subtracted. The remaining amount, if any, is the excess shelter costs. If there are no excess shelter costs, the net monthly income has been determined. If there are excess shelter costs, go to the next step.

(ix) To apply the excess shelter costs, subtract excess shelter costs from the adjusted income.

(B) When a household that includes an elderly or disabled member meets the other resource and non-financial conditions of eligibility, the household's net food stamp monthly income and household size are the basis for determining eligibility. The net food stamp monthly income is compared to the Maximum Net Income Standards for the appropriate household size as shown on OKDHS Appendix C-3. If the net food stamp income does not exceed this standard, the household is determined eligible.

(c) Food stamp benefit allotment.

(1) Initial month proration.

(A) Initial month means the first month the household is certified for food stamp benefits following any period during which the household was not certified. Food stamp benefit allotments for an initial month are based upon the date of the application and prorated from the date of application. Proration of benefits from the application date applies to the new case if one food stamp household separates into two or more food stamp households. Migrant and seasonal farm workers are not prorated when the household has received food stamp benefits in the prior month. While a household's eligibility for the initial month is determined by considering the household's circumstances for the entire month of application, the benefit is based on the day of the month the household applies for benefits. ■ 1 The monthly benefit that the recipient would be eligible to receive if proration did not apply must be determined prior to computation by using the prorated benefit on OKDHS Appendix B, Proration Table for TANF and Food Stamp Benefits, or by using the formula: (31 minus the application date) x monthly benefit divided by 30 = the prorated benefit.

(B) The prorated benefit is rounded down to the lower dollar. If the answer is less than \$10, the household is denied for the month of application but certified

for the next month. If the household applies on the 31st day of the month, use the 30th for the application date for purposes of this provision. Households that apply after the 15th of the month are issued the prorated benefits for the month of application and the benefits for the first full future month on the same day.

(C) When a household is certified for the month following the month of initial application because the household failed to furnish necessary information, benefits are prorated from the date the household furnished the information. The application date becomes the date information was furnished to OKDHS.

(2) **Monthly benefit.** The monthly benefit for all months except the initial month is the amount listed on OKDHS Appendix C-3 for the appropriate household size and net income.

(d) **Certification periods.** Definite periods of time are established for each eligible household to receive benefits. At the expiration of each certification period, entitlement to food stamp benefits is established only upon a recertification based upon a newly completed application, an interview, and required verification provided. [OAC 340:50-3-2] Under no circumstances are benefits continued beyond the end of a certification period without a redetermination of eligibility. The month of application is the first month in the certification period for initial applicants if eligibility is determined within the 30-day period. Because of anticipated changes, a household may be eligible for the month of application but ineligible for the subsequent month. In this situation, the household is certified for the month of application only. If a household is found to be ineligible and is denied benefits for the month of application but is eligible for subsequent months, a new application form is not needed and the case is certified effective the month following the month of application. During the application process a household who did not appear for their first scheduled interview may request a new interview date be scheduled through the 30th day following their application date. See delayed applications in paragraph (1) of this subsection to determine the proration date of the food stamp benefit allotment. When an application is denied because the household did not provide the requested information and the applicant furnishes the required information and an eligibility determination can be made within the second 30-day period, no new application is required. The case is then certified using the date the information or verification is furnished as the application, certification, or proration date.

(1) **Delayed applications.** Applications that are not approved or denied by the 30th calendar day are considered delayed applications. On the 30th calendar day following the application date, every delayed application is assessed to determine who caused the delay. The purpose of this assessment is to determine if the

benefits are denied and what date is used to prorate benefits if the household is determined eligible at a later date. ■ 2

(A) **Delay caused by the Oklahoma Department of Human Services (OKDHS).** When the processing delay is caused by OKDHS, the application remains in pending status. At the end of the first 30 calendar days the household is notified of the reason the application is still pending using Form ABCDMS-37-A, Notice to Client of Action Taken. If the household is later determined eligible, the case is certified back to the date of application. ■ 3 OKDHS caused delays include, but are not limited to, the circumstances given in (i) through (vi) of this subparagraph.

(i) The household's first interview was scheduled on or before the 20th day following the date of application. The household appeared for the interview but subsequently failed to provide the required verification. During the interview the worker did not explain to the household or provide the information in writing regarding:

(I) what factors must be verified;

(II) what is considered acceptable verification; or

(III) by what date the information must be supplied.

(ii) An interview was never scheduled for the household.

(iii) The worker did not offer or provide assistance to the household in obtaining the verification as required or did offer assistance but failed to follow through on collateral contacts or release of information.

(iv) The worker discovered that additional information was required after the interview but the client did not have ten calendar days between the request for the verification and the 30th calendar day of the application process.

(v) The household missed their first interview on or before the 30th calendar day and requested that the interview be rescheduled. The county was unable to schedule the second interview date until after the 30th calendar day.

(vi) The eligible household provided all the required verification on or before the 30th day, and the application was not approved or denied.

(B) **Delay caused by the household.** When the processing delay is caused by the household, the application is denied on the 30th calendar day. The household is notified by computer-generated notice that the application is denied. When the household provides the required verification in the second 30 calendar days, no new application is required. If the household is determined eligible, the food stamp benefit allotment is prorated from the date the household provided the verification. Household caused delays include, but are not limited to, the circumstances given in (i) through (iii) of this subparagraph.

(i) The household's first interview was scheduled on or before the 20th calendar day following the date of application. The household appeared at the interview but subsequently failed to provide the required verification. The worker provided the household with a statement of required verification, offered to assist the household in obtaining the verification, and also allowed the household sufficient time to provide the verification.

(ii) The household missed their first interview and requested on or before the 30th calendar day that the interview be rescheduled. The interview was rescheduled to be held on the 30th calendar day; however, the household did not provide all the required verification at the rescheduled interview.

(iii) The household missed their first interview and requested on or before the 30th calendar day that the interview be rescheduled. The household stated they could not come in until after the 30th calendar day.

(2) **Length of certification periods.** Households are assigned the longest certification period possible based on the predictability of the household's circumstances. In (C) and (D) of this paragraph, the length of the incapacity must be expected to exceed the length of the certification period.

(A) **One month.** A one-month certification is assigned to:

(i) households eligible only for the month of application; and

(ii) migrant farm worker households, in the work stream, who apply before the 16th of the month.

(B) **Two months.** A two-month certification is assigned to:

(i) households eligible only for the month of certification and subsequent month; and

(ii) migrant farm worker households, in the work stream, who apply after the 15th of the month.

(C) **Three to six months.** A three to six-month certification is assigned to all households with circumstances not addressed in subparagraphs (A), (B), or (D) of this paragraph. Information used as guidelines for the length of certification periods for groups listed in this subparagraph is given in (i)(I) through (III) of this subparagraph.

(i) The worker reviews the case carefully to see if there have been overissuances or underissuances due to the household's failure to report:

(I) changes in income;

(II) changes in household composition; or

(III) moving from residence to residence, thereby changing the shelter expense.

(ii) The factors in (i)(I) through (III) of this subparagraph are some of the factors to be checked, but are not meant to be all inclusive. At the discretion of the worker, a shorter certification period may be assigned. The length of the certification period assigned groups in this subparagraph is based on review of the history of the household and the judgment of the worker.

(D) **Twelve months.** A 12-month certification period is assigned to non-public assistance (non-PA) households who have countable earned income at certification unless the household includes an able-bodied adult without dependents member who is not meeting the work requirement or is not otherwise exempt. These households are required to complete Form FSS-BR-1, Benefit Review Report, at six-month intervals. They are known as semi-annual reporters. ■ 4

(E) **Twenty-four months.** A 24-month certification period is assigned to non-PA households when all adult members are elderly or disabled without earned income. These households are required to complete Form FSS-BR-1 at 12-month intervals. They are known as annual reporters. ■ 5

INSTRUCTIONS TO STAFF

1. In order to issue the correct food stamp allotment amount, the application date on the Family Assistance/Client Services (FACS) system must be coded as if the household had applied on the first day of the application month regardless of the actual date of application.
2. The assessment is recorded in the case record.
3. Processing retroactive certifications. Food stamp certifications for the current or future month may be teleprocessed through the last day of the month. The FSSR transaction can be used to issue benefits back to the date of application but no more than two months prior to the month the case is processed. The FSLB transaction is used to request retroactive certifications that are more than two months prior to the current month. Instructions for the FSSR and FSLB transactions are found by entering M space FSSR or M space FSLB on the IMS network.
4. The worker gives Oklahoma Department of Human Services (OKDHS) Appendix BR-38, Information For Semi-Annual Reporters, to households determined semi-annual reporters.
5. The worker gives OKDHS Appendix BR-38-A, Information For Annual Reporters, to households determined annual reporters.

340:50-9-6. Procedures relating to food stamp benefit recertification

(a) **Worker action.** The worker completes the application process, approves or denies applications for recertification, and provides eligible households with an opportunity to participate in a timely manner. The worker cannot continue benefits to the household beyond the certification period unless the household is recertified.

(b) **Notice of expiration.**

(1) After deadline the month prior to the last month of the certification period, the Family Support Services Division prepares and mails Form FSP-36, Notice of Expiration of Eligibility, to all Non-PA households receiving food stamps who have been certified for three months or more. The form shows when food stamp benefits will expire and informs the household when to make reapplication to avoid lapse of benefits. Households must reapply by the 1st day of the last month of eligibility to avoid a lapse of benefits. Form FSP-36 has a section the household can complete and return to the local Oklahoma Department of Human Services (OKDHS) county office to reapply. The right to apply is included on Form FSP-36 and informs the household that further entitlement to food stamp benefits cannot be established without reapplication by the household, an interview, and recertification of the household's eligibility.

(2) Households certified for two months or less are notified by computer-generated notice of the effective date and expiration date of the certification. The notice is generated and mailed at the time the household is certified eligible.

(c) **Timely recertification.**

(1) Reapplications are processed within the time frames described in (A) through (B) of this subsection.

(A) **Prior certification of fewer than three months.** A household with a prior certification period of fewer than three months and who apply by the 1st day of the last month of the certification period are provided with the opportunity to participate, if eligible, no later than 30 calendar days after the date the household last had an opportunity to obtain its food stamp benefits.

(B) **Prior certification of three months or more.** Reapplications filed on or before the 1st day of the last month of the certification period are considered timely reapplications. If the household meets all of the requirements and completes all the processing steps, the worker certifies or denies the application prior to the end of the certification period. In addition, any eligible household who reapplies timely

is provided an opportunity to participate by its normal issuance date in the month following the end of the current certification period. In order to retain this right to uninterrupted benefits, the household must have attended any interview and/or provided all required verification due on or after the deadline for filing timely reapplications. Although a household loses its right to uninterrupted benefits, it retains its right to complete the process and receive benefits, if eligible, within 30 calendar days of the application date.

(2) Households who have timely reapplied but, due to worker error, are not timely determined eligible are recertified and given an opportunity to participate immediately upon being determined eligible. If the delay in recertification extends into the following month, the certification is made retroactive to the first day of the month following expiration of the certification period.

(3) A household applying for recertification in the last month of its certification period is not entitled to expedited services. When the recertification is teleprocessed on or before the last day of the month of the old certification period, the subsequent month's benefit is issued on the second working day of the month.

(d) **Untimely reapplication.** A household who fails to submit a timely application for recertification, without good cause, loses its right to uninterrupted benefits, and the worker has 30 calendar days to certify or deny the application and provide an opportunity to participate if the household is eligible. If an application for recertification is not received until after the certification period expired, then that application is considered an initial application and benefits for that month are prorated. Even though a household fails to make a timely reapplication they are entitled to expedited service if the household qualifies under OAC 340:50-11-1.

(e) **Good cause for failure to timely reapply.** If the worker determines that the household's failure to make timely application or to otherwise complete the certification process in a timely manner was for good cause, the household is entitled to restoration of lost benefits if, as a result of its failure, the household was unable to participate in the month following the expiration of its certification period. Determination of good cause is made on a case-by-case basis, and includes, but is not limited to, failure to receive timely notice of expiration, or personal illness.

SUBCHAPTER 11. SPECIAL PROCEDURES**PART 1. HOUSEHOLDS ENTITLED TO EXPEDITED SERVICE**

Section

- 340:50-11-1. Criteria
- 340:50-11-2. Initial application screening
- 340:50-11-3. Expedited service for migrant or seasonal farm laborers
- 340:50-11-4. Time limits for providing expedited service
- 340:50-11-5. Procedures for expediting services
- 340:50-11-6. Issuance for households entitled to expedited services

PART 3. SIMPLIFIED APPLICATION PROCESSING (SAP) FOR TANF AND CATEGORICALLY NEEDY TITLE XIX CASES (ABCD)

- 340:50-11-20. Scope
- 340:50-11-21. Household definition
- 340:50-11-22. Application processing
- 340:50-11-23. Eligibility determination for households within Simplified Application Process (SAP) scope
- 340:50-11-24. Food Stamp allotments
- 340:50-11-25. Proration of food stamp benefits
- 340:50-11-26. Certification periods
- 340:50-11-27. Changes after application and during the certification period

PART 5. RESTORATION OF LOST BENEFITS

- 340:50-11-45. Transfers **[REVOKED]**
- 340:50-11-46. Restoration of lost benefits

PART 7. REPLACEMENT WHEN FOOD PURCHASED WITH FOOD STAMP BENEFITS IS DESTROYED

- 340:50-11-60. Scope and applicability **[REVOKED]**
- 340:50-11-61. Non-received ATP's or coupons - countable and non-countable replacement **[REVOKED]**
- 340:50-11-62. Stolen or lost ATP's and food stamps **[REVOKED]**
- 340:50-11-63. Returned ATPs or coupons **[REVOKED]**
- 340:50-11-64. Destroyed food purchased with benefits
- 340:50-11-65. Damaged, mutilated, or improperly manufactured ATP's and coupons **[REVOKED]**
- 340:50-11-66. Altered ATP **[REVOKED]**

- 340:50-11-67. Exchange of old series coupons **[REVOKED]**
- 340:50-11-68. Replacement ATP's and coupons **[REVOKED]**

PART 9. DISASTER PROCEDURES AND REPORTING REQUIREMENTS

- 340:50-11-85. Disaster procedures **[REVOKED]**
- 340:50-11-86. Emergency food stamp assistance in disasters declared by Food and Nutrition Services (FNS)
- 340:50-11-87. Emergency food assistance in disaster not declared by FNS - "Personal Hardship"
- 340:50-11-88. Mechanical disaster
- 340:50-11-89. Disaster reporting
- 340:50-11-90. State Office reporting **[REVOKED]**

PART 11. SPECIAL PROCEDURES FOR JOINT PROCESSING OF FOOD STAMPS AND SSI APPLICANTS

- 340:50-11-105. Initial applications
- 340:50-11-106. Processing the applications
- 340:50-11-107. Work registration
- 340:50-11-108. Certification period
- 340:50-11-109. Changes in circumstances
- 340:50-11-110. Recertification