TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:50-5-45; 50-9-1; and 50-10-11.

EXPLANATION: OAC 340:50-5-45 Instructions to staff (ITS) are revised to add the Non-Temporary Assistance for Needy Families (TANF) Special Projects Expansion Project as a program that is not considered higher education for student classification.

OAC 340:50-9-1 ITS are revised to add procedures to generate a Notice of Missed Interview when a client misses the scheduled interview and to clarify the need for the client to complete a new food benefit application at the time of the State Supplemental Payment case review.

OAC 340:50-10-11 ITS are revised to inform staff how to handle replacing an Access Oklahoma card for a client who has moved out of state, no longer has the Access Oklahoma card, and needs to access the remainder of their benefits.

Original signed on 11-4-08
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Family Support Services Division

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WF # 08-Z (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.

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<tr>
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<tbody>
<tr>
<td>340:50-5-45</td>
<td>340:50-5-45, pages 1-5, revised 11-1-08</td>
</tr>
<tr>
<td>340:50-9-1</td>
<td>340:50-9-1, pages 1-10, revised 11-1-08</td>
</tr>
<tr>
<td>340:50-10-11</td>
<td>340:50-10-11, pages 1-2, revised 11-1-08</td>
</tr>
</tbody>
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340:50-5-45. Students

Revised 6-1-06

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

1. A college or university which offers degree programs is considered an institution of higher education even when a high school diploma or equivalency certificate is not required to enroll. A college includes a junior, community, two-year, or four-year college, or university.

   (A) Students enrolled at least half time in the regular curriculum are considered enrolled in higher education.

   (B) Individuals enrolled at a college or university in special programs, such as courses for English as a second language, or other courses which are not part of the regular degree programs are not considered enrolled in higher education.

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

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

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

1. under age 18 or age 50 or older;

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

(B) Appropriate verification may consist of:

(i) receipt of temporary or permanent disability benefits issued by governmental or private sources;

(ii) participation in a state vocational rehabilitation (VR) program; or

(iii) a statement from a physician or licensed or certified psychologist;

(3) attending high school;

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

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

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

(c) Eligibility restrictions for students.

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

(A) employed for an average of 20 hours per week or 80 hours per month and paid for that employment. Earning wages equal to the federal minimum wage times 20 is not a substitute for this restriction;

(B) self-employed for an average of 20 hours per week or 80 hours per month and receives weekly earnings at least equal to the federal minimum wage times 20;

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

(i) To qualify under this provision, the students must be approved for work study at the time of application for food benefits.
(I) The work study must be approved for the school term and the students must anticipate actually working during the school term.

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

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

(ii) The exemption does not continue between terms when there is a break of a full month or longer unless the student is participating in a work study program during the break;

(D) responsible for the care of a dependent household member under the age of six;

(E) responsible for the care of a dependent household member six through 11 years of age when the worker determines that adequate child care is not available to enable the student to attend class and work an average of 20 hours per week or participate in a state or federally financed work study program. The reasons for lack of adequate child care include, but are not limited to, location of the nearest child care facility or availability of funds to pay child care expenses. Determination of availability of adequate child care is made on a case-by-case basis;

(F) single parents enrolled in an institution of higher education on a full-time basis as determined by the institution and responsible for the care of a dependent child under age 12, regardless of the availability of child care.

(i) This provision applies in those situations where only one natural, adoptive, or stepparent regardless of marital status is in the same food benefit household as the child.

(ii) If no natural, adoptive, or stepparent is in the same food benefit household as the child, another full-time student in the same food benefit household as the child may qualify for eligible student status under this provision if he or she has parental control over the child and is not living with his or her spouse;

(G) Temporary Assistance for Needy Families (TANF) recipients; or

(H) assigned to or placed in an institution of higher education through:
(i) the Workforce Investment Act (WIA) Program;

(ii) a food benefit employment and training program;

(iii) the Job Opportunities and Basic Skills (JOBS) program under Title IV of the Social Security Act;

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

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

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

INSTRUCTIONS TO STAFF 340:50-5-45

Revised 11-1-08

1. Student status begins on the first day of the school term for students who have:

   (1) not attended an institution of higher education previously; or

   (2) had a break of more than a semester since they last attended.

2. Persons participating in a Non-Temporary Assistance for Needy Families (TANF) Special Projects Expansion Project are not considered enrolled in higher education.

3. "Normally Requires" means a student is required to have a high school diploma or equivalency certificate, but if the student does not have either, he or she may be enrolled by passing a special entrance examination. If a high school diploma or equivalency certificate is only required prior to completion of coursework, as opposed to required for enrollment, students are not considered to be attending an institution of higher education. In addition, programs designed to help a person pass the General Educational Development (GED) test do not qualify the person as attending an institution of higher education.
4. Students engaging in on-line courses or telecourses are considered attending an institution of higher education if the school requires the student to have a high school diploma or equivalency certificate for enrollment and the student is enrolled at least half time.

5. The dependent child must be included in the food benefit. A dependent child is defined as the biological, step, or adopted child of the student.

6. When both parents are students, only one parent can be exempt as caretaker of a child. In order for both parents to be exempt as caretaker, there must be at least two children under age six and each parent is caretaker for a different child at a different time of day. For example, the mother attends school at night and watches one of the children during the day, while the other child is in kindergarten and the father is in school. The father watches both children in the evening while the mother is in school.
340:50-9-1. Determining the food benefit allotment

Revised 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 x 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. 5

(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) 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.

INSTRUCTIONS TO STAFF 340:50-9-1

Revised 11-1-08

1. In order to issue the correct food benefit allotment amount, the application date in 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. If a member of the food benefit household or the household's authorized representative fails to appear for the first scheduled interview, the worker puts the application in FDENY status using reason 59 "failure to meet face-to-face interview commitment" on Appendix U, Reasons for Negative Case Actions. Entering this code issues the Notice of Missed Interview (NOMI).


7. (a) The worker gives OKDHS Appendix BR-38-A, Information For Annual Reporters, to households determined annual reporters.

(b) All households certified with a 24 month certification period must complete a new food benefit application at the end of the certification period. This includes households receiving a State Supplemental Payment (SSP). The worker enters the new food benefit application date in the FACS Food Stamp tab and chooses "certified (1)" rather than "change" in the "type action taken" field.
340:50-10-11. Food stamp household leaves the state

Revised 4-26-04

When a household moves to another state and has benefits remaining in their account, the Oklahoma Department of Human Services (OKDHS) does not convert their electronic benefits to coupons. The Access Oklahoma card can be used in most states. Most major retailers accept the Access Oklahoma card. If the household is unable to locate a store near their new residence, the benefits must be used in Oklahoma before they move or can be used to purchase food in areas or states that accept the Access Oklahoma card during their move.

INSTRUCTIONS TO STAFF 340:50-10-11

Revised 11-1-08

1. (a) If a household's benefits cannot be accessed because they have moved to a state that does not honor the Access Oklahoma card, the worker instructs the household to contact the local state agency that administers the Food Stamp Program in that state for help in locating a retailer that accepts the Access Oklahoma card.

(b) If a household notifies the worker they are moving or have moved to another state, the worker informs the household their remaining electronic benefit transfer (EBT) benefits cannot be converted to coupons. The worker instructs the household to use their Access Oklahoma card in Oklahoma during the move or contact the state agency where they have moved to locate a retailer that will accept the Access Oklahoma card.

(c) If another state agency notifies the worker that a household has moved from Oklahoma to their state, the worker informs them that Oklahoma Department of Human Services (OKDHS) does not convert remaining benefits to coupons.

(d) The worker may contact the OKDHS Electronic Payment Systems (EPS) Unit to assist the household in locating a retailer that accepts the Access Oklahoma card. The new state may also be contacted for help in locating a retailer in their state that accepts the Access Oklahoma card.

(e) If the household moves out of state and reports they no longer have their Access Oklahoma card and need one, the worker:
(1) asks the EBT specialist to make a new Access Oklahoma card and send it to the client Return Receipt Requested;

(2) notifies the OKDHS EPS Unit of the case number and date the card was mailed for federal audit purposes;

(3) documents in Family Assistance/Client Services (FACS) case notes the date the Access Oklahoma card was made and mailed to the client and to what address it was mailed; and

(4) files the return receipt in the case record to verify the Access Oklahoma card was received.