

POLICY TRANSMITTAL NO. 08-12	DATE: MAY 23, 2008
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:50-3-1; 50-3-3; 50-5-26 through 50-5-27; 50-5-85; 50-5-87 through 50-5-88; 50-7-4; 50-7-30; 340:50-9, Table of Contents; 50-9-1; 50-9-6; 340:50-10, Table of Contents; 50-10-7; 340:50-11, Table of Contents; 50-11-5; 50-11-27; 50-11-46; 50-11-111 through 50-11-115; 340:50-13, Table of Contents; and 50-13-1 through 50-13-2.

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

OAC 340:50-3-1 is revised to update language to current terminology.

OAC 340:50-3-3, 340:50-5-26, 340:50-5-27, 340:50-5-87, 340:50-5-88, 340:50-9-1, and 340:50-13-2 are revised to update language and form numbers to current terminology.

OAC 340:50-5-85 is revised to update form names and numbers and to clarify policy.

OAC 340:50-7-4 is revised to update language to current terminology.

OAC 340:50-7-30 is revised to clarify when to use the net income or 50% of the gross for self-employed persons claiming business expenses.

OAC 340:50-9-6 is revised to update form numbers, to add clarifying language, and use current terminology.

OAC 340:50-10-7 is revoked as it is no longer applicable.

OAC 340:50-11-5 and 340:50-11-27 are revised to update language and form names and numbers to current terminology.

OAC 340:50-11-46 is revised to include clarifying language and update language to current terminology.

OAC 340:50-11-111 is added to define which households are considered categorically eligible for food stamps.

OAC 340:50-11-112 is added to explain when and how to classify households as categorically eligible.

OAC 340:50-11-113 is added to define the financial eligibility factors for categorically eligible households.

OAC 340:50-11-114 is added to explain the non-financial eligibility factors for categorically eligible households.

OAC 340:50-11-115 is added to explain the review process for categorically eligible households.

OAC 340:50-13-1 is revised to reference correct policy cite.

Original signed on 3-25-08

Mary Stalnaker, Director
Family Support Services Division

Sharon Neuwald, Coordinator
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WF # 07-27 (NAP)

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 an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS 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, OKDHS 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, OKDHS: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 405-521-4326.

<u>REMOVE</u>	<u>INSERT</u>
340:50-3-1	340:50-3-1, pages 1-5, revised 6-1-08
340:50-3-3	340:50-3-3, pages 1-5, revised 6-1-08
340:50-5-26	340:50-5-26, pages 1-3, revised 6-1-08
340:50-5-27	340:50-5-27, pages 1-4, revised 6-1-08
340:50-5-85	340:50-5-85, 1 page only, revised 6-1-08
340:50-5-87	340:50-5-87, 1 page only, revised 6-1-08
340:50-5-88	340:50-5-88, pages 1-8, revised 6-1-08
340:50-7-4	340:50-7-4, pages 1-3, revised 6-1-08
340:50-7-30	340:50-7-30, pages 1-5, revised 6-1-08
340:50-9, Table of Contents	340:50-9, Table of Contents, 1 page only, revised 6-1-08
340:50-9-1	340:50-9-1, pages 1-10, revised 6-1-08
340:50-9-6	340:50-9-6, pages 1-3, revised 6-1-07
340:50-10, Table of Contents	340:50-10, Table of Contents, 1 page only, revised 6-1-08
340:50-10-7	-----

REMOVE

INSERT

340:50-11, Table of Contents

340:50-11, Table of Contents, pages 1-2,
revised 6-1-08

340:50-11-5

340:50-11-5, pages 1-2, revised 6-1-08

340:50-11-27

340:50-11-27, pages 1-5, revised 6-1-08

340:50-11-46

340:50-11-46, pages 1-3, revised 6-1-08

340:50-11-111, 1 page only, issued 6-1-08

340:50-11-112, 1 page only, issued 6-1-08

340:50-11-113, 1 page only, issued 6-1-08

340:50-11-114, 1 page only, issued 6-1-08

340:50-11-115, 1 page only, issued 6-1-08

340:50-13, Table of Contents

340:50-13, Table of Contents, 1 page only,
revised 6-1-08

340:50-13-1

340:50-13-1, 1 page only, revised 6-1-08

340:50-13-2

340:50-13-2, pages 1-3, revised 6-1-08

340:50-3-1. The application processRevised 6-1-08

(a) **General.** The application process begins with a request for an application form and ends with determining the household's eligibility and entering that determination into the computer system.

(1) The application must be processed no later than 30 calendar days after the signed application is filed in the Oklahoma Department of Human Services (OKDHS) human services center (HSC). The process involves such actions as:

(A) making application forms available;

(B) assisting a household in the completion of an application;

(C) interviewing members of the household or the authorized representative;

(D) providing necessary collateral contacts for verification; and

(E) preparing necessary documents to authorize the household to receive and use food benefits.

(2) Expedited services must be available to those households who are in immediate need as defined in OAC 340:50-11, Part 1.

(3) Persons having lawful alien status must have status verified through Systematic Alien Verification for Entitlements (SAVE) in accordance with OAC 340:65-3-4.

(4) Benefits must be provided retroactively to the date of application for households who have timely completed the application process and who have been determined eligible.

(b) **Filing applications.** Each household wishing to participate in the Food Stamp Program must file a separate application. See OAC 340:50-5-1 for household definition. The designated head of household is not required to make the food benefit application. Applications may be made by a responsible household member or authorized representative. A responsible household member or authorized representative completes an authorization for release of information at the time of application, if necessary. Applications may be filed in person or by mail. ■ 1

(1) **Right to same day filing.** Since the time limit for providing benefits is calculated from the date the application is actually received in the HSC, households are advised of their right to complete and file an application on the same day they contact the HSC. They are also advised they do not have to be interviewed before filing the application and they may file an incomplete application form as long as the form contains the applicant's name, address, and the signature of either an adult member of the household or the household's authorized representative. Food benefits households are encouraged to file the application form on the same day they or their authorized representative contacts the HSC.

(A) Application forms are made readily accessible to potentially eligible households and groups and organizations who assist persons in completing application forms for food benefits.

(B) If the household has contacted the HSC by telephone but is unable to file an application on the same day, or the household has requested food assistance in writing, the HSC mails an application form to the household on the same day the written request or telephone call is received.

(C) To facilitate participation in the Food Stamp Program, households in which all members are applying for State Supplemental Payments or Temporary Assistance for Needy Families (TANF) must be allowed to apply for food benefits at the same time they apply for financial assistance. However, the household's eligibility and benefit level are based on food benefits eligibility criteria and the household is certified in accordance with Food Stamp Program regulations. Special procedures for taking and processing food benefits applications for those households are provided in OAC 340:50-11.

(D) Immediately upon receipt in the HSC, all application forms are screened to determine whether or not the household is entitled to expedited services. HSC screening procedures are instituted for screening applications received through the mail and applications filed in the HSC. All initial applicant households that qualify under the provisions in OAC 340:50-11 must receive expedited processing if certified for food benefits whether requested by the client or not.

(2) **Head of household.** A household may select, as head of household, an adult parent of children of any age living in the food benefit household, or an adult who has parental control over children under 18 years of age living in the food benefit household provided all adult household members agree to the selection.

(A) Households select their head of household at each certification action or whenever there is a change in household composition.

(B) If all adult members do not agree to the selection or decline to select an adult head of household, the household may select another head of household or the worker may designate a head of household.

(C) In no event does the failure to select an adult who has parental control of children delay the certification or result in the denial of benefits for an otherwise eligible household.

(3) **Authorized representative.** An authorized representative is a person who is knowledgeable of the household circumstances and who is designated in writing by the head of the household, spouse, or other responsible household member to act on behalf of the household in applying for and obtaining food benefits. In the event the only adult member of the household is classified as a non-household member, that person may be designated as the authorized representative for minor household members.

(A) When an authorized representative has been designated in writing to make application on behalf of a household, the household is informed they will be held liable for any overissuance which results from erroneous information given by the authorized representative. Whenever possible the head of the household or spouse should prepare or review the application even though the authorized representative actually files the application and is interviewed.

(B) Employees of OKDHS and relatives who are authorized to accept food benefits may not act as authorized representatives without the specific written approval of the local county director after a determination has been made that no one else is available to serve as the authorized representative.

(C) A disqualified person may not act as an authorized representative during the period of disqualification unless the person disqualified is the only adult member of the household able to act on its behalf and the HSC staff determines there is no one else available to serve as an authorized representative.

(4) **Documentation and control of authorized representatives.** The HSC ensures an authorized representative is properly designated and has not been disqualified. ■ 2 Limits are not placed on the number of households an authorized representative may represent. Care is taken by the HSC staff to ensure the household:

(A) has freely requested the assistance of the authorized representative;

(B) circumstances are correctly reported; and

(C) is receiving the correct amount of benefits.

(5) **Disqualification of authorized representative.** An authorized representative is disqualified from serving as an authorized representative in the Food Stamp Program for up to one year when evidence demonstrates the person has misrepresented a household's circumstances, has knowingly provided false information pertaining to the household, or has made improper use of benefits. Information indicating that a person should be disqualified as an authorized representative is forwarded to the Family Support Services Division (FSSD) Food Stamp Section, for a decision. The HSC is notified in writing of the decision. If the person is disqualified, appropriate notification is mailed to the household by FSSD Food Stamp Section staff. This provision does not apply to persons serving as authorized representatives for group homes or drug and alcoholic treatment programs.

(c) **Processing initial applications.** When an application form is received that contains the applicant's name and address, and is signed by a responsible member of the household or the household's authorized representative, the date of application is the date it is received and stamped into the HSC except as stipulated at OAC 340:50-9-1(c) and OAC 340:50-9-6(e). When the application form has been signed by the responsible person or authorized representative for a household who is also applying for public assistance, the application is processed in accordance with OAC 340:50-11. ■ 3

(1) **Normal processing standard for initial applications.** The worker must provide eligible households who complete the initial application process with food benefits within 30 calendar days following the date the initial application was filed.

(2) **Withdrawing of application.** A household may voluntarily withdraw its application at any time prior to the determination of eligibility. ■ 4

(d) **Second 30 days.** A new application is not needed when a household fails to complete the application process within 30 calendar days if they provide the required verification within 60 calendar days. This includes verification waived for expedited services. When there is a break in the certification, the application and certification dates are changed to the date the verification is provided.

INSTRUCTIONS TO STAFF 340:50-3-1

Revised 6-1-08

1. Forms 08MP001E, Request for Benefits; 08MP002E, Eligibility Information for Benefits; and 08MP003E, Responsibilities and Signature for Benefits, are used for an initial month application form for both public assistance (PA) and Non-PA food benefits.
2. The worker must enter information about the authorized representative in the Information Management System (IMS) using the computer transaction EBTU before an electronic benefit transfer (EBT) card can be issued and must enter the person's name and authorized representative designation in the Family Assistance/Client Services (FACS) Case Information tab of the Interview Notebook.
3. (a) Initial month means the first month the household applies for food benefits following any period of time the household was not certified.

(b) When there is not an existing case number, the application is registered on the computer system through case number assignment. When there is an existing number, the existing number is used. The case folder is then pulled and the application is registered immediately.
4. The worker documents in the case record the reason for withdrawal, if any was given by the household, and that contact was made with the household to confirm the withdrawal. The household is advised of its right to reapply at any time.

340:50-3-3. VerificationRevised 6-1-08

(a) **General standards for verification.** Verification is the use of third party information or documentation to confirm the accuracy of statements made on the application form. For specific policy regarding required verification of non-financial eligibility criteria see OAC 340:50-5, and for financial eligibility criteria see OAC 340:50-7. The household is provided a clear written statement explaining what the household must do to cooperate in obtaining verification and completing the application.

■ 1

(b) **Questionable information.** The worker must verify questionable factors of eligibility, including all factors affecting household composition, prior to certification, only if these would affect a household's entitlement. A household's report of expenses which exceed its income prior to deductions may be grounds for a determination that further verification is required.

(1) **Questionable information.** To be considered questionable, the information on the application must be inconsistent with:

(A) statements made by the applicant;

(B) other information in the case record; or

(C) other information received by the Oklahoma Department of Human Services (OKDHS).

(2) **Documentation.** There must be documentation as to:

(A) the reason the information was considered questionable;

(B) what documentation was used to resolve the questionable information; and

(C) the reason an alternate source of documentation, such as a collateral contact or home visit, was made.

(3) **Determination.** When determining if information is questionable, the worker bases the decision on each household's individual circumstances.

(c) **Sources of verification.** The following sources of verification are not intended to be all inclusive but provides the worker with types of evidence that may be used to establish eligibility.

(1) **Documentary evidence.** The worker uses documents, whenever possible, as the primary source of verification. Examples of documentary evidence include wage stubs, rent receipts, and utility bills.

(A) Although documentary evidence is the primary source of verification, verification cannot be limited to a single document or source.

(B) When information from another source contradicts statements made by the household, the household is immediately afforded the opportunity to resolve the discrepancy.

(C) When documentary evidence cannot be obtained, the worker uses alternate sources of verification, such as collateral contacts and home visits.

(D) In all cases, the method of verification is recorded in the case record.

(2) **Collateral contacts.** The worker has the responsibility to verify all factors of eligibility for food benefits which may require one or more collateral contacts. The client's signature on the application for food benefits grants the necessary authorization for securing required information or verification.

(A) A collateral contact is a verbal confirmation of a household's circumstances by a person outside the household. The collateral contact may be made either in person or over the phone.

(B) The acceptability of a collateral contact is not restricted to a particular person, but may be anyone that can be expected to provide an accurate third party verification of the household's statement. Examples of acceptable collateral contacts are:

(i) employers;

(ii) community action groups;

(iii) migrant service agencies;

(iv) neighbors of the household; or

(v) other persons outside the household.

(C) If the collateral source is one which requires written authorization before supplying information to OKDHS, the signature of the client on Form 08AD060E, Request for Release of Information, must be obtained. If information is needed regarding another adult household member, that person may need to sign Form 08AD060E before the collateral source agrees to release information.

(3) **Home visits.** A home visit can be used as verification if documentary evidence cannot be obtained from other sources and the visit is scheduled in advance with the household.

(4) **Field investigation.** The worker conducts an intensive field investigation when a household is suspected of withholding information or of intentional program violations. A field investigation is made after the worker has exhausted all other methods of verification and still does not have enough evidence to certify, deny, or close food benefits.

(A) The intensive field investigation includes all questionable factors of eligibility. The worker makes every effort to obtain the most reliable second-party verification available. Contacts may include, but are not limited to, the applicant or recipient, other adult household members, employers, banks, government agencies, landlords, neighbors, and utility companies. The client does not have to provide specific written authorization unless it is required by the collateral source before they can or will furnish the requested information.

(B) Persons who are contacted for information related to a client's eligibility must be advised of the reason the information is needed and how it will be used. If the person providing the information is unwilling to have his or her identity revealed to the client, the information is not used to make an eligibility decision nor is it recorded in the case record. The worker must attempt to verify the information using an alternate source.

(C) The worker contacts the client when the information gathered during the investigation differs from that given by the client. The client is given the opportunity to clear up conflicting information when possible. When the client cannot be contacted, the worker documents, in the case record, what attempts were made.

(D) The verified evidence gathered during the course of the investigation is documented, in detail, in the case record. This documentation must include:

(i) what information was received, dates related to the information, source of the verification, and the date the information was received;

(ii) a complete explanation of conflicting information and what attempts were made to resolve the differences with the client; and

(iii) when the client refuses to cooperate in determining eligibility, information to clearly show that the client was given the opportunity to cooperate and was able to do so.

(E) When the eligibility determination is delayed due to a field investigation the worker manually issues Form 08MP039E, Notice to Client of Action Taken, informing the client of the pending status of the application.

(d) Responsibility for providing verification.

(1) Household responsibility. The household has primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information. Households may supply documentary evidence in person, through the mail, or through an authorized representative.

(2) Worker responsibility. The worker assists the household in obtaining this verification provided the household is cooperating with the worker.

(A) The human services center (HSC) accepts any reasonable documentary evidence provided by the household and is primarily concerned with how adequately the verification confirms the statement on the application.

(B) If it would be too difficult or impossible for the household to obtain documentary evidence in a timely manner, the worker offers assistance to the household in obtaining the documentary evidence.

(C) The household is not required to provide multiple sources of verification when the household has already provided information which adequately supports the statements on the application. However, the worker may require households to provide additional verification when the existing verification is incomplete.

(D) An application is never denied solely because a person outside the food benefit household fails to cooperate in providing information, verification, or other help needed to process an application. Disqualified or ineligible persons are considered members of the food benefit household for this provision.

(e) Documenting case files.

(1) Case files. Case files must be documented in detail to support eligibility, ineligibility, and benefit level determinations. ■ 2

(2) Documentation. Documentation must include:

(A) sources of verification, dates of the sources of verification, and amounts verified;

(B) computations used to arrive at monthly income deductions;

(C) why verification is required to resolve questionable information;

(D) what documentation was used to resolve the questionable information; and

(E) the reason an alternate source of documentation, such as a collateral contact or home visit, was made.

INSTRUCTIONS TO STAFF 340:50-3-3

Issued 6-1-08

1. The worker completes and gives Form 08AD092E, Client Contact and Information Request, to the client listing what verification is needed to determine eligibility.

2. When the worker determines that information is questionable, he or she must explain in the Family Assistance/Client Services (FACS) Case Notes why the information is considered questionable.

340:50-5-26. Drug addiction or alcoholic treatment centersRevised 6-1-08

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 benefit allotment for food prepared by or served to a person who is drug or alcohol addicted. ■ 1

(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. ■ 2 The child 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 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. ■ 3

(3) **Center responsibility.** All treatment and rehabilitative centers must provide the local human services center (HSC) 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. ■ 4

(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 benefits left in their Electronic Benefit Transfer (EBT) account.

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

(ii) The center accesses only half of the food 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 benefits may be accessed on behalf of the resident.

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

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

(C) provides, if possible, the person with Form 08FB038E, Changes in Household Circumstances, and advises the person to complete the form showing his or her new circumstances and to return the form to the local Oklahoma Department of Human Services (OKDHS) HSC within ten calendar days;

(D) informs the departing household they must go to the local HSC 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 HSC the participant left the treatment center.

(5) **Reporting changes.** The treatment center must notify the HSC 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 benefits held on behalf of resident households and for all over issuances which occur while the households are residents of the treatment center. ■ 5

INSTRUCTIONS TO STAFF 340:50-5-26

Revised 6-1-08

- 1. See OAC 340:50-5-7(b)(2)(B).**
- 2. 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.**
- 3. Prior to certifying any resident for food benefits, the worker verifies the treatment center is approved by the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) as a treatment facility. Facilities approved by ODMHSAS can be found on the ODMHSAS Web site.**
- 4. At least once every calendar quarter the worker, designated by the county director of the local human services center (HSC), 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.**
- 5. Local HSC staff notifies the Family Support Services Division (FSSD) Food Stamp Section when it has reason to believe an organization or institution is misusing food benefits in its possession.**

340:50-5-27. Disabled or blind residents of group homesRevised 6-1-08

Residents of group homes may be certified for food 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 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 benefit allotment on his or her own behalf. ■ 1

(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 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. ■ 2

- (i) The food 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. ■ 3

(3) **Group home's responsibility.** Each group home must provide the local human services center (HSC) 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. ■ 4

(A) When the group home is acting in the capacity of authorized representative, it is responsible for notifying the HSC 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 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 benefit if no food 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 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 benefits may be accessed on behalf of the resident.

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

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

(iii) inform the departing household they must go to the local Oklahoma Department of Human Services (OKDHS) HSC 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 HSC office the person left the group home.

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

(C) The group home, if possible, provides the household leaving the facility with a Form 08FB038E, Changes in Household Circumstances, and advises the person to complete the form showing his or her new circumstances and to return the form to the local OKDHS HSC 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 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 340:50-5-27

Revised 6-1-08

1. See OAC 340:50-5-7(b)(2)(C).

2. These residents are certified using the same procedures that apply to all other households.

- 3. Prior to certifying any resident for food benefits, the worker verifies the group home is approved by the Developmental Disabilities Services Division (DDSD) and meets the criteria outlined in OAC 340:50-5-7(b)(2)(C). Residents of approved group homes are approved to participate in the Food Stamp Program if otherwise eligible. The list of facilities approved by DDSD is available on the DDSD Web site.**

- 4. At least once every calendar quarter the worker, designated by the county director of the local human services center (HSC), visits the group home to ensure the accuracy of the listings and that the Oklahoma Department of Human Services (OKDHS) records are correct.**

PART 9. WORK REGISTRATION

340:50-5-85. Who must register

Revised 6-1-08

To be eligible to receive food benefits, certain unemployed adults who are members of eligible households must comply with work registration requirements. Form 08MP003E, Responsibilities and Signature for Benefits, includes a work registration statement which automatically registers all household members age 16 through 59 required to comply with work registration. ■ 1

(1) It is the worker's responsibility to explain to the applicant this statement and each household member's work registration status and responsibility.

(2) At the time of the initial application, change in employment status, or at the end of each 12-month registration period, the worker must establish each household member meets exemption requirements or the member is automatically registered by being included on a food benefit application.

(3) Employable members of migrant households who are not employed at least 30 hours a week or receiving weekly earnings equal to the federal minimum wage times 30 hours must register for and accept suitable employment, the same as other persons.

INSTRUCTIONS TO STAFF 340:50-5-85

Revised 6-1-08

1. If the household member is applying for or receiving food benefits in the 55J human services center (HSC), which is the only Job Search Project office, he or she is required to complete Form 08FB015E, Employment and Training Assessment.

340:50-5-87. Work registration proceduresRevised 6-1-08

If any registered member of a household receiving food 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 human services center (HSC) required to register for work complete Form 08FB015E, 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 08FB015E 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 persons 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 340:50-5-87Revised 6-1-08

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

340:50-5-88. Requirements after registrationRevised 6-1-08

Requirements after registration in the Job Search Project are applicable only to registrants in the Job Search Project human services center (HSC).

(1) **Employment and training (E&T).** The intent of the Food Stamp E&T Program is to ensure all able-bodied food 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 persons 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 designated Food Stamp E&T HSC office boundaries or have not been exempted from E&T activity must participate in the Food Stamp E&T Program. ■ 1 Food 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 HSC into the Job Search Project HSC boundaries, 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 HSC boundaries into a non-E&T HSC boundaries, 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 HSC 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 benefit work registrant has barriers that require services not available through the Food Stamp E&T Program. If this classification is assigned, the person's worker or food benefit 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 component as described in (A) through (C) of this paragraph.

■ 2

(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 08FB020E, Food Stamp Employment and Training Letter. ■ 3

(iii) The job search assignment is given to the registrant in writing on Form 08FB022E, Job Search Plan. This form is also used to schedule follow-up interviews and used by the registrant 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. ■ 4

(iv) If an E&T participant is referred to a job contact by the food benefit E&T worker and does not make this contact, the E&T worker initiates conciliation per (6)(A) of this Section.

(v) If an E&T participant does not accept a job offered to him or her without good cause, the food benefit E&T worker initiates conciliation per (6)(A) of this Section.

(B) Workforce Investment Act (WIA) component. A participant assigned to this component is eligible for all the services available at WIA. ■ 5 A participant assigned to this component has completed the job search component without finding a job or is identified by the E&T worker as a person who can benefit from the services available through WIA. When the component is assigned, the participant is provided Form 08TW003E, Interagency Referral and Information, to take to WIA. ■ 6 The E&T participant is responsible for returning to the E&T worker Form 08TW003E signed by a representative of WIA. ■ 7

(C) Oklahoma Employment Security Commission (OESC) component. A participant assigned to this component is eligible for all the services available at OESC. ■ 8 A participant assigned to this component is an E&T participant the E&T worker has determined would benefit from these services. When this component is assigned, the E&T worker gives the participant Form 08TW003E to take to OESC. ■ 6 The E&T participant is responsible for returning to the E&T worker Form 08TW003E signed by a representative of OESC. ■ 7

(5) **E&T related expenses.** A participant 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 benefit E&T worker gives Form 08FB023E, Food Stamp Employment and Training Participation Report, to the E&T participant to complete Part 1 and return to the HSC during the first week of each month.

(B) A work registrant with a child under 12 years of age required to participate or who volunteer in the Food Stamp E&T Program is eligible for a maximum child care payment of \$200 per month per child paid to the child care provider. See OAC 340:50-5-97 for voucher authorized child care for the Food Stamp E&T Program.

(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 (7) of this Section, 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 08TW003E, if he or she failed to return Form 08TW003E 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) of 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 person is considered an ineligible household member.

(F) Households and persons 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 food benefits are closed.

(H) If the participant fails to comply with E&T requirements and does not meet the definition of head of household, that person 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 Food Stamp Section staff monitor the Food Stamp E&T Program. ■ 11

INSTRUCTIONS TO STAFF 340: 50-5-88Revised 6-1-08

- 1. If the client lives in the Food Stamp Employment and Training (E&T) office boundaries but maintains his or her case record in a different human services center (HSC), he or she is not required to participate in E&T.**
- 2. This component assignment is the responsibility of the employment and training (E&T) worker.**
- 3. If the participant does not comply with the first scheduled appointment, the E&T worker enters a code in the system that causes a computer-generated notice to be sent.**
- 4. 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.**
- 5. 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.**
- 6. 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.**
- 7. 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, the E&T worker enters a code in the system that causes a computer-generated notice to be sent.**
- 8. 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.**
- 9. During this period, the E&T worker tries to resolve disputes between the Oklahoma Department of Human Services and the non-complying person. 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. Family Support Services Division (FSSD) Food Stamp Section staff mails the food benefit E&T monitoring schedule to the affected human services center (HSC) 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.

340:50-7-4. Special resource situationsRevised 6-1-08

(a) **Jointly owned resources other than vehicles.** Resources other than vehicles owned jointly by separate households must be considered available in their entirety to each household, unless the household can demonstrate such resources are inaccessible to the household.

(1) If the household can demonstrate it has access to only a portion of the resources, the value of that portion of the resource is counted toward the household's resource level.

(2) The resources are considered totally inaccessible to the household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply. For purposes of this provision, ineligible aliens or disqualified persons residing with the household are considered household members.

(3) Resources are considered inaccessible to persons residing in shelters for battered women and children if:

(A) the resources are jointly owned by such persons and by members of their former household; and

(B) the shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still resides in the former household.

(b) **Non-recurring lump sum payments.** Money received in the form of a non-recurring lump sum payment such as income tax refunds, rebates, credits, and retroactive lump sum insurance settlements constitute a resource in the month received unless specifically excluded from consideration as a resource by federal law.

(1) Upon receipt of information that a certified household has received a non-recurring lump sum payment, the worker reviews the case file to determine if the amount received, in addition to the other resources listed on the application form, exceeds the resource limitation for the household. ■ 1

(2) If the total amount exceeds the allowable resource limitation, the worker must close the food benefits giving ten-day advance notice. If, within ten days, the household presents evidence that the resources have been depleted and are within the allowable resource limits, the food benefits may be left open for the remainder of

the certification period. If the household does not agree with the decision to terminate the food benefits and requests a hearing, the food benefits may be continued pending a decision on the appeal.

(3) Any amount received by an income eligible Supplemental Security Income (SSI) recipient due to an underpayment or retroactive payment of SSI or Social Security benefits is excluded as a resource.

(c) **Non-excluded vehicles.** The equity in all vehicles, except those excluded in OAC 340:50-7-2, is considered. The amount of equity in excess of \$5,000 is considered against the maximum allowable resource limit for the household.

(1) The current market value less encumbrances on the vehicle(s) is the equity.

(2) Only encumbrances that can be verified are considered in computing equity.

(3) The market value of each year's make and model is established on the basis of the average trade-in value. ■ 2

(4) In the event the household and worker cannot agree on the value of the vehicle, the household secures written appraisals by two persons familiar with current values. If there is substantial unexplained divergence between these appraisals or between the blue book value and one or more of these appraisals, the worker and the household jointly arrange for the market value to be established by an appraisal made by a third person who is familiar with current values and acceptable to both the household and worker.

(d) **Resources of disqualified members or ineligible aliens.** All resources of disqualified members or ineligible aliens are considered in determining the eligibility of the remaining household members.

INSTRUCTIONS TO STAFF 340:50-7-4

Revised 6-1-08

- 1. If the amount does not exceed the resource limitation, the worker updates the Family Assistance/Client Services (FACS), Resource tab in the Interview Notebook to show the new resource. No further action is required.**
- 2. (a) The average trade-in value listed in the National Automobile Dealers Association (NADA) books can be used, other blue books, or one of the Internet Web sites which provide data on the market value of used vehicles at**

no cost to the user. Available Web sites include:

- | | |
|-----------------------------|--|
| (1) CarPrices | www.carprices.com; |
| (2) AutoWorld | www.autoworld.com; |
| (3) Intellichoice | www.intellichoice.com; |
| (4) Edmund's | www.edmunds.com; |
| (5) Kelley Blue Book | www.kbb.com; and |
| (6) NADA | www.nada.com. |

(b) The value of a vehicle cannot be increased by adding the value of low mileage or optional equipment. The Kelley Blue Book requires users to include mileage prior to calculating a vehicle's value. Other on-line services with a mileage field assumes average mileage if the mileage field is left blank. To ensure a vehicle(s) is not assigned a higher value based on unusually low mileage the worker uses the greater of the vehicle's actual mileage or 12,000 miles per year.

(c) FACS Case Notes must include sufficient documentation indicating the Web site or blue book used to determine the market value of the vehicle.

340:50-7-30. Self-employed householdsRevised 6-1-08

Households whose income is derived either wholly or in part from a self-employment enterprise are treated in accordance with the procedures listed in paragraphs (1) through (9) of this Section. ■ 1

(1) **Capital gains.** The proceeds from the sale of capital goods or equipment is income for program purposes and is calculated in the same manner as a capital gain for federal income tax purposes. Even though a percentage of the proceeds from the sale of capital goods or equipment is taxed for federal income tax purposes, the worker counts the full amount of capital gain as income.

(2) **Profit sharing.** Households who operate S corporations, general or limited partnerships, or limited liability companies may receive profit sharing that is reported on the household's personal income tax return. When a household member:

(A) actively participates in the operations, the income from profit sharing is considered part of the household's self-employed earned income; or

(B) does not actively participate in the operations, the income from profit sharing is considered part of the household's unearned income.

(3) **Self-employed farm income.** To be considered a self-employed farmer, the farmer must receive or anticipate receiving annual gross proceeds of \$1,000 or more from the farming enterprise.

(A) Farming is defined as cultivating or operating a farm for profit either as owner or tenant.

(B) A farm includes stock, dairy, poultry, fish, fruit, and truck farms, and plantations, ranches, ranges, and orchards.

(i) A fish farm is an area where fish are grown or raised and where they are artificially fed, protected, and cared for, and does not include an area where they are only caught or harvested.

(ii) A plant nursery is a farm for purposes of this definition.

(4) **Monthly self-employment income.** Self-employment income received on a monthly basis but which represents a household's annual support is normally

averaged over a 12-month period. If the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business, the worker calculates the self-employment income based on anticipated earnings.

(5) **Seasonal self-employment income.** Self-employment income intended to meet the household's needs for only part of the year is averaged over the period of time it is intended to cover. For example, the income of self-employed vendors who work only in the summer and supplement their income from other sources during the balance of the year is averaged over the summer months rather than a 12-month period.

(6) **Annualized self-employment income.** Self-employment income which represents a household's annual support must be annualized over a 12-month period, even if the income is received in a shorter period of time. For example, self-employment income received by crop farmers must be averaged over a 12-month period if the income represents the farmer's annual support.

(A) If the averaged annualized amount does not accurately reflect the household's actual circumstances because the household has experienced substantial increase or decrease in business, the worker calculates the self-employment income on anticipated earnings.

(B) The worker does not calculate self-employment income on the basis of prior earnings such as income tax returns when an increase or decrease of business has occurred.

(i) If the household's self-employment enterprise has been in existence for less than a year, the income from that self-employment enterprise must be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(ii) If the business has been in operation for a short time and there is insufficient data to make a reasonable projection, self-employment income is recomputed at each new certification until a full year's information is available. ■ 2

(7) **Anticipated income.** When a household who would normally have the self-employment income annualized experiences a substantial increase or decrease in business, the worker calculates the self-employment income based on anticipated earnings.

(A) For those households whose self-employment income is calculated on an anticipated basis, the worker adds any capital gains the household anticipates it will receive in the next 12 months, starting with the date the application is filed, and divides this amount by 12. This amount is used in successive certification periods during the next 12 months except that a new average monthly amount must be calculated over this 12-month period if the anticipated amount of capital gain changes.

(B) The worker adds the anticipated monthly amount of capital gains to the anticipated monthly self-employment income, and subtracts the cost of producing the self-employment income.

(8) Determining net monthly self-employment income. When the household has business expenses associated with its self-employment income, the business expenses must be deducted before determining whether the household meets the maximum gross income standards shown on Oklahoma Department of Human Services (OKDHS) Appendix 08AX003E (C-3), Maximum Food Stamp Allotments and Standards for Deductions, Maximum Income, and Utilities. When the household does not have business expenses, the gross self-employment income is used.

(A) When the household has filed an income tax return on its self-employment income for the most recent year, the worker uses the net self-employment income shown on the income tax return and divides the net self-employment income by the number of months to be averaged. ■ 3

(B) When the household did not file an income tax return on its self-employment income for the most recent year, the worker uses (i) through (iii) to determine the net monthly self-employment income.

(i) The gross self-employment income, including capital gains, is computed using the client's self-employment business records.

(ii) If the client declares they incurred business expenses, the worker then subtracts 50% of the gross self-employment income as business expenses. If the household did not incur business expenses, a business expense deduction is not given.

(iii) The worker then divides the net self-employment income by the number of months to be averaged.

(C) The monthly net self-employment income is added to all other earned

income received by the household.

(i) The total monthly earned income less the earned income deduction according to OKDHS Appendix 08AX003E (C-3) is then added to all other monthly income received by the household.

(ii) The standard deduction, dependent care, and shelter costs are computed as for any other household and subtracted to determine the monthly net income of the household.

(9) **Household with income from boarders.** A household that operates a commercial boarding house may be considered a food benefit household and self-employed as shown in paragraph (8) of this subsection. A household with boarders or roomers that is not a commercial boarding house may receive food benefits as shown in subparagraphs (A) through (C) of this paragraph.

(A) A person paying a reasonable amount for room and board is excluded from the household when determining the household's eligibility and benefit level. Payments from the boarder are treated as self-employment income if the boarder is paying a reasonable amount.

(i) The income from a boarder includes all direct payments to the household for room and meals, including contributions to the household for part of the household shelter expense.

(ii) Shelter expenses paid directly by a boarder to someone outside the household are not counted as income to the household.

(B) After determining the income received from the boarder, the worker excludes 50% of the boarder payment as the cost of doing business.

(C) The net income from self-employment is included with other earned income and the earned income deduction from OKDHS Appendix 08AX003E (C-3) is taken.

(i) Shelter cost the household actually incurred, even if the boarder contributes to the household for part of the household's shelter expense, is computed to determine if the household will receive a shelter deduction.

(ii) The shelter and utility cost must not include any expense billed to and directly paid by the boarder to a third party.

INSTRUCTIONS TO STAFF 340:50-7-30**Revised 6-1-08****1. To be considered self-employed, the person must:**

- (1) state he or she is self-employed;**
- (2) be eligible to file federal and state taxes as a self-employed person. A person who owns an interest in a corporation does not qualify as self-employed because the person does not have business expenses;**
- (3) not have an employer/employee relationship with another entity; and**
- (4) have the potential to realize a profit or loss.**

2. To average the income and expenses for a self-employment enterprise that has not been in business for a full year, the worker divides the total income by the number of months in business. For example, a self-employment business has been in operation from February 18 to the application month of November. The income is averaged for 9 months, February through October. It is correct to count the first month of business through the last complete month when computing an annualized figure for a new business.**3. Self-employment income tax return forms include but are not limited to:**

- (1) Form 1040 with Schedule C for sole proprietors and some limited liability companies;**
- (2) Form 1065 with Schedule 8865 K-1 for partnerships;**
- (3) Form 1120-S with Schedule K-1 for S corporations; or**
- (4) Form 1040 with Schedule F for farmers.**

SUBCHAPTER 9. ELIGIBILITY AND BENEFIT DETERMINATION PROCEDURES

Section

- 340:50-9-1. Determining the food stamp benefit allotment
- 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 benefit allotmentRevised 6-1-08**(a) Cases with unverified deductible expenses.**

(1) **Food benefits without deductions.** If a deductible expense which must be verified in accordance with OAC 340:50-7-31 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 person's monthly income and the household's monthly dependent care, shelter, legally binding child support payments, or medical expense. When the monthly amount of each person'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 person'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 household 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 08AX003E, (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 benefit monthly income is computed and compared to the Maximum Net Income Standard for the appropriate household size as shown on OKDHS Appendix 08AX003E (C-3). If the net food benefit 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 benefit 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 08AX003E (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 08AX003E (C-3).

(E) Subtract monthly dependent care expenses, if any, up to the maximum amount allowed as shown in OKDHS Appendix 08AX003E (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 08AX003E (C-3). If the total of the shelter costs exceeds the standard shown in OKDHS Appendix 08AX003E (C-3), only the amount not exceeding the standard is deducted.

(2) Households with an elderly or disabled member.

(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 08AX003E (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 08AX003E (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 08AX003E (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 benefit monthly income and household size are the basis for determining eligibility. The net food benefit monthly income is compared to the Maximum Net Income Standards for the appropriate household size as shown on OKDHS Appendix 08AX003E (C-3). If the net food benefit income does not exceed this standard, the household is determined eligible.

(c) Food benefit allotment.

(1) Initial month proration.

(A) Initial month means the first month the household is certified for food benefits following any period during which the household was not certified. Food benefit allotments for an initial month are based upon the date of the application and prorated from the date of application.

(i) Proration of benefits from the application date applies to the new case if one food benefit household separates into two or more food benefit households.

(ii) Migrant and seasonal farm worker's food benefits are not prorated when the household has received food benefits in the prior month. 1

(iii) 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.

(iv) 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 08AX009E (B), Proration Table for TANF and Food Stamp Benefits: Proration Payment Form, 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 08AX003E (C-3) for the appropriate household size and net income.

(d) **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

(1) **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 08MP039E, 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 (A) through (F) of this subparagraph.

(A) 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.

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

(C) 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.

(D) 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.

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

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

(2) 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, a new application is not required. If the household is determined eligible, the food 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 (A) through (C) of this subparagraph.

(A) 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.

(B) 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.

(C) 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.

(e) **Certification periods.** Definite certification periods are established for each eligible household to receive benefits. At the expiration of each certification period, entitlement to food 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.

(1) **Month of application.** The month of application is the first month in the certification period for initial applicants if eligibility is determined within the 30-day period.

(A) 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.

(B) 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. ■ 4

(2) **Missed interview.** 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 (d) of this Section to determine the proration date of the food benefit allotment.

(3) **Information furnished after the application is denied.** When an application is denied because the household did not provide the requested information and the applicant furnishes the required information to determine eligibility within the second 30-day period, a new application is not required. The worker certifies food benefits using the date the information or verification is furnished as the application, certification, or proration date.

(f) Length of certification periods. Households are assigned the longest certification period possible based on the predictability of the household's circumstances. In **(3)** and **(4)** of this paragraph, the length of the incapacity must be expected to exceed the length of the certification period.

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

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

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

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

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

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

(3) Three to six months. A three to six-month certification is assigned to all households with circumstances not addressed in subparagraphs **(1)**, **(2)**, or **(4)** of this paragraph. Information used as guidelines for the length of certification periods for groups listed in this subparagraph is given in **(A)(i)** through **(iii)** of this subparagraph.

(A) 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.

(B) The factors in **(A)(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.

(4) Twelve months.

(A) A 12-month certification period is assigned to non-public assistance (non-PA) households at certification unless:

(i) the household includes an able-bodied adult without dependents member who is not meeting the work requirement or is not otherwise exempt; or

(ii) all adult household members are elderly or disabled with no earned income.

(B) These households are required to complete Form 08MP004E, Benefit Review Report, at six-month intervals. They are known as semi-annual reporters. ■ 5

(5) Twenty-four months. A 24-month certification period is assigned to non-PA households when all adult members are elderly or disabled with no earned income. These households are required to complete Form 08MP004E at 12-month intervals. They are known as annual reporters. ■ 6

INSTRUCTIONS TO STAFF 340:50-9-1**Revised 6-1-08**

- 1. In order to issue the correct food benefit 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 FACS Case Notes.**
- 3. Processing retroactive certifications. Food benefit 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. If the applicant is not eligible for the month of application or the following month, the application is denied. A new application is required for subsequent months.**
- 5. The worker gives Oklahoma Department of Human Services (OKDHS) Appendix BR-38, Information For Semi-Annual Reporters, to households determined semi-annual reporters.**
- 6. 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 benefit recertificationRevised 6-1-08

(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 08FB036E, Notice of Expiration of Eligibility, to all non-public assistance (non-PA) households receiving food benefits who have been certified for three months or more. Form 08FB36E has a section the household can complete and return to the local Oklahoma Department of Human Services (OKDHS) human services center office to reapply. The form informs households:

(A) it has the right to apply;

(B) when food benefits expire;

(C) when to make reapplication to avoid lapse of benefits;

(D) they must reapply by the 1st day of the last month of eligibility to avoid a lapse of benefits; and

(E) that further entitlement to food 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 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.

(i) 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.

(ii) 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.

(iii) 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 10. ELECTRONIC BENEFIT TRANSFER (EBT)

Section

- 340:50-10-1. Scope and applicability
- 340:50-10-2. **[RESERVED]**
- 340:50-10-3. Initial issuance of Electronic Benefit Transfer (EBT) card
- 340:50-10-4. **[RESERVED]**
- 340:50-10-5. Replacement of lost, stolen, or destroyed Electronic Benefit Transfer (EBT) cards
- 340:50-10-6. **[RESERVED]**
- 340:50-10-7. Inactive accounts **[REVOKED]**
- 340:50-10-8. **[RESERVED]**
- 340:50-10-9. Expungement of benefits
- 340:50-10-10 **[RESERVED]**
- 340:50-10-11. Food stamp household leaves the state

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 FOOD STAMP PROGRAM (SFSP) FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) AND COMPANION STATE SUPPLEMENTAL PAYMENT (SSP) RECIPIENT(S)

- 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 the Simplified Food Stamp Program (SFSP)
- 340:50-11-24. Food Stamp allotments
- 340:50-11-25. Proration of food benefits
- 340:50-11-26. Certification periods **[REVOKED]**
- 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

PART 12. CATEGORICALLY ELIGIBLE HOUSEHOLDS

- 340:50-11-111. Categorically eligible household
- 340:50-11-112. When to classify categorically eligible households
- 340:50-11-113. Financial eligibility factors
- 340:50-11-114. Non-financial eligibility factors
- 340:50-11-115. Review of categorical eligibility

340:50-11-5. Procedures for expediting servicesRevised 6-1-08

To expedite the certification process, the worker must verify the applicant's identity. All reasonable efforts to verify the household's residency, income declaration including a statement that the household has no income, liquid resources, and other factors of eligibility is made. Verification is done by seeing documentary evidence or through a collateral contact when documentary evidence is not readily available. Verification of factors other than identity that could not be made during the expedited service processing time limits may be postponed. In most instances, it is expected that at least residence, income, and resources are verified within the time limit. Benefits cannot be delayed beyond the time limit solely because factors other than identity were not verified.

- (1) Except for the applicant, work registration of household members may be postponed when it cannot be accomplished within the expedited service processing time limit.
- (2) Households entitled to expedited service are asked to furnish a Social Security number for each person applying for benefits before the second full month of participation with the exception of newborns. ■ 1
- (3) Households who have furnished all necessary verification for determining continued eligibility are certified for a normal certification period. If verification is postponed, the household is provided with Form 08AD092E, Client Contact and Information Request, listing needed verification. These verifications must be furnished within 30 calendar days of the application date.
- (4) When verifications are received, the household is approved for a normal certification period, if eligible. ■ 2 This approval must be completed and teleprocessed within seven days of the receipt of the verification.
- (5) If, after certification with postponed verification, the household reapplies for food benefits on an expedited basis, the household must provide verifications required which were postponed on the previous application before it is entitled to expedited service. There is no limit to the number of times a household can be certified under expedited procedures as long as prior to each expedited certification the household either completes the verification requirements that were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification.

INSTRUCTIONS TO STAFF 340:50-11-5**Revised 6-1-08**

- 1. Households with a newborn may have up to six months following the month the baby was born to supply a Social Security number (SSN) or proof of application. All other household members unable to provide an SSN prior to the second full month of participation are allowed to continue to participate only if they provide verification that the household member has applied for a SSN or made every effort to supply the necessary information to complete an application. See OAC 340:50-5-68.**
- 2. A normal certification period is the expedited service month and the following months.**

340:50-11-27. Changes after application and during the certification periodRevised 6-1-08

Households are required to report changes in accordance with OAC 340:65-5. At each application or redetermination, households are advised of their reporting responsibilities. ■ 1 Households are given a supply of Form 08FB038E, Changes in Household Circumstances, and advised to contact their worker to request additional forms as needed.

(1) **Reported change results in closure of TANF.** When the Temporary Assistance for Needy Families (TANF) cash assistance is closed:

(A) the worker closes the food benefits the same effective date as the TANF cash assistance closure when the TANF is closed as a result of: ■ 2

(i) death of the payee;

(ii) failure or refusal to participate in TANF Work;

(iii) the household moves out of state; or

(iv) the household requests closure of the TANF cash assistance and food benefits; ■ 3

(B) the computer converts the food benefits to transitional food benefits (TFB) when the TANF cash assistance is closed for reasons other than those listed in (A) of this paragraph and: ■ 4

(i) there is no companion State Supplemental Payment (SSP) case; or

(ii) the TANF case is the primary food benefit case, and the companion SSP case remains open. ■ 5

(C) the computer converts the food benefits to non-PA food benefits when the TANF cash assistance is closed for reasons other than those listed in (A) of this paragraph and the companion SSP case, which is the primary food benefit case, remains open.

(2) **Reported changes during the TFB certification period.** The household is not required to report changes timely while receiving TFB. If there is an application for TANF while in TFB status, at certification of the TANF cash assistance, food

benefits are converted to Simplified Food Stamp Program (SFSP) as long as all household members are receiving cash assistance. ■ 6

(3) **Notifications.** The TANF applicant is given a copy of the signed and dated application form which informs the applicant food benefit eligibility is determined using information contained in the application. Notification of eligibility is required at certification and any time the food benefit amount changes. The notice is computer-generated. ■ 7

INSTRUCTIONS TO STAFF 340:50-11-27

Revised 6-1-08

1. If at the time of the Temporary Assistance for Needy Families (TANF) review the household remains eligible for TANF and food benefits, the worker completes an application for food benefits. The Food Stamp tab in Family Assistance/Client Services (FACS) is updated by the worker to show a new food benefit application. Then the new certification is processed with a "1" action rather than a "c" change.
2. The food benefits are closed by the computer when the TANF cash assistance is closed for the reasons listed in (1) through (4) of this Instructions to Staff (ITS). The worker closes the food benefits for the reason listed in (5) of this ITS, or if the payee is disqualified for food benefits due to an intentional program violation (IPV). The reason codes from OKDHS Appendix 08AX015E (U), Reasons for Negative Case Actions, are:
 - (1) death (01);
 - (2) TANF extension – failed or refused to meet TANF work requirement (29B);
 - (3) moved out of state (42);
 - (4) failed or refused to meet TANF Work requirements (52A or 52B); or
 - (5) client requests closure of TANF and food benefits (46A, 46B, or 46C).
3. When the client requests closure of the TANF benefits, the worker must ask if he or she wants to receive the food benefits. If the client wants to continue receiving the food benefits, the worker must update the Food Stamp Tab in FACS. "T" is entered in the Action Type block and the effective date of the

TANF closure is entered in the Effective Date block. The computer automatically updates the case for transitional food benefits (TFB).

4. (a) The food benefits are converted by the computer to TFB when the TANF cash assistance is closed for reasons other than those listed in ITS 1 of this Section. The computer updates the TFB certification period to three months for the next effective date and updates the Action Type block with T to indicate TFB.

(b) Countable income other than TANF cash assistance received prior to the month of closure continues to be considered in the TFB calculation for the duration of the TFB period. Any new income the client reports which causes the TANF cash assistance to be closed is automatically omitted by the computer to determine the TFB allotment. Examples of this calculation are when a client receiving TANF cash assistance:

(1) has no income and requests closure of the TANF benefit.

(A) The TFB allotment is based on zero income as the TANF benefit is removed effective the date the TANF benefit is closed.

(B) The worker updates FACS Case Notes to document the reason for the closure;

(2) has earned or unearned income considered against the TANF benefits and reports an increase in the income that makes the client ineligible for TANF.

(A) The computer removes the TANF benefit and only the income considered prior to the closure of the TANF benefit is used to determine the TFB.

(B) The worker updates the increased income amount in FACS for the TANF benefit closure and Case Notes to document the reason for closure.

(C) The increased income is not considered in determining TFB;

(3) obtains employment and reports earnings in excess of the TANF benefit and Food Stamp Program (FSP) food benefit income guidelines.

- (A) The worker updates the income in FACS, closes the TANF benefit, and updates FACS Case Notes to document the reason for closure.
 - (B) The TANF benefit is automatically omitted by the computer and the TFB is based on zero income. The new income is not used in the calculation of the TFB; or
- (4) reports obtaining unearned income in excess of the TANF and FSP food benefit income guidelines.
- (A) The worker updates the income in FACS, closes the TANF benefit, and updates FACS Case Notes to document the reason for closure.
 - (B) The TANF benefit is automatically omitted by the computer and the TFB is based on zero income.
 - (C) The new income is not used in the calculation of the TFB.
5. The worker enters C in the action taken field in FACS. The C code allows the computer to determine the length of the Non-Public Assistance (non-PA) certification period.
- (1) The certification length is changed to 12 months if the food benefits are in the first through tenth month of certification.
 - (2) If the certification is in the 11th or 12th month, the certification length is changed to 14 months to ensure the client will receive Form 08FB036E, Notice of Expiration of Eligibility.
6. During the three month TFB period, the TFB changes only when the client requests closure of the TFB and reapplies for food benefits or a household member leaves the home and applies for food benefits in another household.
- (1) The worker explains the option to remain on TFB or to reapply for food benefits to the client.
 - (2) The worker encourages the client to remain on TFB if it results in higher benefits.
 - (3) FACS and FACS Case Notes are updated and TFB is not affected when the client reports:

- (A) a new household member.**
 - (i) The worker documents the information regarding the new household member in FACS Case Notes.**
 - (ii) The new household member is not added to the food benefits until the TFB period has ended;**
 - (B) income exceeding 130% of the poverty level as shown on OKDHS Appendix C-3, Maximum Food Stamp Allotments and Standards for Deductions, Income, and Utilities; or**
 - (C) a household member has left the home and has not applied for food benefits in another household.**
- 7. (a) See OKDHS Appendix B-2, Deadlines for Case Actions.**
- (b) See OAC 340:65-5-1 for notification requirements.**

340:50-11-46. Restoration of lost benefitsRevised 6-1-08

(a) **Worker responsibility.** A worker is responsible to restore lost benefits when the loss was caused by Oklahoma Department of Human Services (OKDHS) error. Benefits cannot be restored if they are lost more than 12 months prior to the most recent of the:

- (1) month the worker was notified by the household, by another person, or an agency in writing or orally of the possible loss to the specific household;
- (2) month the worker discovered in the normal course of business that a loss to a specific household has occurred;
- (3) date the household requested a fair hearing to contest the adverse action which resulted in the loss; or
- (4) date the household initiated court action.

(b) **Error discovered by human services center (HSC) staff.** If HSC staff determines that a loss of benefits has occurred and the loss was not caused by the household, the worker takes action to restore any benefits that were lost. No action by the household is necessary.

(c) **Disputed benefits.**

(1) If HSC staff determines a household is entitled to restoration of lost benefits but the household does not agree with the amount to be restored, the household may request a fair hearing. If a fair hearing is:

(A) requested prior to or during the time lost benefits are being restored, the household receives the lost benefits as determined by the worker pending results of the fair hearing; and

(B) favorable to the household, the worker restores the lost benefits in accordance with that decision.

(2) If the household believes it is entitled to restoration of lost benefits and after reviewing the case file the HSC staff does not agree, the household has 90 days from the date of the HSC decision to request a fair hearing. The HSC restores lost benefits to the household only if the fair hearing decision is favorable to the

household.

(d) **Computing amount to be restored.** After correcting the loss for future months and excluding the months for which benefits have been lost prior to the 12-month time limit, the worker calculates the amount to be restored.

(1) If the loss resulted in an incorrect allotment but the household was determined eligible, the loss of benefits is calculated only for those months the household participated.

(2) If the loss was caused by incorrect delay, denial, or termination of benefits, the months affected by the loss are calculated according to subparagraphs (A) or (B) of this paragraph.

(A) If an eligible household's application was erroneously denied, the month the loss initially occurred is the month of application, or, for an eligible household filing a timely reapplication, the month following the expiration of its certification period.

(B) If a household's benefits were erroneously terminated, the month loss initially occurred is the first month benefits were not received as a result of the erroneous action.

(3) Lost benefits are computed beginning with the month the loss initially occurred and ending either the first month the error is corrected or the first month the household is found ineligible.

(e) **Offsetting claims.** If the household has an unpaid overpayment or an overpayment held in suspense, the amount to be restored is offset against the amount of the overpayment. The balance, if any, is restored to the household. Benefits received at initial certification or because of retroactive certification are not used to offset claims against a household. ■ 1

(f) **Lost benefits to persons disqualified for willful misrepresentation.** A person disqualified for willful misrepresentation is entitled to restoration of any benefits lost during the months the person was disqualified only if the decision which resulted in disqualification is subsequently overturned or reversed. A person is not entitled to restoration of lost benefits for the period of disqualification based solely on the fact that a criminal conviction could not be obtained, unless the person successfully challenged the disqualification in a separate court action.

(1) For each month the person was disqualified, the amount to be restored, if any, is

determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate.

(2) The disqualification period cannot exceed 12 months prior to the date OKDHS was notified of lost benefits.

(3) If the household received a smaller allotment than it should have received, lost benefits is the difference between the amount the household was entitled to receive and what they actually received.

(g) **Method of restoration.** Whether the household is currently eligible or ineligible, the worker restores benefits equal to the amount of benefits that were lost. The amount of restoration is issued in addition to the allotment currently eligible households are entitled to receive. ■ 2

INSTRUCTIONS TO STAFF 340:50-11-46

Revised 6-1-08

1. **The Family Support Services Division (FSSD) Benefit Integrity and Recovery Section is responsible for this action.**
2. **To restore lost benefits, the worker must use the Food Stamp Lost Benefit (FSLB) transaction. If there is an overpayment recoupment needed, an error message alerts staff to send the request to the FSSD Food Stamp Section. A completed Form 08FB116E, Authorization for Food Stamp and ATP Issuance/Disposition, and a copy of the FSLB transaction is sent to the FSSD Food Stamps Section requesting restoration of lost benefits. FSSD Food Stamps Section staff makes a determination regarding the recoupment and notifies the human services center of the household's entitlement to restoration of lost benefits.**

PART 12. CATEGORICALLY ELIGIBLE HOUSEHOLDS**340:50-11-111. Categorically eligible household**

Issued 6-1-08

(a) **Purpose.** This Part includes the requirements for establishing categorically eligible households for the Food Stamp Program.

(b) **Definitions.** The following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

(1) "**Categorically eligible household**" means any household, as defined in OAC 340:50-11-20, in which all members receive or are authorized to receive:

(A) Supplemental Security Income (SSI);

(B) a Temporary Assistance to Needy Family (TANF) benefit; or

(C) a combination of SSI and TANF.

(2) "**Authorized to receive**" means that the person has been determined eligible for benefits and has been notified of this determination even though the benefits have not yet been received.

(c) **Suspended, recouped, or benefit not issued.** The fact that TANF or SSI benefits have been suspended, recouped, or are less than the minimum amount paid will have no impact on a determination of categorical eligibility.

(d) **Ineligible households.** A household may not be classified as a categorically eligible household when:

(1) the entire household is institutionalized and the institution is not listed at OAC 340:50-5-25 as an institution where residents may participate in the Food Stamp Program; or

(2) any member of the household is disqualified for an intentional program violation as defined in OAC 340:50-15-25.

340:50-11-112. When to classify categorically eligible households

Issued 6-1-08

(a) Food benefit households are immediately classified as a categorically eligible household when all household members receive:

- (1) Supplemental Security Income (SSI);
- (2) Temporary Assistance for Needy Families (TANF) cash assistance; or
- (3) a combination of TANF cash assistance and SSI benefits.

(b) For all other food benefit households, the worker must determine if the household is categorically eligible when: ■ 1

- (1) an application for food benefits is about to be denied because the household has resources or income over the Food Stamp Program standards; or
- (2) a food benefit case is about to be closed because the household has resources or income over the Food Stamp Program standards.

INSTRUCTIONS TO STAFF 340:50-11-112

Issued 6-1-08

1. Any food benefit application denied or any food benefit case closed due to excess resources or income must contain documentation the household is not categorically eligible in the Family Assistance/Client Services (FACS) Case Notes.

340:50-11-113. Financial eligibility factors

Issued 6-1-08

A categorically eligible household is not subject to the resource and income limitations of the Food Stamp Program.

(1) **Resources.** These households are considered resource eligible without verification.

(2) **Income.** These households have neither gross nor net income limits. The worker must verify the household's income.

340:50-11-114. Non-financial eligibility factors

Issued 6-1-08

(a) All household members must meet the citizenship requirements per OAC 340:50-5-67. If an individual's status as a United States (U.S.) citizen or non-citizen national is questionable and was verified for another program, the worker accepts participation in that program as proof of citizenship or lawful alien status.

(b) Aliens who are otherwise ineligible for food benefits are not automatically eligible for food benefits because they receive Supplemental Security Income (SSI). The citizenship requirements supersede the categorical eligibility requirements. ■ 1

(c) A categorically eligible household is considered as having met the Social Security number (SSN) information, sponsored alien information, and residency requirements for food benefit purposes. ■ 2

(d) If all household members receive or have been authorized to receive SSI benefits and the household is otherwise entitled to be categorically eligible per OAC 340:50-11-111, the household is assumed to have met the Food Stamp Program residency requirements, SSN requirements, resource limits, and net income limits. All household members must meet the citizenship requirements per OAC 340:50-5-67.

(e) If a household is classified as a categorically eligible household because all household members receive Temporary Assistance for Needy Families (TANF) cash assistance as listed in OAC 340:50-11-20, the household is assumed to have met the Food Stamp Program residency requirements, resource limits, and net income limits.

INSTRUCTIONS TO STAFF 340:50-11-114

Issued 6-1-08

1. See OAC 340:50-5-67.

2. (a) For Social Security number (SSN) information see OAC 340:50-5-68.

(b) For sponsored alien information, see OAC 340:50-5-49.

(c) For residency requirements, see OAC 340:50-5-66.

340:50-11-115. Review of categorical eligibility

Issued 6-1-08

For all households, the household's categorical eligibility status must be reviewed when all or some of the household members lose eligibility for Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF) unless these benefits are being recouped or suspended.

(1) If the household continues to be categorically eligible, the food benefit portion of the case is not closed due to excess resources or income.

(2) If the household is no longer categorically eligible, the food benefits are closed when the household's income or resources exceed Food Stamp Program limits.

■ 1

INSTRUCTIONS TO STAFF 340:50-11-115

Issued 6-1-08

- 1. Each human services center (HSC) must devise a method of monitoring categorically eligible cases so ineligible households do not continue receiving food benefits when categorical eligibility ends.**

SUBCHAPTER 13. FAIR HEARINGS

Section

- 340:50-13-1. Complaints of alleged discriminatory conditions or practices
- 340:50-13-2. Hearing based on any action relating to a food benefit or case
- 340:50-13-3. Quality control
- 340:50-13-4. Effective and efficient operation

340:50-13-1. Complaints of alleged discriminatory conditions or practices

Revised 6-1-08

See OAC 340:1-11-21 for procedures in handling complaints of alleged discriminatory conditions or practices.

340:50-13-2. Hearing based on any action relating to a food benefit or caseRevised 6-1-08

(a) **Client rights.** Every applicant and participating household has the right to appeal any action relating to their food benefit application or case. Applicants and recipients are advised orally as well as in writing of their right to a fair hearing and of the procedures for appealing any decision.

(b) **Hearing request.** Every applicant and participating household who believes proper consideration has not been given to the circumstances surrounding their situation may request a hearing. This request may be made orally or in writing. ■ 1

(1) When the aggrieved client chooses to orally request a hearing instead of making a written request, the client is given an opportunity to review the situation with a supervisory or administrative staff member in the local office. If the situation is not resolved in the review or the aggrieved client does not wish to review the situation with local supervisory or administrative staff, a memorandum is prepared summarizing the client's reason(s) for requesting a fair hearing and the identifying portion of Form 13MP001E, Request for a Fair Hearing, is completed. ■ 2

(2) Households wishing to contest a denial of expedited service must be given an opportunity to have an OKDHS conference scheduled within two working days unless the household requests it be scheduled later or states it does not wish to have an OKDHS conference. The conference is handled in accordance with procedures in OAC 340:2-5-61. A fair hearing must be held if the issue is not resolved or the household does not withdraw its request for a fair hearing by signing Form 13MP004E, Withdrawal of Request for Hearing.

(c) **Participation during appeal.** When a household requests a hearing during the ten-day advance notice period, the household can choose to continue participation on the basis of the household's situation authorized immediately prior to the notice of adverse action. If the appeal is not sustained, the client is required to reimburse the benefits received ineligibly. If the household chooses not to continue participation on the basis immediately prior to the notice of adverse action and the appeal is sustained, the household is entitled to the retroactive benefits lost during the appeal period.

(1) When the household fails to request continuation of benefits within the advance notice period and later establishes there was good cause for the failure, the worker reinstates the benefits to the prior basis.

(2) When benefits are reduced or terminated as a result of a mass change without individual notice of adverse action, OKDHS, upon request of the household, reinstates benefits if the issue being appealed is that eligibility or benefits were improperly computed.

(3) When a household requests a hearing and continuation of benefits as a result of an action taken by OKDHS at initial certification or on a subsequent application, benefits are not reinstated or continued except as authorized at such initial or subsequent certification.

(d) **Reduction or termination prior to hearing decision.** Once continued, benefits are not reduced or terminated prior to a hearing decision except under the circumstances in (1) and (2) of this subsection.

(1) **Change in circumstances while hearing is pending.** If a change in circumstances, other than the issue being appealed, occurs while the hearing decision is pending which affects the household's eligibility or basis of issuance and the household does not request an additional hearing and continuation of benefits after the notice of adverse action, such action is initiated by the worker. The benefit allotment must be based on any income the household had prior to the first notice of adverse action.

(2) **Notification to household.** The head of the household is mailed written notice of the decision of the Appeals Committee per OAC 340:2-5-76 and is apprised of the reason for the decision. At the same time, the head of the household is advised of any further right to appeal.

(e) **Hearing decision.** Decisions of the Appeals Committee may not run counter to federal law, regulation, or policy. The hearing is conducted, a decision is reached, and the household and human services center are notified within 60 calendar days of receipt of the fair hearing request. A decision which results in an increase in household benefits is reflected in the benefit within ten days of the receipt of the hearing decision.

INSTRUCTIONS TO STAFF 340:50-13-2

Revised 6-1-08

1. Procedures as outlined in OAC 340:2-5-64 are followed when the hearing request is in writing.

2. The memorandum and Form 13MP001E are prepared in triplicate. The original is submitted to the Oklahoma Department of Human Services (OKDHS),

Attention: Appeals Unit, with a copy given to the client, and a copy filed in the local case record.