TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:50-3-1 through 50-3-3; 50-5-2; 50-5-10.1; 50-5-27; 50-5-30; 50-5-45; 50-5-48; 50-5-64.1; 50-5-91 through 50-5-94; 50-5-96; 50-7-22; 50-7-29 through 50-7-31; 50-7-45 through 50-7-46; 50-9-1; 340:50-10, Table of Contents; 50-10-1; 50-10-9; 50-10-11; 340:50-11, Table of Contents; 50-11-1; 50-11-21 through 50-11-22; 50-11-25; 50-11-27; 50-11-46; 50-11-86; 50-11-88; 50-11-105; 50-11-107 through 50-11-108; 50-11-111; 50-13-2; 50-15-1; 50-15-3; and 50-15-5 through 50-15-6.

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 add Instructions to Staff (ITS) to: (1) clarify when an oral request can be used as the application date; and (2) explain when and how to remove an authorized representative from the case.

OAC 340:50-3-2 is revised to: (1) update language to current terminology; and (2) rearrange rules for greater clarity. ITS are added to advise of action to be taken when the client or authorized representative fail to come in for the scheduled face-to-face interview.

OAC 340:50-3-3 is revised to rearrange rules for greater clarity.

OAC 340:50-5-2 is revised to: (1) update language to current terminology; and (2) add information to clarify when children who normally live elsewhere are living with parents on weekends or occasionally at other times can be included in the benefits.

OAC 340:50-5-10.1 is revised to: (1) group types of disqualified household together that have their income, resources, and expenses treated the same way; (2) add clarifying language about who is considered a fleeing felon and the actions a worker must take regarding the fleeing felon; and (3) update language to current terminology.
340:50-5-93. Verification

Revised 6-1-10

(a) To the extent that the information given by the household is questionable, the worker requests verification of the household's statements. The primary responsibility for providing verification rests with the household. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the worker offers assistance to the household to obtain the needed verification.

(b) Acceptable sources of verification include, but are not limited to:

   (1) the previous employer;
   (2) employee associations;
   (3) union representatives; and
   (4) grievance committees or organizations.

(c) When documentary evidence cannot be obtained, the worker substitutes a collateral contact. The worker is responsible for obtaining verification from acceptable collateral contacts provided by the household.

(d) If the household and worker are unable to obtain requested verification from these or other sources because the voluntary quit resulted from circumstances which cannot be verified, the household is not denied food benefits.

INSTRUCTIONS TO STAFF 340:50-5-93

Revised 6-1-10

1. Circumstances that cannot be verified include:

   (1) resignation from employment due to discrimination practices;
   (2) unreasonable demands by an employer; or
   (3) because the employer cannot be located.
340:50-5-92. Determination of good cause

Revised 6-1-10

Upon determination the head of household voluntarily quit his or her employment, the worker considers the facts and circumstances. The worker uses information submitted by the principal wage earner and the employer to determine if the voluntary quit is with good cause. Good cause for leaving employment includes:

1. discrimination by an employer based on age, race, sex, color, disability, religious beliefs, national origin, or political beliefs;

2. work demands or conditions which render continued employment unreasonable, such as working without being paid on schedule;

3. acceptance by the head of household of other employment, or enrollment at least half-time in any recognized school, training program, or institution of higher education, requiring the head of household to leave employment;

4. acceptance by any other household member of other employment or enrollment at least half-time in any recognized school, training program, or institution of higher education in another county or area requiring the household to move and thereby requiring the head of household to leave employment;

5. resignations by persons under the age of 60 which are recognized by the employer as retirement;

6. employment which becomes unsuitable after the acceptance of such employment because it no longer meets the criteria of suitable employment as specified at OAC 340:50-5-88(8);

7. leaving employment after accepting a bona fide offer of employment of more than 20 hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 20 hours because the agreed upon work hours or weekly earnings do not materialize;

8. leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food benefits between jobs, particularly in cases where work may not yet be available at the new site. Even though employment at the new site has not actually
begun, the quitting of the previous employment is considered with good cause if it is part of the pattern of that type of employment; or

(9) circumstances beyond the person's control, such as but not limited to:

(A) illness;

(B) illness of another household member sufficiently serious to require the presence of the registrant;

(C) unavailability of transportation;

(D) lack of adequate child care for children who have reached age six but are under age 12; or

(E) an unanticipated emergency.
OAC 340:50-5-27 ITS are revised to update language to current terminology.

OAC 340:50-5-45 is revised to update language to current terminology. ITS are updated to add clarifying language regarding the work rule for students.

OAC 340:50-5-64.1 is revised to update: (1) language to current terminology; (2) form names to current names; and (3) information about who is eligible for a Work Opportunity Tax Credit.

OAC 340:50-5-48, 340:50-5-92, 340:50-5-94, and 340:50-10-11 are revised to: (1) update language to current terminology; and (2) add clarifying information.

OAC 340:50-7-22 is revised to add: (1) clarifying language regarding educational income; and (2) additional income considered exempt.

OAC 340:50-7-29 is revised to: (1) remove self-employment income procedures and cite another rule for this information; and (2) move fleeing felons to the household type whose income, resources, and allowable expenses are not prorated.

OAC 340:50-7-30 is revised to clarify how income from rental property is considered.

OAC 340:50-7-31 is revised to: (1) add the policy cite for the definition of elderly or disabled; (2) update the allowable dependent care deduction to the total billed to the client; and (3) remove outdated language. ITS are updated to remove language regarding shelter deductions for self-employed households whose home is their place of business.

OAC 340:50-7-45 is revised to add clarifying language regarding income used in a month when an extra check is received due to a third or fifth paycheck. ITS are updated to clarify when actual income is not to be used.

OAC 340:50-7-46 is revised to add clarifying language regarding when actual and anticipated income are to be used. ITS are updated to clarify: (1) how to convert income when monthly amounts are used; and (2) when actual income is not to be used.

OAC 340:50-9-1 is revised to: (1) move language regarding
determining the net food benefit income from ITS into rule; (2) remove three month certification periods as an option; and (3) remove outdated language regarding certification periods.


OAC 340:50-11-1 is revised to: (1) update language to current terminology; and (2) add clarifying language. ITS are updated to clarify how to handle liquid resources in determining expedited eligibility.

OAC 340:50-11-27 is revised to: (1) update language to current terminology; and (2) add clarifying language. ITS are added to clarify how food benefits are handled when Temporary Assistance for Needy Families (TANF) is closed and the primary food benefit case is the companion State Supplemental Payment (SSP) case.

OAC 340:50-11-46 ITS are revised to update language to current terminology.

OAC 340:50-11-86 is revised to: (1) update language to current terminology; and (2) add language that food benefits issued due to a disaster must be used within 90 days of certification or they are expunged and cannot be added back into the account.

OAC 340:50-11-105 is revised to: (1) update language to current terminology; and (2) remove outdated language.

OAC 340:50-11-111 is revised to correct language regarding which households are considered categorically eligible.

OAC 340:50-13-2 is revised to add clarifying language that benefits are not continued when an appeal has been filed and the certification period has ended.

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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340:50-3-1. The application process

Revised 6-1-09

(a) General. The application process for the Supplemental Nutrition Assistance Program (SNAP) 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).

(2) Expedited services must be available to those households who are in immediate need as defined in OAC 340:50-11-1 through 340:50-11-6.

(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 SNAP 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) 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 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, groups, and organizations that 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 benefits in writing, the HSC mails Form 08MP001E, Request for Benefits, to the household on the same day the written request or telephone call is received.

(C) To facilitate participation in SNAP, households in which all members are applying for a State Supplemental Payment (SSP) 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 benefit eligibility criteria and the household is certified in accordance with SNAP policy. Policy for taking and processing food benefit applications for SSP and TANF households are provided in OAC 340:50-11-20 through 340:50-11-115.

(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 340:50-11-1 through 340:50-11-6 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 when 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. When possible, the head of the household or spouse prepares or reviews the application even though the authorized representative actually files the application and is interviewed.

(B) Employees of OKDHS and their 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 worker ensures an authorized representative is properly designated and has not been disqualified.  ■ 4 Limits are not placed on the number of households an authorized representative may represent. Care is taken by the worker 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 SNAP 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) SNAP 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 SNAP Section staff. This provision does not apply to persons serving as authorized representatives for group homes or drug addiction 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 SSP or TANF, the application is processed in accordance with OAC 340:50-11.

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.

(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 6-1-10

1. The process involves such actions as:

   1. making application forms available;
   2. assisting a household in the completion of an application;
   3. interviewing members of the household or the authorized representative;
   4. providing necessary collateral contacts for verification; and
(5) preparing necessary documents to authorize the household to receive and use food benefits.

2. 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.

3. If a person makes an oral request for benefits, the worker can preserve this date as the date of application when a hardship exists. A hardship exists when the household states no one can come to the local human services center (HSC) to file a signed application because of a situation beyond the household's control such as illness, disability, or lack of transportation. The worker must document in the Family Assistance/Client Services (FACS) case notes why the oral request date was used as the application date.

4. (a) 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.

(b) When the household reports it no longer wants an authorized representative or requests a new authorized representative, the worker must remove the authorized representative as soon as possible. This is done by removing the authorized representative's name from the FACS Case Info tab and deactivating the person on transaction EBTU. Immediate card cancellation helps avoid misuse of the client's food benefits by the current authorized representative.

5. (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.

(c) When there is an existing number, the existing number is used and the application is registered immediately.

6. The worker documents in FACS case notes 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.
340:50-3-2. Interview process

Revised 6-1-10

(a) **Face-to-face interview.** All households initially applying for food benefits, including those submitting applications by mail, must have a face-to-face interview with a worker except when the household:

1. requests the interview be waived because the household is unable to appoint an authorized representative and does not have a household member able to come into the human services center (HSC) because of hardship conditions. Hardship conditions include, but are not limited to:
   
   - (A) education, training, or work hours which make it difficult to come into the HSC during office business hours;
   
   - (B) illness or the need to care for a family or household member;
   
   - (C) bad weather conditions;
   
   - (D) transportation problems of any kind;
   
   - (E) residence in a rural area; or
   
   - (F) advanced age or disability; or

2. is being recertified for food benefits. At recertification, the interview may be conducted face-to-face or over the telephone.

(b) **Waiver of face-to-face interview.** When the face-to-face interview is waived, the worker conducts the interview as soon as possible either by phone or at a location convenient to the household such as a home visit.

1. The seven day expedited service or 30 calendar day processing standards apply.

2. The home visit or telephone interview is scheduled in advance with the household.

3. The household must provide the required verification. If the household is unable to furnish the required verification, the worker provides assistance.
(c) **Who must be interviewed.** The person interviewed may be the head of the household, spouse, any other responsible member of the household, or an authorized representative who knows the household’s circumstances. The household may bring any person of their choice to the face-to-face interview.

(d) **Worker responsibilities during the interview.** During the face-to-face interview, the worker:

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

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

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

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

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

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

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

   A) If the household fails to appear for the first interview, further interviews are not scheduled unless the household requests another appointment by the 30th calendar day after the application date.
(B) Upon request, the worker reschedules the interview at the earliest possible date.

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

(A) If the household fails to appear for the scheduled interview, further interviews are not scheduled unless the household requests another appointment by the 30th calendar day after the application date. □ 3

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

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

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

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

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

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

(3) If food benefits have been terminated for refusing to cooperate with the QC reviewer and reapplication is made after 95 calendar days from the end of the QC review period, October 1 through September 30, the household must provide verification of eligibility factors only for the reapplication. For example, if a household had a QC review during the October 2008 through September 2009 annual QC review period and food benefits were terminated for refusal to cooperate with the QC review, the household is required to provide verification for the reapplication only if it is filed after January 2, 2010.
INSTRUCTIONS TO STAFF 340:50-3-2

Revised 6-1-10

1. When the human services center (HSC) face-to-face interview is waived and an alternate interview method is used, the worker must document in the Family Assistance/Client Services (FACS) case notes the reason the person was unable to come to the HSC for the face-to-face interview and the alternate interview method used.

2. In order to conduct an in-depth interview the worker must review previous applications and other information contained in the food benefit case record and all related case records prior to the interview.

3. If a member of the food benefit household or the household's authorized representative fails to appear for or comply with the first scheduled interview, the worker puts the application in FDENY status using reason 59. This will issue the Notice of Missed Interview (NOMI).
340:50-3-3. Verification

Revised 6-1-10

(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.

(b) **Sources of verification.** Sources of verification that provide the worker with evidence that may be used to establish eligibility include but are not limited to (1) through (4) in this subsection.

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 worker records the method of verification 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 the Oklahoma Department of Human Services (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 worker documents in the case record all verified evidence gathered during the course of the investigation. 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.

(c) 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 worker 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.

(d) 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.

(e) Questionable information. Prior to certification, the worker must verify questionable factors of eligibility, including all factors affecting household composition, 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 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.

**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.
340:50-5-2. Periods of absence

Revised 6-1-10

A person who is away from the home for extended periods during the month, but who returns to the home for part of each month, may be considered a member of the food benefit household. This would include persons who are away working, attending school, and similar situations.

(1) A person who attends a boarding school, including the state schools for the deaf and blind, is not considered institutionalized as long as he or she returns home on weekends and holidays.

(2) A child who lives with a parent on weekends and occasionally at other times may be claimed as part of the parent’s food benefit household as long as the child is not included in another active food benefit household. In instances where both the father and mother of the child participate in the Supplemental Nutrition Assistance Program (SNAP) during the same month, the parent who has the child the majority of the time would be authorized to include the child in his or her SNAP household.
340:50-5-10.1. Disqualified household members

Individual household members may be disqualified for:

(1) willful misrepresentation or fraud;

(2) failure to register for employment or participate in the Supplemental Nutrition Assistance Program Employment and Training Program;

(3) being a fleeing felon.

(A) Fleeing felon means the person:

(i) has knowledge that a warrant has been issued for his or her arrest in relation to a felony; and

(ii) is acting with the intent to avoid prosecution or arrest.

(B) When the worker has information that a person has a felony warrant issued for his or her arrest, the worker:

(i) does not initiate contact with law enforcement officials;

(ii) verifies the person has knowledge of the warrant by asking the person if he or she has satisfied the warrant; and

(iii) allows the person an opportunity to submit documentation showing the warrant has been satisfied. ■ 1

(I) If the warrant has not been satisfied, the person is not eligible to receive food benefits. ■ 2

(II) If the household provides verification showing the person is not a fleeing felon, the person may be included in the food benefits, if otherwise eligible; ■ 3

(4) failure to obtain or refusal to provide a Social Security number;

(5) not being a qualified alien;
(6) being a probation or parole violator; or

(7) being an able-bodied adult without dependents and not meeting work requirements specified in OAC 340:50-5-64.

INSTRUCTIONS TO STAFF 340:50-5-10.1

Revised 6-1-10

1. The worker mails or gives Form 08AD092E, Client Contact and Information Request, allowing the person ten calendar days to provide the verification.

2. The worker documents the information in Family Assistance/Client Services (FACS) case notes. This does not affect the eligibility of other household members.

3. If verification is received showing the person is not a fleeing felon, the worker documents the information in FACS case notes.

4. The person's statement that the person is not in violation of probation or parole is sufficient unless there is information indicating otherwise. It is the person's responsibility to provide verification the violation has been resolved. Human services center staff do not initiate contact with the parole officer.
340:50-5-27. Disabled or blind residents of group homes

Revised 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 6-1-10

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 Supplemental Nutrition Assistance 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.
340:50-5-30. Providers of meals for the homeless

Revised 6-1-10

Food and Nutrition Service (FNS) authorizes as retail food stores, those providers of meals for the homeless which apply and qualify for authorization to accept food benefits from homeless food benefit recipients. Such meal providers must be public or private, non-profit organizations as defined by the Internal Revenue Service.

(1) Providers of meals for the homeless are approved by the Oklahoma Department of Human Services as meal providers prior to application for authorization by FNS for acceptance of food benefits.

(2) Meals served by the providers must include food purchased by the providers.

(3) Persons who are employed by or act as volunteers for organizations that provide meals for the homeless may not act as authorized representatives for homeless food benefit recipients.
340:50-5-45. Students

Revised 6-1-10

(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) Persons 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 Supplemental Nutrition Assistance Program (SNAP) 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 (OJT) program. Students are considered participating in OJT 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 SNAP 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; □ 5

(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 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 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; ■ 6

(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; ■ 7

(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 6-1-10

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 pay can be at any rate but the hours worked must average 20 per week or 80 per month.

6. 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.

7. 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.
340:50-5-45. Students

Revised 6-1-10

(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) Persons 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 Supplemental Nutrition Assistance Program (SNAP) 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 (OJT) program. Students are considered participating in OJT 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 SNAP 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; ■ 5

   (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 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 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; ■ 6

(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; ■ 7

(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 6-1-10

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 pay can be at any rate but the hours worked must average 20 per week or 80 per month.

6. 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.

7. 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.
340:50-5-48. Migrant farm laborers

Revised 6-1-10

Migrant farm laborers usually have little or no income upon arriving at a work area; therefore, the worker should be alert to the need for emergency food and determine whether the migrant farm laborer's household qualifies for expedited services.

(1) **Resources.** When the migrant household contains a household member who is disqualified from the Supplemental Nutrition Assistance Program (SNAP) due to an intentional program violation as described at OAC 340:50-15-25, special care should be taken to determine if there are out-of-state resources or income from real property in the home-base area. For example, a migrant who claims Texas as a home-base area and who is applying for food benefits in Oklahoma is questioned as to the availability of resources in Texas as well as in Oklahoma. Particular attention is paid to real property in the home-base area.

   (A) Each applicant household is permitted one home and surrounding property as an exemption from resources. Since the household may be temporarily away from the home-base for employment, the home and surrounding property in the home-base area may be exempt from consideration as a resource.

   (B) Shelter costs for the home when unoccupied because of employment may be allowed if the household intends to return. When the home is occupied, the current occupants must not be claiming the shelter costs and the house must not be leased or rented in order for shelter costs to be allowed.

   (C) The worker explores the possibility that out-of-state real property is being rented or is producing income. If home property is producing income, the income must be added to all the household's income in determining eligibility and food benefit allotment.

(2) **Work registration.** 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.

(3) **Exempt income of children in migrant households.** Since many migrant households receive one payment in combination for work performed by all household members, the income of a student under 18 years of age must be differentiated from the rest of the household's income. The worker prorates equally the income among
the number of household members working and excludes that portion allowed to the student.
340:50-5-64.1. Work Opportunity Tax Credit (WOTC)

Revised 6-1-10

The Work Opportunity Tax Credit (WOTC) law permits for-profit employers to take a credit on their federal income tax when workers from certain target groups are hired. Workers in these target groups have faced significant barriers to employment. The WOTC is equal to between 25% to 40% of the first year wages up to $9000 depending on the number of hours the employee works and the applicable target group for that person. The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers, while the participating employers are compensated by being able to reduce their federal income tax liability.

(1) WOTC is available to employers for workers hired from targeted food benefit recipient groups in (A) through (L) of this subsection.

(A) Qualified veterans. The veteran must reside with a household currently receiving food benefits or a household that received food benefits for at least three consecutive months out of the last 15 months before the date hired for employment.

(B) Qualified food benefit recipients. Qualified food benefit recipients are persons between the ages of 18 and 39 who:

   (i) reside with a household currently receiving food benefits or a household that received food benefits for at least six consecutive months prior to their hiring date; or

   (ii) are able-bodied adults without dependents no longer eligible for benefits who reside with a household currently receiving food benefits or a household that received food benefits for at least three months out of the last five consecutive months prior to their hiring date.

(C) Long-term Temporary Assistance for Needy Families (TANF) recipient. A member of a family that:

   (i) received or recently received TANF payments for at least 18 consecutive months ending on the hiring date; or
(ii) received TANF payments for any 18 months beginning after August 5, 1997, and the earliest 18-month period beginning after August 5, 1997 ended during the past two years; or

(iii) stopped being eligible for TANF payments during the past two years because federal or state law limited the maximum time those payments could be made.

(D) Other TANF recipient. A member of a family that is receiving or recently received TANF benefits for any nine-month period during the 18-month period ending on the hiring date.

(E) Designated community resident. An 18 to 39 year old resident of one of the federally designated Empowerment Zones (EZs), Enterprise Communities (ECs), Renewal Communities (RCs), and for individuals who begin to work for an employer after May 25, 2007, this High-Risk Youth group has been renamed “Designated Community Resident” and expanded to include residents of Rural Renewal Counties.

(F) Summer Youth employee. A 16 or 17 year old EZ, EC, or RC resident hired between May 1 and September 15.

(G) Vocational Rehabilitation referral. A person who completed or is completing rehabilitative services from a state certified agency, and Employment Network or the United States (U.S.) Department of Veterans Affairs.

(H) Qualified ex-felon. A person who has been convicted of a felony and has a hiring date which is not more than one year after the last date on which he or she was convicted or released from prison.

(I) Supplemental Security Income (SSI) recipient. A recipient of SSI benefits for any month ending during the past 60 day period ending on the hire date.

(J) Hurricane Katrina employee. A recipient in this group does not require certification.

(K) Unemployed veteran. A veteran hired after 2008 and before 2011 who:

(i) has been discharged or released from active duty in the U.S. Armed Forces at any time during the five year period ending on the hiring date; and
(ii) received unemployment compensation under state or federal law for at least four weeks during the one year period ending on the hiring date.

(L) **Disconnected youth.** A person who is certified as:

(i) having attained age 16, but not 25, on the hiring date;

(ii) not regularly attending any secondary, technical, or post-secondary school during the six-month period preceding the hiring date;

(iii) not regularly employed during the six-month period preceding the hiring date; and

(iv) not readily employable by reason of lacking a sufficient number of basic skills.

(2) Through an agreement with the Oklahoma Employment Security Commission (OESC) the Oklahoma Department of Human Services (OKDHS) is able to issue the U.S. Department of Labor Form ETA-9062, Conditional Certification Work Opportunity Tax Credit, to food benefit recipients.

(3) The Form ETA-9062 and a letter from the worker stating the number of months the participant has been a food benefit recipient must be given to the participant to present to the employer on or before the first day of employment. An explanation is given to the participant about the purpose of the form and that the tax credit may help the participant get a job.
340:50-5-91. Determination of voluntary quit

Revised 6-1-10

When a household files an application or when a participating household reports loss of income, the worker determines if the voluntary quit sanction applies. When a non-compliant head of household moves from one food benefit household to another, he or she cannot be designated as head of household if the new household has already selected an adult parent as its head of household. ■ 1

INSTRUCTIONS TO STAFF 340:50-5-91

Revised 6-1-10

1. If there is no adult parent designated as head of household the worker determines the principal wage earner at the time of the voluntary quit.
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM  
OAC 340:50-5-92 (p1)

340:50-5-92. Determination of good cause

Revised 6-1-10

Upon determination the head of household voluntarily quit his or her employment, the worker considers the facts and circumstances. The worker uses information submitted by the principal wage earner and the employer to determine if the voluntary quit is with good cause. Good cause for leaving employment includes:

1. discrimination by an employer based on age, race, sex, color, disability, religious beliefs, national origin, or political beliefs;

2. work demands or conditions which render continued employment unreasonable, such as working without being paid on schedule;

3. acceptance by the head of household of other employment, or enrollment at least half-time in any recognized school, training program, or institution of higher education, requiring the head of household to leave employment;

4. acceptance by any other household member of other employment or enrollment at least half-time in any recognized school, training program, or institution of higher education in another county or area requiring the household to move and thereby requiring the head of household to leave employment;

5. resignations by persons under the age of 60 which are recognized by the employer as retirement;

6. employment which becomes unsuitable after the acceptance of such employment because it no longer meets the criteria of suitable employment as specified at OAC 340:50-5-88(8);

7. leaving employment after accepting a bona fide offer of employment of more than 20 hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 20 hours because the agreed upon work hours or weekly earnings do not materialize;

8. leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food benefits between jobs, particularly in cases where work may not yet be available at the new site. Even though employment at the new site has not actually
begun, the quitting of the previous employment is considered with good cause if it is part of the pattern of that type of employment; or

(9) circumstances beyond the person's control, such as but not limited to:

(A) illness;

(B) illness of another household member sufficiently serious to require the presence of the registrant;

(C) unavailability of transportation;

(D) lack of adequate child care for children who have reached age six but are under age 12; or

(E) an unanticipated emergency.
340:50-5-93. Verification

Revised 6-1-10

(a) To the extent that the information given by the household is questionable, the worker requests verification of the household's statements. The primary responsibility for providing verification rests with the household. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the worker offers assistance to the household to obtain the needed verification.

(b) Acceptable sources of verification include, but are not limited to:

1. the previous employer;
2. employee associations;
3. union representatives; and
4. grievance committees or organizations.

(c) When documentary evidence cannot be obtained, the worker substitutes a collateral contact. The worker is responsible for obtaining verification from acceptable collateral contacts provided by the household.

(d) If the household and worker are unable to obtain requested verification from these or other sources because the voluntary quit resulted from circumstances which cannot be verified, the household is not denied food benefits.

INSTRUCTIONS TO STAFF 340:50-5-93

Revised 6-1-10

1. Circumstances that cannot be verified include:

1. resignation from employment due to discrimination practices;
2. unreasonable demands by an employer; or
3. because the employer cannot be located.
340:50-5-94. Penalty for voluntary quit

Revised 6-1-10

When the head of household who is a required work registrant has quit a job of at least 20 hours a week or the equivalent of the federal minimum wage multiplied by 20 hours, without good cause, the actions described in this Section are taken.

(1) Applicant household. The worker denies the application and imposes the sanction for 90 calendar days starting from the date of quit or until eligibility is reestablished.

(2) Participating household. Within ten calendar days after the worker determines a voluntary quit occurred, the worker closes the food benefits giving advance notice.

(A) The disqualification period runs continuously for three months beginning with the month the adverse action is effective or until eligibility is reestablished.

(B) A household is regarded as a participating household when the worker discovers, after certification, a voluntary quit which occurred 60 calendar days prior to the application for benefits or in the time between application and certification. The period of disqualification is for three months or until eligibility is reestablished.

(3) Households with special circumstances.

(A) Voluntary quit occurs or is discovered in the last month of certification. When a voluntary quit occurs or is discovered in the last month of a certification period, the worker denies recertification for the household for a period of 90 days. The 90 days begin the day after the last certification period ends or until eligibility is reestablished. If such a household does not reapply for food benefits by the end of the certification period, an overpayment claim is established for the benefits received by the household for up to 90 days.

(i) The 90 days begin the first of the month after the month in which the voluntary quit occurred.

(ii) If there are fewer than 90 days from the first month after the month in which the voluntary quit occurred to the end of the certification period, an overpayment claim is imposed. The household remains ineligible for a prorated number of days with the end result being an overpayment claim is
established or the household is ineligible for a full 90 day period or until eligibility is reestablished.

(B) **Fair hearings.** Each household has a right to a fair hearing to appeal a denial or termination of benefits due to a voluntary quit determination. If the participating household's benefits are continued pending a fair hearing and the hearing decision upholds the voluntary quit determination, the disqualification period begins the first month after the hearing decision is rendered.

(C) **Changing households.** Persons disqualified for quitting a job as head of one household carry their disqualification with them if they join a new household as its head. The new household is disqualified.

   (i) When the new household has already selected an adult parent as its head of household, a noncompliant head of household cannot be designated as head of household by the Oklahoma Department of Human Services unless the new household elected to designate such a person as its head. The new household remains ineligible for the remainder of the disqualification period unless the person who causes the disqualification ends it in a manner prescribed in OAC 340:50-5-95.

   (ii) If a person who voluntarily quit joins a new household and is not the household head, the disqualification is terminated.
340:50-5-96. Reapplication during the disqualification period

Revised 6-1-10

If an application is filed in the third calendar month of the three-month disqualification period, the worker certifies the household if all other eligibility criteria are met beginning the first day after the disqualification period ends. 1

INSTRUCTIONS TO STAFF 340:50-5-96

Revised 6-1-10

1. Example: If the disqualification ends on 12-15-09 and the household files an application dated 12-01-09, the period of December first through 15th is denied. The worker changes the application date and the certification date to 12-16-09 and prorates benefits from that date. If the household files an application in the last 30 calendar days of a 90 calendar day disqualification, the worker certifies the household, if all other eligibility criteria are met, beginning the first day after the disqualification period ends.
340:50-7-22. Income exclusions

Revised 6-1-10

Only the payments listed in this Section are excluded from the household's income, from income of disqualified members whose income is counted, or from the income of ineligible aliens who would otherwise be household members. No other income is excluded.

(1) **In-kind income.** In-kind income is any gain or benefit which is not in the form of money payable directly to the household, including non-monetary or in-kind benefits, such as meals, clothing, public housing, or produce from a garden.

(2) **Vendor payments.** Vendor payments are payments in money on behalf of a household when a person or organization outside the household uses its own funds to make a direct payment to either a household's creditors or a person or organization providing a service to the household.

(3) **Educational assistance.** Educational assistance including grants, work-study, scholarships, fellowships, educational loans on which payment is deferred, veteran's education benefits, and the like are exempt if receipt is contingent upon the student regularly attending school and the money received is intended to offset the costs of education and expenses as identified by the institution, school, program, or other grantor. If the money is not intended to be a reimbursement, as described in paragraph (7) of this Section, and is a gain to the client, it is considered income.

(4) **Family Support Assistance Payment Program.** Family Support Assistance Payment Program payments provided by Developmental Disabilities Services Division (DDSD) are excluded.

(5) **Income excluded by law.** Income excluded by law is:

   (A) reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. [Public Law (P.L.) 91-646, § 216] Such payments are:

   (i) payments to persons displaced due to the acquisition of real property;

   (ii) relocation payments to a displaced home owner toward the purchase of a replacement dwelling if the owner purchased and occupied the dwelling within one year following displacement; and
(iii) replacement housing payments to displaced persons not eligible for a home owner's payment;

(B) payments received:

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

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

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

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

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

(C) any payment to volunteers under Title II, Retired and Senior Volunteer Program (RSVP), foster grandparents and others, of the Domestic Volunteer Services Act of 1973 [P.L. 93-113] as amended;

(D) income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes [P.L. 94-114, § 6];

(E) Indian per capita payments distributed from judgment awards and trust funds made pursuant to P.L. 98-64. Also excluded is any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds. Any per capita payments, headrights of the Osage tribe, income from mineral leases or other tribal business ventures are excluded, as long as they meet the distribution requirements as stated in this paragraph. ■ 4 Any interest or income derived from the funds after distribution is considered as any other income. The per capita exclusion applies per person rather than per family.

(i) Excluded funds deposited in a bank or other financial institution are excluded as long as they are kept in a separate account and not commingled in an account with non-excluded funds. When the excluded funds are commingled in an account with non-excluded funds they retain their exemption for six months from the date of commingling. After six months from the date of commingling, all funds are counted as a resource.
(ii) Purchases made with excluded funds are considered a resource;

(F) income up to $2,000 per year received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands. The income exclusion applies to calendar years beginning January 1, 1994. Any remaining disbursements from the trust or restricted lands are considered as income;

(G) allowances, earnings, and payments made for participation in the Workforce Investment Act (WIA) to persons of all ages and student status. There are numerous programs for which payments are excluded. These programs include Summer Youth, Job Corps, paid classroom training, and others. The exception to the income exclusion is income to persons for on-the-job training paid to participants 19 years old and older. This income is treated as any other earned income;

(H) payments, allowances, or earnings to persons participating in programs under Title I of the National and Community Service Act, such as University Year for Action (UYA), Senior Companion Program, AmeriCorps Volunteers in Service to America (VISTA) and other AmeriCorps Programs, are not included as income for purposes of determining food benefit eligibility and benefit level;

(I) payments or allowances made under any federal law for the purpose of energy assistance, Low Income Home Energy Assistance Program (LIHEAP) and utility payments, and reimbursements made by the Department of Housing and Urban Development (HUD) and the Farmers Home Administration (FmHA);

(J) the amount of the mandatory salary reduction of military service personnel used to fund the G.I. Bill;

(K) all funds that are paid to persons under the Community Service Employment Program under Title V, P.L. 100-175. This program is authorized by the Older Americans Act. Each state and various organizations receive some Title V funds. These organizations include:

(i) Experience Works;

(ii) National Council on Aging;

(iii) National Council of Senior Citizens;

(iv) American Association of Retired Persons (AARP);
(v) U. S. Forest Service;

(vi) National Association for Spanish Speaking Elderly;

(vii) National Urban League;

(viii) National Council on Black Aging; and

(ix) National Council on Indian Aging;

(L) Earned Income Tax Credit (EITC) payments received as part of a tax refund and also EITC advance payments received as part of a paycheck [P.L. 100-435];

(M) refunds of the state EITC as result of filing a state income tax return;

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

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

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

(Q) payments for the fulfillment of a Plan for Achieving Self-Support (PASS) under Title XVI of the Social Security Act;

(R) payments made to persons because of their status as victims of Nazi persecution;

(S) funds distributed by Federal Emergency Management Assistance (FEMA) due to a disaster or emergency to persons directly affected by the event. This exclusion also applies to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the President of the United States;
(T) monetary allowances as described in Section 1823(c) of Title 38 of the United States Code (U.S.C.) provided to certain persons who are children of Vietnam War veterans; ■ 5

(U) Disaster Unemployment Assistance paid to persons unemployed as a result of a major disaster; and

(V) benefits paid to certain veterans and the spouses of veterans who served in the military of the Government of the Commonwealth of the Philippines during World War II by the Filipino Veterans Equity Compensation Fund.

(6) Payments which are not considered income.

(A) The payments in (i) through (iii) are not considered as income.

   (i) Monies withheld from any income source to repay a prior overpayment from that same source.

   (ii) Monies voluntarily or involuntarily returned to repay a prior overpayment received from that same income source.

   (iii) Child support payments received by Temporary Assistance for Needy Families (TANF) recipients which must be sent to the Oklahoma Child Support Services (OCSS) to maintain TANF eligibility.

(B) Monies withheld or returned to repay overpayments in federal, state, or local means-tested assistance programs are counted when they are withheld or returned to repay overpayments resulting from intentional program violation as established by the agency administering the program.

   (i) In the Supplemental Nutrition Assistance Program (SNAP), willful misrepresentation is considered as intentional program violation.

   (ii) The State Supplemental Payment to the Aged, Blind, and Disabled and TANF programs define intentional program violation using the terms restitution, fraud, and willful misrepresentation.

   (iii) The Social Security Administration (SSA) and Veterans Benefits Administration programs define intentional program violation as fraud. Supplemental Security Income (SSI) is a means-tested program within SSA.

(7) Reimbursements.
(A) Reimbursements for past or future expenses to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household are not considered. Examples are reimbursements for:

(i) job or training related expenses such as travel, per diem, uniforms, and transportation to and from job or training site. However, if these expenses are not reimbursements, they are considered income;

(ii) out-of-pocket expenses incurred by volunteers in the course of their work;

(iii) medical or dependent care; and

(iv) services provided by Title XX of the Social Security Act.

(B) When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. The amount of the reimbursement that exceeds the actual incurred expenses is counted as income. A reimbursement is not considered to exceed actual expenses unless the provider or household indicates the amount is excessive.

(8) **Money received for third parties.** Money received and used for the care and maintenance of a third party beneficiary who is not a household member is not considered.

(A) If the intended beneficiaries of a single payment are both household and non-household members, any identifiable portion of the payment intended and used for the care and maintenance of the non-household member is excluded.

(B) If the non-household member's portion cannot be readily identified, as in TANF payments, the payment is evenly prorated among intended beneficiaries. The exclusion is applied to the non-household member's pro rata share or the amount actually used for the non-household member's care and maintenance, whichever is less.

(9) **Earnings of a child.** Earned income of a child who is head of his or her own household is counted. The earned income of an elementary or high school student 17 years of age or younger who is under parental control of an adult household member is excluded. This exclusion continues to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break. If the child's earnings cannot be differentiated from those of other household members, the total earnings are prorated equally among the working members, and the child's prorated share is excluded.
(10) **Other types of excluded income.**

(A) **Loans.** All loans, including loans from private as well as commercial institutions, are excluded. Verification that the income is a loan is required.

(B) **Irregular Income.** Exclude any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated which is $30 or less per quarter.

(C) **Non-recurring lump sum payments.** Exclude money received in the form of non-recurring lump sum payments, including but not limited to: income tax refunds, rebates, credits, retroactive lump sums from SSA, SSI, public assistance, Railroad Retirement pensions, or other payments, or retroactive lump sum insurance settlements. These payments are counted as resources.

(D) **Cost of self-employment.** Exclude the cost of producing self-employment income.

(E) **Income of non-household members.** The income of non-household members who have not been disqualified or are not ineligible aliens is not considered available to the household.

(F) **Charitable contributions.** Exclude cash contributions to a household from one or more private non-profit charitable organizations, not to exceed $300 in a federal fiscal year quarter. For the purposes of this provision a quarter includes these specific months:

   (i) October, November, December;

   (ii) January, February, March;

   (iii) April, May, June; and

   (iv) July, August, September.

(G) **Department of Housing and Urban Development’s (HUD) Family Self-sufficiency Program (FSS) escrow accounts.** Families participating in the HUD FSS program may withdraw money from their escrow accounts prior to completion of the program. This money is excluded both as income and as a resource.
In the case of the Individual Development Account (IDA), any funds deposited in an IDA operated under the Assets for Independence Act and the interest that accrues. 

INSTRUCTIONS TO STAFF 340:50-7-22

Revised 6-1-10

1. Examples of vendor payments that are excluded as income are:

   (1) a friend, employer, agency, church, relative, or former spouse making payments for household expenses such as rent or utilities directly to the landlord or utility company. If the payment is made from funds not owed to the household, it is a vendor payment and excluded as income;

   (2) an employer paying a household’s rent or house payment directly to the landlord or financial institution as compensation, in addition to paying regular wages. This is a vendor payment and excluded as income. If the employer provides a house to an employee, the value of the housing is not considered income;

   (3) a household receiving court-ordered monthly child support payments in the amount of $400. Later, $200 is diverted by the non-custodial parent and paid directly to a creditor of the food benefit household. The entire $400 is counted as unearned income to the household because the payment is taken from money that is owed to the household. Payments specified by a court order or other legally binding agreement to go directly to a third party rather than the household are excluded from income because they are not otherwise payable to the household. For example, a court awards support payments in the amount of $400 per month and, in addition, orders $200 paid directly to a bank for repayment of a loan. The $400 is counted and the $200 payment is not counted;

   (4) payments by a government agency to a child care facility for the purpose of providing child care for a household member are considered vendor payments and excluded as income; and

   (5) payments or allowances made by the Department of Housing and Urban Development (HUD) or by the Farmers Home Administration (FmHA) directly to mortgage holders, landlords, or utility providers are vendor payments and excluded as income.

2. Exempt student income includes:
(1) any money from Title IV of the Higher Education Act including federal or state work study;

(2) educational assistance funded through the Veterans Administration (VA) such as the Montgomery GI Bill;

(3) grants;

(4) scholarships;

(5) subsidized and unsubsidized Stafford loans;

(6) federal PLUS loans;

(7) TRIO grants;

(8) Robert C. Byrd Honors Scholarship Program;

(9) Bureau of Indian Affairs (BIA) student assistance;

(10) money from the Carl D. Perkins Vocational Education Act; and

(11) Workforce Investment Act (WIA).

3. Student income that is not exempt includes:

(1) money that is paid directly to the student and not sent through the bursar’s account other than funds listed in Instruction to Staff #2 of this section;

(2) institutional work study; or

(3) money intended as an incentive for school attendance or grades rather than school expenses.

4. Per capita payments or income from tribal business ventures, such as some of the tribal gaming payments, do not always meet the distribution requirements to be exempt. When it is not known if the payments meet the distribution requirements of P.L. 98-64, the worker must contact the tribe to verify whether the payment meets the requirements.
5. This includes income paid to children of Vietnam War veterans for any disability relating from spina bifida suffered by the child.

6. Kinship Startup Stipends are considered a reimbursement for food benefit purposes and are exempt.

7. (a) For purposes of this provision, an elementary or high school student includes someone who attends classes to obtain a General Educational Development (GED), when these classes are recognized, operated, or supervised by the student's state or local school district.

(b) The earned income of the student must be counted beginning the month following the month the student turns 18. This applies regardless of marital status as long as the student continues to live with a parent.

(c) Workforce Investment Act (WIA) [Section 204(b)(1)(c)] on-the-job training of a child who has not had his or her 19th birthday is exempt as long as the child is under the parental control of another household member regardless of student status.

8. See OAC 340:50-7-4(b).

9. See OAC 340:50-7-30(2).


11. Income is exempt from the HUD Family Self Sufficiency (FSS) programs:

   (1) Housing Choice Voucher Family Self Sufficiency Program; and

   (2) Resident Opportunities and Self Sufficiency Program (ROSS).
340:50-7-29. Income inclusions

Revised 6-1-10

(a) Earned income. Earned income is income which a household receives in the form of wages, self-employment, or training allowances and for which a person puts forth daily, physical labor. The types of earnings listed in (1) through (4) of this subsection, including money from the sale of whole blood or blood plasma, are considered earned income.

(1) Wages. All wages and salaries for services performed as an employee, including sick pay paid by the employer to an employee who plans to return to work when recovered, are considered as earned income. Wages that are garnisheed or diverted and paid to a third party for a household's expenses are also included.

(2) Self-employment. The worker determines the household's total gross income from a self-employment enterprise in accordance with procedures described at OAC 340:50-7-30.


(4) On-the-job training. Income earned in on-the-job training positions is considered earned income. This includes on-the-job training provided under Section 204(b)(1)(c) or Section 264(c)(1)(A) of the Workforce Investment Act for persons 19 years of age or older.

(b) Unearned income. In general, unearned income is that income which a household receives and is not in the form of wages, self-employment, or training allowances and for which a person does not put forth any daily, physical labor. The types of income listed in (1) through (5) of this subsection, while not all inclusive, are considered unearned.

(1) Assistance payments. Assistance payments from a federally aided public assistance program, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or assistance programs based on need, such as State Supplemental Payments are considered as unearned income.

(A) A household's food benefit amount does not increase when the benefit received from another program is reduced, suspended, or terminated because of
a penalty imposed for an intentional failure to comply with a requirement of that program. The other program must be a means-tested, federal, state, or local welfare or public assistance program which is governed by welfare or public assistance laws or regulations and which distributes public funds, such as, SSI and TANF. Policy at OAC 340:10-2-2 explains the TANF penalty considered for SNAP. ■ 6

(i) When a worker is not able to obtain the necessary information and cooperation from another federal, state, or local means-tested welfare, or public assistance program to comply with the provision in (A) of this paragraph, Oklahoma Department of Human Services (OKDHS) is not held responsible. The worker must make a good faith effort to get the needed information and record the details and results of this effort in the case file.

(ii) The household's current food benefit amount is not reduced, suspended, or terminated when the benefits under another assistance program are decreased.

(iii) When eligible members are added to the food benefit, the benefit must be adjusted regardless of whether the household is prohibited from receiving benefits for the additional member under another federal, state, or local welfare or public assistance means-tested program.

(iv) Changes in the household circumstances which are not related to the penalty imposed by another federal, state, or local welfare or public means-tested assistance program are not affected by the provision in (A) of this paragraph.

(v) The application of the provision in (A) of this paragraph applies for the duration of the imposed penalty.

(B) The provision in (A) of this paragraph does not apply to persons or households subject to disqualification from SNAP for noncompliance with a comparable work requirement under Title IV of the Social Security Act or an unemployment compensation work requirement.

(2) Pension and Social Security. Annuities, pensions, retirement, veterans' or disability benefits, workers' or unemployment compensation, survivors' or Social Security benefits, and strike benefits are unearned income. ■ 7

(3) Support and alimony. Support and alimony payments that are made directly to the household from non-household members, money deducted or diverted from court-ordered support or alimony payments, or other binding written support or
alimony agreement, to a third party for a household expense must be considered as income when the court order directs that the payment be made to the household.

(4) Grants and interest payments. Payments from government sponsored programs, such as Agricultural Stabilization and Conservation Service Programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or profit are considered as income. Income from royalties is treated as unearned income.

(5) Monies which are withdrawn or dividends which are or could be received by a household from trust funds. Dividends which the household has the option of either receiving as income or reinvesting in the trust are considered as income in the month they become available to the household.

(c) Income of disqualified or ineligible household members. A complete list of reasons for disqualification of household members is found in OAC 340:50-5-10.1. Income of disqualified persons and unqualified aliens is counted as indicated in paragraphs (1) and (2) of this subsection.

(1) Income of a person disqualified for failure to comply with food benefit Employment and Training (E&T) Program requirements, a fleeing felon disqualification, or willful misrepresentation or fraud. All income of a person disqualified for failure to comply with food benefit E&T requirements, a fleeing felon disqualification, or willful misrepresentation or fraud, is counted in its entirety as available to the remaining household members. Utility, medical, dependent care, and excess shelter deductions are not prorated for the household.

(2) Income of persons disqualified for reasons other than willful misrepresentation, a fleeing felon disqualification, or failure to comply with E&T requirements. Income of persons disqualified for reasons other than those stated in paragraph (1) of this subsection is prorated among all household members.

(A) A pro rata share of the income of a disqualified person is considered as income available to the remaining members. This pro rata share is calculated by first subtracting the allowable exclusions from the disqualified member's income and dividing the income evenly among the household members, including the disqualified member.

(B) All but the disqualified member's share is considered as income available to the remaining household members. The earned income deduction from OKDHS Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and
Deductions applies to the prorated income attributed to the household if it was earned by the disqualified member.

(C) That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member is divided evenly among the household members, including the disqualified member. When the household is using the utility standard, it too is evenly prorated. All but the disqualified member's share is considered as a deductible shelter expense for the remaining household members.

(3) Determining eligibility and benefit level. The needs of a disqualified or ineligible household member are not considered when determining the household's size for purposes of assigning a benefit level to the household or for purposes of comparing the household's monthly income with the income eligibility standard.

INSTRUCTIONS TO STAFF 340:50-7-29

Revised 6-1-10

1. Only the excess benefit allowance, after all insurance costs are deducted, is considered as income for persons whose employers pay a benefit allowance to purchase insurance. Examples of insurance include life, health, dental, vision, accidental death and dismemberment and insurance for dependents.

2. Examples of wages garnisheed or diverted and paid to a third party for a household's expenses include wages withheld to pay:

   (1) child support;

   (2) rent, even if the employer is also the landlord; or

   (3) the employer for uniforms or tools required to be purchased for use on the job.

3. This provision does not apply to household members under 19 years of age who are under the parental control of another adult household member, regardless of school attendance. For the purpose of this provision, earnings include monies paid under the Workforce Investment Act and monies paid by the employer.

4. (a) Income is not considered for a household member who:
(1) is away from home due to reasons such as military deployment or employment in another state; and

(2) does not return for part of each month.

(b) When a portion of the absent member's income is made available to the rest of the household, it is considered as a contribution. This applies even if the absent member's wages are deposited in a joint bank account.

(c) The absent member who does not return for part of each month is not considered a member of the food benefit household.

5. (a) Foster care payments for children or adults who are considered members of the household are counted as unearned income. The household may choose to exclude the person(s) in foster care from the food benefit household and exclude the foster care payments. Guardianship payments, such as kinship care, are treated the same as foster care payments.

(b) Adoption subsidy payments are counted as unearned income.

6. See OAC 340:10-2-2 to determine when Temporary Assistance for Needy Families (TANF) penalty income can be removed.

7. For this provision, disability pay is considered unearned income if the client is no longer considered an employee of the company and the disability benefits are paid by an agency outside the company. If the client is still considered an employee and paid disability benefits by the company, it is counted as earned income.

8. Child support is considered income to the parent.

   (1) Child support is documented in Family Assistance/Client Services (FACS) case notes and coded in FACS on the Income tab for the child if the child is included in the food benefits unless:

   (A) child support is paid to a parent whose child is no longer in the food benefit; or

   (B) the parent is an ineligible or disqualified household member.
(2) In the circumstances listed in (A) or (B) of this Instruction, the child support is coded in FACS on the **Income tab for the adult** as a contribution.
340:50-7-30. Self-employed households

Revised 6-1-10

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 (10).

(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.  

(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 C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions. 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 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 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.

(10) **Income from rental property.** Income received from rental property is considered self-employment income.
(A) It is treated as earned income if a member of the household is actively engaged in the management of the property an average of at least 20 hours per week.

(B) When a household member is not actively engaged in the management of the property at least 20 hours each week, the income is considered unearned. The person is allowed business expenses described at (8) of this Section.

INSTRUCTIONS TO STAFF 340:50-7-30

Revised 6-1-10

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.
340:50-7-31. Deductions

Revised 6-1-10

(a) Deductible expenses from income include only certain costs of dependent care, shelter, the earned income allowance, a standard deduction, certain medical costs for elderly or disabled household members, and legally binding child support payments as described in OAC 340:50-7.

(1) That portion of the household's allowable shelter, utility, and dependent care expenses, which are either paid by or billed to a disqualified household member, as defined by OAC 340:50-7-29(c)(2), is divided evenly among the household members, including the disqualified member. All except the disqualified member's share is considered as a deductible shelter expense for the remaining household members.

(2) Business expenses for the self-employed are handled in accordance with OAC 340:50-7-30.

(b) Deductions from income are allowed for the expenses listed in paragraphs (1) through (6) of this subsection.

(1) **Standard deduction.** The appropriate standard deduction as shown in Oklahoma Department of Human Services (OKDHS) Appendix C-3, Maximum Food Benefits Allotments and Standards for Income and Deductions, is deducted from the household's income.

(2) **Earned income deduction.** The appropriate amount of earned income deduction from OKDHS Appendix C-3 is deducted from the gross earned income to cover the cost of state and local income taxes, pensions, union dues, and work related expenses. The earned income deduction is not allowed on any portion of income that is attributable to public assistance. No other deduction is allowed from the gross earned income.

(3) **Medical expense deduction.** Medical expenses exceeding $35 per month incurred by any elderly or disabled household members, as defined at OAC 340:50-5-4, are deductible. The $35 is subtracted from medical expenses only once per household even though the household has more than one elderly or disabled member. ■ 1 When the household does not know the amount of on-going medical expenses that can be anticipated monthly over the certification period, the anticipated expense amount may be determined by averaging at least the past two month's expenses. ■ 2
(A) Households report and verify medical expenses at certification and each recertification. Households are not required to report changes in medical expenses during the certification period.

(i) When a household voluntarily reports a change in medical expenses that will reduce the food benefit allotment, no verification is needed. However, the change does require notice of adverse action.

(ii) When a household voluntarily reports a change in medical expenses that will increase the food benefit allotment, the change must be verified before the change is made.

(iii) If OKDHS finds out about a change from a source other than the household, the change is acted on if it is considered verified upon receipt. The household is not contacted for additional information. When the change requires contacting the household for additional information or verification, no change is made.

(B) If a household reports an anticipated medical expense at the time of certification, but is unable to provide the verification at that time, the household is told the expense will be allowed when the verification is provided during the certification period. Upon verification, a household may elect to have a one-time medical deduction or have the expense averaged over the remaining months of the certification period. 3 Allowable costs are:

(i) medical and dental care, including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by state law or other qualified health professional; 4

(ii) hospitalization or outpatient treatment, nursing care, and nursing home care, including payments by the household for a person who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the state; 5

(iii) prescription drugs and other over-the-counter medication, including insulin, when approved by a licensed practitioner or other qualified health professional. Costs of medical supplies, sick-room equipment, including rentals, or other prescribed equipment are also included; 6

(iv) health and hospitalization policy premiums; 7

REVISED 6-1-10 FINANCIAL ELIGIBILITY CRITERIA
(v) Medicare premiums, and any cost-sharing or spend-down expenses incurred by Medicare or SoonerCare (Medicaid) recipients;

(vi) dentures, hearing aids, and prosthetics; ■ 8

(vii) eye glasses prescribed by a licensed practitioner, and securing and maintaining a seeing eye or hearing dog, including the cost of dog food and veterinarian bills; ■ 9

(viii) reasonable cost of transportation and lodging to obtain medical treatment or services; and ■ 10

(ix) maintaining an attendant, homemaker, home health aide, child care services, or housekeeper due to age, infirmity, or illness. If this expense also qualifies as a dependent care expense as described in paragraph (4) of this subsection, it is considered as a medical expense rather than a dependent care expense. Additionally, if the household furnishes a majority of the caretaker's meals, an amount equal to one allotment is added to the medical expense for meals provided. The allotment used is the amount in effect at certification.

(C) Cost for special diets or health and accident insurance policies such as those payable in lump sum settlements for death or dismemberment, or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not allowable medical costs.

(4) Dependent care. Dependent care is payment for the actual cost for the care of a child or other dependent when necessary for a household member to seek, accept, or continue employment or to attend training or education preparatory to employment.

(A) This deduction is applicable regardless of whether the household member is subject to the Supplemental Nutrition Assistance Program Employment and Training requirements.

(B) If this expense also qualifies as a medical expense, it is considered as a medical expense rather than a dependent care expense.

(C) There is no maximum dependent care deduction. The total reported by the client is an allowable expense as long as it meets the criteria in this Section.

(D) Dependent care is only verified when the;
(i) expenses claimed would actually result in a deduction and other information available to the worker is inconsistent with the household's claim that it incurs a dependent care expense; or

(ii) household incurs the expense for reasons of employment, seeking employment, training, or education for employment.

(5) **Legally-binding child support.** A deduction is allowed for verified legally-binding child support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member. ■ 11

(6) **Shelter costs.** A household is allowed a shelter deduction when the monthly shelter cost is in excess of 50% of the household's income after all other deductions are allowed. The shelter deduction alone cannot exceed the maximum amount as shown in OKDHS Appendix C-3, unless the household has an elderly or disabled member. Households with an elderly or disabled member receive an excess shelter deduction for the monthly cost that exceeds 50% of the household's income after all of the deductions listed in paragraphs (1) through (6) of this subsection have been allowed. All homeless households who incur or can expect to incur a shelter cost during the month are entitled to use the estimated homeless shelter deduction to determine food benefit eligibility and benefit level. This estimate covers all shelter costs as described in this paragraph. If a homeless household is living in a vehicle for which they are making payments, the monthly payment may be allowed as a shelter cost. If the household's actual verified shelter cost exceeds the estimated amount, the larger amount is used. Shelter costs include only:

(A) continuing charges for the shelter occupied by the household, including rent, mortgage, or other continuing charges leading to the ownership of the shelter, such as loan repayments for the purchase of a mobile home, including interest on such payments. The charge for renting or buying the land on which a mobile home is located is also considered shelter cost; ■ 12

(B) property taxes, state and local assessments, and insurance on the structure itself except the separate costs for insuring furniture or personal belongings. ■ 13

(i) The cost of vehicle registration or tag for a mobile or motor home is not a shelter expense.
(ii) A mobile home is taxed as part of the property tax when the land is owned or being purchased. This is considered as a shelter expense.

(iii) Unregistered mobile homes on rented land are taxed as personal property. The personal property tax for the mobile home is considered a shelter expense. No other personal property tax is considered a shelter expense;

(C) charges for heating, cooling, or cooking fuel; electricity; water, sewage, garbage, and trash collection fees; and the basic service fee for one telephone including tax on the basic fee. A household that incurs an allowable utility expense receives the total amount of the utility standard specified in OKDHS Appendix C-3 for one of the mandatory utility standards in (i) through (iii) of this subparagraph. ■ 14

(i) The standard utility allowance (SUA) is a single standard based on annual averages that include costs for heating, cooling, and cooking fuel; electricity; basic telephone service; and water, sewage, and garbage. ■ 15

(I) The SUA may be used as long as the household is billed for heating or cooling during the year. Households billed less often than monthly for heating costs such as butane or propane may continue to use the utility standard between billing months. If the household reports they no longer incur a heating or cooling expense, but still have a utility expense, the standard must be changed to either the basic utility allowance (BUA) or telephone standard. ■ 16

(II) A household with utility expenses which are reimbursed or paid by an excluded payment such as a vendor payment, Housing and Urban Development (HUD) or Farmers Home Administration (FmHA) payment may use the SUA when the heating or cooling cost exceeds the amount of the excluded payment.

(ii) The BUA includes utility charges other than for heating and/or cooling which the household incurs. ■ 17

(iii) The telephone standard is used if the household is not entitled to use the SUA or BUA but has a telephone cost; and ■ 18

(D) the shelter costs for the home even when not actually occupied by the household because of employment or training away from home, illness, or abandonment of the home due to disaster or casualty loss.
(i) For the cost of a vacated home to be included in shelter costs the:

(I) household must intend to return to the home;

(II) current occupants of the home, if any, must not be claiming the shelter costs during the absence of the household; and

(III) home must not be rented or leased during the absence of the household.

(ii) If a deductible expense must be verified and obtaining the verification may delay the household's certification, the worker advises the household that the household's eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense.

(iii) The appropriate utility standard is used if the household is entitled to claim it.

(c) The worker calculates a household's expenses based on the expenses the household expects to be billed for during the certification period. Anticipation for the expenses is based on the most recent month's bills unless the household is reasonably certain a change will occur.

(d) Households may elect to have an expense that:

(1) is billed monthly and fluctuates, averaged;

(2) is billed less often than monthly, averaged forward over the interval between scheduled billings; or

(3) if there is no scheduled billing interval, averaged forward over the period the expense is intended to cover.

(e) A deduction is allowed in the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense.

(1) For example, rent which is due each month is included in the household's shelter costs, even if the household has not yet paid the expense.

(2) Amounts carried forward from past billing periods are not deductible even if included in the most recent billing and actually paid by the household.
(3) A particular expense may only be deducted once.

(f) The portion of an expense paid by an excluded reimbursement or vendor payment is not deductible. The amount left after deducting the excluded payment is deductible. This includes HUD and FmHA rent and utility payments. Expenses are only deductible if the service is provided by someone outside the household and the household makes a money payment for the service. ■ 19

INSTRUCTIONS TO STAFF 340:50-7-31

Revised 6-1-10

1. The worker enters the total verified monthly allowable medical expenses in the Family Assistance/Client Services (FACS) Expense tab "Elderly/Disabled Medical Expense." The computer subtracts the $35.

2. Ongoing monthly medical expenses may be anticipated by averaging at least the past two full calendar months' expenses. Expenses incurred each month may include prescription medication, monthly doctors' visits, monthly blood tests, and insurance premiums.

   (1) The household may choose to average regularly recurring expenses, such as medication purchased every other month or insurance premiums paid quarterly. For example: The client pays a premium for hospital insurance once every six months. The total premium of $192 may be divided by six, making the monthly average expense $32.

   (2) The household also has the option of having the expense deducted in the month it is incurred or the bill becomes due.

3. (a) One-time medical expenses are those which the household does not expect to recur. Some examples include hospital costs, purchase of prescription glasses, or dental work expenses. The worker explains to the client the options in (1) through (3) of this Instruction. The client may choose the option most beneficial to his or her household. The options are:

   (1) allow the entire expense in the month it is incurred or the bill becomes due; 

   (2) average the expense over the remaining months of the current certification period; or
(3) allow the expense over the scheduled length of a payment plan.

(b) One-time expenses are allowed at the time they are reported to the worker, only if the bill is current and has not become past due. When a portion of the medical cost will be paid by vendor payment or reimbursed by insurance, the deduction is not determined until the vendor payment or reimbursement is verified.

(c) The worker must verify the amount of any deductible medical expenses. Verification of other factors, such as whether to allow an expense or the eligibility of the person incurring the cost, is required only if questionable.

4. These charges may also include, but are not limited to, office calls, hospital visits, house calls, special treatments, and chiropractic services.

5. Such costs may include, but are not limited to, room and board charges, drugs and medical supplies, therapy, surgery, and tests.

6. Over-the-counter medication must be a recommended part of the prescribed treatment plan, such as aspirin for arthritics. Some examples of medical supplies are:

   (1) needles and syringes used for the injection of insulin or other prescription medication;

   (2) bandages and gauze for a surgical patient; and

   (3) the cost of crutches, wheelchairs, hospital beds, and portable oxygen.

7. Some health insurance policies cover household members who are not entitled to a medical deduction as well as those who are. When the portion of the premium paid for the elderly or disabled members cannot be determined, the premium must be prorated among all members included on the policy. The prorated amount for one member must be multiplied by the number of elderly or disabled members. The resulting amount is considered a medical cost.

8. Other corrective devices are corrective braces worn on the limbs and braces worn on the teeth for orthodontic purposes. The cost of hearing aid batteries may also be considered a medical expense.
9. Contact lenses prescribed by a physician skilled in eye diseases, or by an optometrist, are also considered a medical expense.

10. (a) Transportation costs are based upon the type of transportation used by the elderly or disabled member. If their own vehicle is used, the state's current mileage reimbursement rate is allowed. If they use public transportation, the actual cost of the transportation is used. If the member pays a non-household member for transportation, the amount charged by the person is allowed. Verification must be obtained and adequately documented in the case record.

(b) Lodging costs are allowed if the elderly or disabled member is required to spend the night away from home to receive medical services. Verification that medical treatment did occur, as well as receipts to verify the lodging expense must be obtained. The cost of lodging does not include meals or other incidentals.

11. (a) For purposes of this policy, child support is any money court-ordered and designated to be paid for the support of a child. This may include, but is not limited to:

   (1) child support;
   (2) child support arrearages;
   (3) medical insurance or other health care premiums;
   (4) child care obligations; or
   (5) other obligations specified in individual court or administrative orders.

(b) Verification of the court-ordered amount is obtained along with verification of the actual support payments made each month.

(c) Child support also means money owed to a state for services provided for a child, including, but not limited to, Temporary Assistance for Needy Families, SoonerCare (Medicaid) benefits, and foster care.

12. When shelter expenses are paid in advance, the monthly shelter cost is allowed as if the payments were made monthly. Down payments are not allowed as deductions as they are not continuing charges. Expenses are
allowed if they are owed to someone outside the household and the household makes a money payment. For example, if someone outside the household pays shelter expenses to the vendor, they are not allowable. Exception: If the payment is considered a loan, the expense is allowed as a shelter deduction and the payment is excluded as income.

13. These types of shelter expenses, which may be billed less often than monthly, may be averaged over the interval between scheduled billings. For example, property taxes billed and paid yearly may be averaged over a 12 month period.

14. The appropriate utility allowance is prorated only when there is an ineligible or disqualified household member, or an ineligible student who is billed for or paying the utility costs.

15. For the standard utility allowance (SUA) to be used in calculating shelter costs, the utility charges for heating/cooling costs must be separate from the household rent or mortgage costs and actually incurred by the household.

   (1) Cooling costs are limited to operation of room air conditioners and central air conditioning systems.

   (2) Heating costs may be represented by a furnace, wood stove if wood is purchased, fireplace, or electrical or kerosene space heater, if the space heater is used as the primary source of heat.

16. (a) The worker must assess the household's eligibility for the SUA at each application, reapplication, and when the household moves.

   (b) Examples of how to handle the sharing of utility costs among more than one household are given in (1) through (4) of this Instruction.

   (1) When more than one household shares the same living quarters and shares one or more of the utility costs that are billed separately from rent or mortgage payments, (A) or (B) of this Instruction applies.

      (A) If one household's name is on the utility bill and it alone pays the bill, allow the full appropriate utility standard for that household.

      (B) If multiple households, whether or not they receive food benefits, are living in the same residence and share one or more of the utility costs that are billed separately from rent or mortgage payments, each
household is entitled to the full amount of the appropriate standard, regardless of whose name is on the bill.

(2) When two or more families share a meter but have separate living quarters and the utility bill is addressed to only one family, accept the unaddressed household's statement of liability for the expense unless it is questionable.

(3) Households residing in low income housing or other rental units with utilities included in the rent but who are liable for excess utilities are entitled to the basic utility allowance BUA.

(4) If a rental household is billed monthly by the landlord for actual usage of heating or cooling expense as determined through individual metering or a utility company bill, the SUA is used. If the household is billed by the landlord for actual usage of utilities other than heating or cooling, the BUA is used.

17. Households who do not incur heating/cooling costs, but are billed separately for utilities such as water, cooking fuel, electricity not associated with cooling, sewer and/or garbage collection, and telephone are entitled to the BUA.

18. If the household's only telephone is a cellular phone, the telephone standard is given.

19. For example, the portion of rent or utility covered by excluded vendor payments or medical costs reimbursed by insurance is not calculated as part of the household's shelter cost or medical expenses. When only a portion of the medical cost is paid for by vendor payment or reimbursed by insurance, the amount not covered by the vendor payment or reimbursement is deductible at the time the amount of the vendor payment or reimbursement can be verified.
340:50-7-45. Income

Revised 6-1-10

(a) The methods in this Part are used to estimate income. The worker uses the method(s) that will best predict income for the current and future months. Actual income is used for the current and prior month, if known prior to teleprocessing the certification. When an extra check is received in the initial month due to a third or fifth week and the income is ongoing, it is converted to anticipated income. In the month of application, the anticipated income may be less than a full month’s wages. In this case, use the actual or actual anticipated income for the month of application. For the remaining months of the certification period, the income is averaged and converted to a monthly amount to be used. If the household income is received more often than monthly, the income for future months of the certification period must be converted to a monthly amount, if the conversion represents the income anticipated to be received by the household.

(b) Household income means income from all sources excluding only those items described in OAC 340:50-7-22. The income considered is that income which is expected to be received during the period of certification. When an applicant or recipient reports no income and/or the household’s expenses such as rent or mortgage, utilities, other payments, or miscellaneous personal expenses exceed the income, the worker must determine with the household how these needs are met.

(c) Gross, non-exempt income is verified for all households prior to certification. In cases where all attempts to verify income have been unsuccessful because the person or organization providing the income fails to cooperate with the household, the worker determines the amount to be used based on the best available information.

(1) **Method of verifying income.** The worker uses documentary evidence as the primary source of verification. If other types of verification are used, the worker must document in the case why an alternate source was needed.

(A) Documents which can be used to verify earned income are:

(i) pay stubs;

(ii) employee W-2 forms;

(iii) wage tax receipts;

(iv) state or federal income tax returns;
(v) self-employed bookkeeping credits;

(vi) sales or expenditure records;

(vii) employer wage records;

(viii) statements from an employer;

(ix) Oklahoma Employment Security Commission (OESC) statements; or

(x) Oklahoma Tax Commission statements.

(B) Verification of other types of income, documents, or records generally available from the applicant are:

(i) award letters;

(ii) benefit payment checks;

(iii) correspondence on benefits;

(iv) income tax records;

(v) support and alimony payments as evidenced by court order;

(vi) divorce or separation papers; or

(vii) contribution checks.

(C) Other sources of income verification include:

(i) State Data Exchange (SDX) system;

(ii) Beneficiary and Earnings Data Exchange (BENDEX) system;

(iii) OESC wage records;

(iv) union records;

(v) workers’ compensation records;
(vi) information received from the Department of Veterans Affairs records; or
(vii) tax records.

(2) **Unreported income.** When there is an indication other income which has not been reported is available to the household, the worker must explore the possibilities of unreported income. When the applicant states he or she has no earnings or other income and the applicant is employable or it appears he or she may be eligible for other benefits, such as Social Security, Supplemental Security Income (SSI), unemployment compensation, or public assistance, it may be necessary to verify the applicant is not receiving income from such sources.

(3) **Other required verification.** When verifying income is exempt as a loan, a simple statement signed by both parties which indicates the payment is a loan and must be repaid is sufficient verification. If the household receives payment on a recurrent or regular basis from the same source, but claims the payments are a loan, the worker must require the provider of the loan sign an affidavit which state the payments are being made or that payments will be made in accordance with an established repayment schedule.

**INSTRUCTIONS TO STAFF 340:50-7-45**

Revised 6-1-10

1. (a) Additional situations in which the possibility of unreported income is investigated are when:

   (1) information contained on Form 08AD104E, Financial Management Worksheet, indicates the household has paid expenses that exceed the amount of income reported;

   (2) the worker has difficulty contacting any employable household member at home when seasonal employment in the area is at its peak;

   (3) households report zero income; and

   (4) other questionable situations occur.

   (b) When all other methods of verification have been exhausted, a field investigation may be required.
340:50-7-46. Converting to monthly income

Revised 6-1-10

(a) **Converting income.** When a full month's income is anticipated but is received more often than monthly, the income is converted to a monthly amount as indicated in (1) through (5) of this subsection. When the amounts to be converted differ, such as fluctuating daily, weekly, or biweekly amounts, an average is obtained and the average is multiplied by 4.3 or 2.15 whichever is applicable. Cents are carried through all steps and then rounded to the nearest dollar when the monthly amount is determined. One cent through 49 cents are rounded down and 50 cents through 99 cents are rounded up. The worker must exercise extreme caution when determining whether income is received twice per month or biweekly, every two weeks.

1. **Daily.** Income received on a daily basis is converted to a weekly amount then multiplied by 4.3 only when there is a consistency in days worked each week and a regularity of pay dates.

2. **Weekly.** Income received weekly is multiplied by 4.3.

3. **Twice a month.** Income received twice a month is multiplied by 2.

4. **Biweekly.** Income received every two weeks is multiplied by 2.15.

5. **Irregular income.** Income received at irregular intervals is not converted.

(b) **Anticipating income.** For the purpose of determining the household's eligibility and monthly benefit allotment, the worker takes into account the income already received by the household and any anticipated income the household can be reasonably certain to receive during the certification period. In the month of application, the anticipated income may be less than a full month's wages. In this case, use the actual or actual anticipated income for the month of application. For the remaining months of the certification period, the worker averages and converts the income to a monthly amount.

1. **Uncertain income.** If the amount of income that will be received or when it will be received is uncertain, that portion of the household's income is not counted. For example, a household's anticipated income from a new source, such as a new job, recently applied for public assistance, or unemployment benefits, may be uncertain as to the time and the amount of the initial payment.

1. **(A)** The anticipated payment is not considered unless there is reasonable
certainty concerning the month the payment will be received and the amount of the payment.

(B) The payment is disregarded if there is no way to determine the amount of the payment.

(C) If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty must be considered as income.

(D) In cases where the receipt of income is reasonably anticipated but the monthly amount may fluctuate, the household may elect to have their income averaged.

(E) Households are advised to report all changes in gross monthly income as required.

(2) **Income received in the past 30 calendar days.** Income received during the past 30 calendar days may be used as an indicator of income anticipated to be available to the household during the next certification period. Past income is not used to anticipate future income for any month in which a change in income has occurred or employment has terminated.

(3) **Regular employment.** When the head of the household or other members of the household have regular employment, income from previous months is usually a good indicator of the amount of income that can be anticipated in the month of application and subsequent months. If information supplied by the household or collateral contact indicates that future income will differ substantially from the previous month's income, the worker uses the information to make a reasonable estimate of the anticipated income. The method used to determine the income is fully documented in the case record.

(4) **Withheld wages.** Wages withheld at the request of the employee are considered income to the household in the month the wages would otherwise be paid by the employer. Wages withheld by the employer as a general practice even if in violation of the law are not counted as income to the household, unless the household anticipates that it will ask for and receive an advance, or the household anticipates that it will receive income from previously held wages. Advances on wages are counted as income when they can be reasonably anticipated.

(c) **Averaging income.** Households, except for destitute and migrant or seasonal farm worker households, may have their income averaged. To determine the household's eligibility, all other income is added to this averaged monthly income then the income
exclusions and deductions are applied in the normal manner.

(1) **Fluctuating income.** Households with fluctuating income may elect to have the income averaged.

(A) If the household indicates the most recent 30 calendar days income is representative of anticipated future earnings, it is appropriate to use this income for computing gross monthly income.

(B) When the household indicates the most recent 30 calendar days of income is not representative of anticipated future income, the worker uses additional months income to arrive at a representative anticipated monthly gross income.

(C) Income that is received more often than monthly is converted to a monthly income prior to determining a monthly average. The number of months used to arrive at the average income need not be the same as the number of months in the certification period. For example, if fluctuating income for the past 30 calendar days and the month of application are known and, with reasonable certainty, are representative of the income fluctuations anticipated for the coming months, the income for the two months may be averaged and projected over the certification period.

(2) **Employment contract and self-employment.** Households which by contract or self-employment derive their annual income in a period of time shorter than one year must have that income annualized over a 12-month period, provided the income from the contract is not received on an hourly or piece-work basis. These households may include school employees, sharecroppers, farmers, and other self-employed households. These provisions do not apply to migrant or seasonal farm workers.

(d) **SSA/SSI Income.** When using the Beneficiary and Earnings Data Exchange System (BENDEX) or the State Data Exchange System (System) to verify Social Security (SSA) benefits or Supplemental Security Income (SSI), see OAC 340:65-3-4.

**INSTRUCTIONS TO STAFF 340:50-7-46**

Revised 6-1-10

1. When a person is paid daily, income is converted to a weekly amount then multiplied by 4.3 to arrive at a monthly gross wage. There must be consistency in the days worked each week and a regularity in pay dates in order to use this method of income conversion. For example, when a person
is employed:

(1) five days a week, Monday through Friday, and paid daily, daily income is converted to a weekly amount then multiplied by 4.3 to arrive at the monthly gross wage; or

(2) three days a week, Monday, Wednesday, and Friday, and paid daily, daily income is converted to weekly then multiplied by 4.3 to arrive at the monthly gross wage.

2. When there is no consistency in the work offered or when pay is received, it is appropriate to average the income received in a calendar month. To convert this income, use the total month's income added together. If more than one month's income is available, add all income together and divide by the number of months of income used.

(1) For example, a person is registered with a day labor agency but has only worked two days in the last two full months: May 16, $60, and June 21, $50. The appropriate method for determining monthly gross wage is to average these two months income: $60 + $50 = $110 divided by 2 = $55.

(2) For example, a person has just started working for a day labor agency. The person has worked three days so far in the first month, the application month, but the month is not yet ended. It is appropriate to total the wages earned so far in the first/application month and use that amount as the countable earned income for the initial and ongoing months, as there is no reasonable way to anticipate earnings.

3. Examples of when actual income is not used are when:

(1) all income for the month has not been received;

(2) the person is paid every two weeks and received three checks in the month of certification from ongoing employment; or

(3) the person is paid weekly and received five checks in the month of certification from ongoing employment.

4. When income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, a longer period of past income may be requested and used to determine representative income. If the
additional verification is not provided, the worker uses the most recent 30 days income to determine eligibility.

5. (a) When computing ongoing earned income using pay stubs, the procedures listed in (1) through (5) are followed.

   (1) The worker must use the most recent 30 calendar days of pay stubs.

   (2) Pay stubs must be consecutive. Using a calendar to identify the pay dates ensures there are no missing pay stubs.

   (3) Gross amounts of income must be used in the calculation process.

   (4) If hours worked fluctuate each pay period, the worker must discuss with the client the reason for varying hours, such as employee missed work due to illness or hours fluctuate due to amount of work performed. The reason for fluctuating hours is documented in the Family Assistance/Client Services (FACS) case notes.

   (5) Only those pay periods determined as representative pay for the next certification period are used in the calculation. The case record is documented with the reason for the exclusion.

(b) If a person receives a benefit allowance from his or her employer, count the regular gross earnings plus any money left after deducting the insurance cost from the benefit allowance.

c) If the employer adds a cash benefit to the employee's income because the employee chooses not to purchase insurance, the amount added to the income is counted as earned income.

d) When computing earned income from new employment and a full pay check has not been received, it is appropriate to use an employer's statement or Form 08AD094E, Employment Verification that has been completed by the employer. The statement or form must include the client's scheduled hours per week, rate of pay, and how often paid. When anticipating new income based upon an employer's statement only, the income is converted using the appropriate 2.15 or 4.3 calculation method.

6. Schools generally have contracts with all their employees. The worker determines whether the contract pay is hourly or salaried to determine how to
compute earnings for food benefits. Contract pay that is for a salary is computed according to OAC 340:50-7-46(c)(2). Hourly contract pay is computed according to OAC 340:50-7-46(a).
340:50-9-1. Determining the food benefit allotment

Revised 6-1-10

(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. 1 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 one income standard to the other when any change is made to adjust the household's eligibility, benefit level, or certification period, or at recertification, whichever is earlier.

(1) Households without elderly or disabled members. If the household does not have an elderly or disabled member, the household's total gross monthly income and household size are the first basis for determining eligibility. The household is not eligible if the total gross income exceeds the Maximum Gross Income Standard for the appropriate household size as shown on Oklahoma Department of Human
Services (OKDHS) Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions. 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 C-3. If the net food benefit income does not exceed this standard, the household is determined eligible. The steps in (A) through (H) are used to determine the household's net food benefit monthly income.

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

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

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

(E) Subtract monthly dependent care expenses. A dependent care deduction cannot be allowed for dependent care expenses which are reimbursed or paid for under an employment and training (E&T) program or other source.

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

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

(H) To apply the excess shelter costs, subtract excess shelter costs from the adjusted income if the total of excess shelter costs does not exceed the maximum shown in OKDHS Appendix C-3. If the total of the shelter costs
(2) Households with an elderly or disabled member. 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 C-3. If the net food benefit income
does not exceed this standard, the household is determined eligible. The steps
listed in (A) through (I) are used to determine the household’s net food benefit
income if the household includes 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 from OKDHS Appendix C-3 and subtract that amount to determine the
net monthly income. The earned income deduction is not allowed on any portion
of income earned under a work supplementation or support program that is
attributable to public assistance.

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

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

(E) Subtract 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.

(F) Subtract monthly dependent care expenses. A dependent care deduction
cannot be allowed for dependent care expenses which are reimbursed or paid
for under an E&T program or other source.

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

(H) 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 (A) through (G) 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.

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

(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.

(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 B, Prorated TANF and Food Benefits: Proration Payment Form, or by using the formula: 
\[
(31 \text{ minus the application date}) \times \text{monthly benefit divided by } 30 = \text{the prorated benefit.}
\]

(B) The prorated benefit is rounded down to the lower dollar. If the answer is less than $10, the household is denied for the month of application but certified for the next month. If the household applies on the 31st day of the month, use the 30th for the application date for purposes of this provision. Households that apply after the 15th of the month are issued the prorated benefits for the month of application and the benefits for the first full future month on the same day.
(C) When a household is certified for the month following the month of initial application because the household failed to furnish necessary information, benefits are prorated from the date the household furnished the information. The application date becomes the date information was furnished to OKDHS.

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

(d) 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. ■ 3

(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. ■ 4 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
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.

(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.

(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) Twelve months.

(A) A 12-month certification period is assigned to households at certification unless:

(i) the household includes an able-bodied adult without dependents (ABAWD) 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. ■ 7

(4) Twenty-four months. A 24-month certification period is assigned to 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. ■ 8

INSTRUCTIONS TO STAFF 340:50-9-1

Revised 6-1-10

1. For example a 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.

2. 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.

3. The assessment is recorded in FACS Case Notes.
4. (a) Food benefit certifications for the current or future month may be teleprocessed through the last day of the month.

(b) 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.

(c) The FSLB transaction is used to request retroactive certifications that are more than two months prior to the current month.

(d) Instructions for the FSSR and FSLB transactions are found by entering M space FSSR or M space FSLB on the IMS network.

5. 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.

6. 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. This will issue the Notice of Missed Interview (NOMI).


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

(b) If the food benefit household is also receiving a State Supplemental Payment (SSP) at the time of the review for the SSP and the household remains eligible for both benefits, the worker completes a new food benefit application. The worker updates the SNAP tab in FACS to show a new food benefit application. The new certification is then processed using a "1" action rather than a "c" change.
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 benefit household leaves the state
340:50-10-1. Scope and applicability

Revised 6-1-10

Food benefits are delivered by an on-line electronic benefit transfer (EBT) system where the benefits are stored in a central computer database and electronically accessed by eligible households at the point of sale via plastic debit cards. Upon initial certification, households are issued a notice indicating an availability date of access to their benefits.

INSTRUCTIONS TO STAFF 340:50-10-1

Revised 6-1-10

1. Electronic Benefit Transfer (EBT) provides an electronic method to deliver benefits to food benefit recipients. The EBT system credits benefits to the recipient's food benefit account. EBT provides access to these benefits through the use of a debit card called Access Oklahoma and a personal identification number (PIN).
340:50-10-9. Expungement of benefits

Revised 6-1-10

The Oklahoma Department of Human Services (OKDHS) expunges benefits that have not been accessed by the household after a period of one year.

INSTRUCTIONS TO STAFF 340:50-10-9

Revised 6-1-10

1. Expunged benefits may be reloaded if requested within 365 calendar days of the date of issuance. Request for reloading is made by contacting the Family Support Services Division Supplemental Nutrition Assistance Program Section.

   (1) If an account needs to be reactivated, the local human services center Electronic Benefit Transfer (EBT) specialist must contact the Finance Division Electronic Benefit Disbursement Unit.

   (2) The worker updates Family Assistance Client Services (FACS) Case Notes to explain why benefits were not used when originally issued.
340:50-10-11. Food benefit household leaves the state

Revised 6-1-10

When a household moves to another state and has food benefits remaining in their account, the household must either use the food benefits in Oklahoma prior to leaving or find a retailer in another state that accepts the Access Oklahoma card. The Access Oklahoma card can be used in most states as most major retailers accept the Access Oklahoma card. ■ 1

INSTRUCTIONS TO STAFF 340:50-10-11

Revised 6-1-10

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 Supplemental Nutrition Assistance 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 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) The worker may contact the Oklahoma Department of Human Services (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.

(d) If the household moves out-of-state and reports they no longer have their Access Oklahoma card and need a card, 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.
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 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SSNAP) FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) AND COMPANION STATE SUPPLEMENTAL PAYMENT (SSP) RECIPIENT(S)

340:50-11-20. Scope
340:50-11-22. Application processing
340:50-11-23. Eligibility determination for households within the Simplified Supplemental Nutrition Assistance Program
340:50-11-24. Food benefit allotments
340:50-11-25. Proration of food benefits
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 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]
340:50-11-68. 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 benefit 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" [REVOKED]
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 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND SUPPLEMENTAL SECURITY INCOME (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
340:50-11-110. 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
340:50-11-1. Criteria

Revised 6-1-10

These criteria apply to all households making application or reapplication for food benefits, including residents of approved drug and alcohol treatment centers and group homes. Households entitled to expedited services include households:

(1) with less than $150 gross income if their liquid resources do not exceed $100; and

(2) with migrant or seasonal farm workers who are considered destitute if their liquid resources do not exceed $100; and

(3) whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage and/or utilities.

INSTRUCTIONS TO STAFF 340:50-11-1

Issued 6-1-10

1. (a) Liquid resources are declared, but not verified, for categorically eligible households. The worker documents the amount of liquid resources declared by the household in Family Assistance/Client Services (FACS) case notes. If the household is not expedited eligible due to declared liquid resources, the worker codes the amount declared for the household, not to exceed the maximum resource limit, in the Resource tab in FACS.

(b) Households who are not categorically eligible due to a household member being disqualified for an intentional program violation must verify resources according to OAC 340:50-7.

Revised 6-1-10

Food benefit household members are determined using Part 1 of Subchapter 5 of this Chapter.
340:50-11-22. Application processing

Revised 6-1-10

At the time of application for Temporary Assistance for Needy Families (TANF), the worker determines if the applicant wants to receive or is currently receiving food benefits and if the household is eligible for the Simplified Supplemental Nutrition Assistance Program (SSNAP). ▶ 1 If the household is receiving non-public assistance (non-PA) food benefits at the time of the TANF application, the food benefits remain as non-PA until TANF is certified. ▶ 2

1) Households within SSNAP scope. If the household has applied for TANF, non-PA Supplemental Nutrition Assistance Program (SNAP) rules are used to determine eligibility when the:

(A) household qualifies for expedited service and the TANF application will not be certified within seven calendar days;

(B) TANF application will take longer than 30 calendar days to determine eligibility; or

(C) TANF application will not be completed and certified for the month of application and food benefits must be issued for the initial month.

2) Denial of TANF. When the TANF application is denied, the worker must determine if the household is eligible for food benefits using non-PA SNAP rules. As a result of this determination the worker:

(A) denies eligibility for food benefits; or

(B) approves eligibility for food benefits.

INSTRUCTIONS TO STAFF 340:50-11-22

Revised 6-1-10

1. (a) The worker must update the Family Assistance/Client Services (FACS) Case Notes to address food benefits:

(1) at the time of the original Temporary Assistance for Needy Families (TANF) application;
(2) at the time of the redetermination; and

(3) when food benefits are terminated.

(b) If the applicant does not want to participate in the Supplemental Nutrition Assistance Program (SNAP), the worker must document the reason in Family Assistance/Client Services (FACS) Case Notes.

2. (a) Once the TANF application is certified and all household members receive either TANF or a State Supplemental Payment (SSP), the food benefit application date and certification date are changed to the date of the TANF certification date in the FACS, Eligibility notebook, SNAP tab. The food benefit certification period is updated to 99 on the same tab.

(b) At the time of the TANF redetermination, if the household remains eligible for TANF and Simplified Supplemental Nutrition Assistance Program (SSNAP) food benefits, the SNAP tabs in FACS are updated to show a new food benefit application and certification. The new certification is processed using a "c" change.
340:50-11-25. Proration of food benefits

Revised 6-1-10

Initial month food benefits are prorated. The initial month means the first month the household is certified for food benefits following any period of time during which the household was not certified. If the household's benefits are continuous, the food benefits are not prorated even when there is a change from non-public assistance (non-PA) Supplemental Nutrition Assistance Program (SNAP) to the Simplified Supplemental Nutrition Assistance Program (SSNAP) or SSNAP to SNAP.
340:50-11-27. Changes after application and during the certification period

Revised 6-1-10

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 and the household is receiving Simplified Supplemental Nutrition Assistance Program (SSNAP) food benefits, the actions described in (A) through (C) are taken.

(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:

   (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.

(B) The computer converts the SSNAP 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:

   (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.

(C) The computer converts the food benefits to Supplemental Nutrition Assistance Program (SNAP) 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 SSNAP 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 6-1-10

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 SNAP 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 "c" change.

2. The **Simplified Supplemental Nutrition Assistance Program (SSNAP)** 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 the Oklahoma Department of Human Services (OKDHS) Appendix 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 SNAP 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 five 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 Supplemental Nutrition Assistance Program (SNAP) 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 the SNAP tab of FACS. The C code allows the computer to determine the length of the SNAP 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 receives the Expiration of Food Benefits Notice.

6. During the five 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 Benefit Allotments and Standards for Income and Deductions; 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 benefits

Revised 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.

INSTRUCTIONS TO STAFF 340:50-11-46

Revised 6-1-10

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 Supplemental Nutrition Assistance Program (SNAP) 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 SNAP Section requesting restoration of lost benefits. FSSD SNAP Section staff makes a determination regarding the recoupment and notifies the human services center of the household's entitlement to restoration of lost benefits.
340:50-11-86. Emergency food benefit assistance in disasters declared by Food and Nutrition Service (FNS)

Revised 6-1-10

The Oklahoma Department of Human Services (OKDHS) is responsible for operating a Disaster Supplemental Nutrition Assistance Program (DSNAP). Food and Consumer Service Handbook 320 is used as the basic guidelines for operating a DSNAP.

(1) When a major or lesser disaster is declared by FNS, those counties involved are notified by the Family Support Services Division (FSSD) Supplemental Nutrition Assistance Program (SNAP) Section staff. At that time the FSSD SNAP Section staff issues policy and procedures to be followed.

(2) Maximum income limits, benefit allotments, and application procedures are followed for FNS declared disasters. ■ 1 Emergency benefit allotments are equal to the value of the food actually lost in the disaster but are not greater than the applicable maximum monthly food benefit allotment for the household size. ■ 2

(3) Once benefits are issued they must be used no later than 90 calendar days from certification. Benefits not used within 90 days of certification are expunged and cannot be put back into the client's account.

INSTRUCTIONS TO STAFF 340:50-11-86

Revised 6-1-10

1. Oklahoma Department of Human Services (OKDHS) Appendix C-3-A, Maximum Income Limits and Benefit Allotments for FNS Declared Disasters, is used to determine food benefit allotments and maximum income guidelines.

2. All applications of OKDHS employees for the Disaster Supplemental Nutrition Assistance Program are approved by the county director or designee.
340:50-11-88. Mechanical disaster

Revised 6-1-10

The definition of mechanical disaster means the halting for at least 15 consecutive calendar days of the operation of all equipment available to the Oklahoma Department of Human Services (OKDHS) for food benefit issuance. To be eligible for benefits under the mechanical disaster provisions, a household must already be certified as eligible to participate in the program as of the month in which the disaster occurred. In the event of a mechanical disaster, all current food benefit recipients are notified that a mechanical disaster has occurred through announcements in the mass media. Steps are taken to issue benefits by an alternate system. Persons who apply for food benefits after the breakdown of equipment are handled in the same manner.
340:50-11-105. Initial applications

Revised 6-1-10

(a) When a member of a household consisting only of applicants or recipients of Supplemental Security Income (SSI), transacts business at a Social Security Administration (SSA) office, or contact station, SSA informs the household of its right to apply for food benefits at the:

1. SSA Office without going to a local Oklahoma Department of Human Services (OKDHS) human services center (HSC); and
2. local OKDHS HSC if the household chooses to do so.

(b) If it appears that a household will be entitled to expedited services, SSA advises the household that they may receive benefits quicker if they apply at the local HSC. When an SSI household chooses to apply for food benefits at SSA, the SSA staff completes a food benefit application and forwards it to the appropriate HSC within one working day of receipt of a signed application. In addition to completing the application, SSA records documentation of all verifications available when the application was completed and prescreens for expedited service entitlement.
340:50-11-107. Work registration

Revised 6-1-10

The work registration requirement is waived until the Social Security Administration makes an eligibility determination for a household member who is applying jointly for Supplemental Security Income (SSI) and food benefits. When the household member is determined eligible for SSI, he or she becomes exempt from work registration. If he or she is determined ineligible for SSI, work registration requirements must be met. If the certification period expires by the end of the month following the month notice of SSI ineligibility is received by the human services center (HSC), the worker applies work registration requirements at the next recertification. Otherwise, the worker applies work registration requirements within ten calendar days of when the HSC is notified of SSI ineligibility.
340:50-11-108. Certification period

Revised 6-1-10

The worker assigns a certification period not to exceed 12 months in accordance with OAC 340:50-9-1. In cases where the Supplemental Security Income (SSI) determination results in a denial and the worker believes that food benefit eligibility or benefit levels may be affected, the worker takes action in accordance with OAC 340:50-9-5.
340:50-11-111. Categorically eligible household

Revised 6-1-10

(a) **Purpose.** This Part includes the requirements for establishing categorically eligible households for the Supplemental Nutrition Assistance Program (SNAP).

(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:
   - (A) any household, as defined in OAC 340:50-11-20, in which all members receive or are authorized to receive:
     - (i) Temporary Assistance for Needy Families (TANF) cash assistance; or
     - (ii) a combination of **Supplemental Security Income (SSI)** and TANF cash assistance;
   - (B) any household in which all members receive or are authorized to receive SSI; or
   - (C) any household in which members receive or are authorized to receive services through the Oklahoma Marriage Initiative except as excluded in (d) of this Section.

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

INSTRUCTIONS TO STAFF 340:50-11-111

Revised 6-1-10

1. Households defined in OAC 340:50-11-111(b)(1)(C) are exempt from resource limits as described in OAC 340:50-7-1. These households are still required to meet the income guidelines according to the Oklahoma Department of Human Services (OKDHS) Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions (Maximum gross income standards without elderly/disabled members or Maximum net income standards for households with elderly/disabled members that are not pure SSI and/or TANF households).

2. When approved for food benefits, the certification notice advises households they are authorized to receive services through the Oklahoma Marriage Initiative.
340:50-13-2. Hearing based on any action relating to a food benefit or case

Revised 6-1-10

(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. 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. Households wishing to contest a denial of expedited service must be given an opportunity to have an Oklahoma Department of Human Services (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. The continuation of benefits can only occur if the certification period has not expired. 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.
340:50-15-1. Scope and applicability

Revised 6-1-10

An overissuance or overpayment of food benefits occurs when a household receives more food benefits than it is entitled to receive. When the worker determines a household may have received more food benefits than it is entitled to receive, the worker documents the circumstances leading to the overpayment and computes the amount of the overpayment.

(1) Instances which may result in establishment of an overpayment claim include, but are not limited to:

(A) the household:

(i) failing to provide the Oklahoma Department of Human Services with correct or complete information;

(ii) failing to report changes in household circumstances;

(iii) electing to receive benefits pending a fair hearing decision which subsequently found the household ineligible or eligible for fewer benefits; or

(iv) trafficking benefits;

(B) the worker:

(i) assigning an incorrect allotment;

(ii) failing to take prompt action on a change reported by the household;

(iii) incorrectly computing the household's income, deductions, or both; or

(iv) incorrectly authorizing issuance to a household; or

(C) any overissuance discovered as a result of an Office of Inspector General (OIG) Administrative Review Unit review.

(2) Persons responsible for paying a claim are:

(A) each person who was an adult member of the household when the overpayment or trafficking benefits occurred and which resulted in an established
overpayment claim; or

(B) a person connected to the household, such as an authorized representative, who actually trafficks or otherwise causes an overpayment or trafficking.

(3) The Family Support Services Division (FSSD) Benefit Integrity and Recovery Section classifies overpayments as inadvertent household error, intentional program violation also known as fraud, or agency error. All food benefit overpayment claims are considered as inadvertent household error or agency error until Form 08OP016E, Administrative Disqualification Hearing Waiver, is signed or a court of law finds a household guilty of fraud. ■ 2

(4) The worker and supervisor calculate all overpayment claims and establish any overpayments under $500 due to inadvertent household error and all agency error overpayments, regardless of the amount. Once an overpayment is established, notices sent to the client include:

(A) the Notification of Food Benefit Overpayment notice;

(B) page 1 of Form 08OP005E, Report of Food Benefit Overissuance; and

(C) Form 08OP118E, Food Benefit Repayment Agreement.

(5) When the overpayment is $500 or more and due to inadvertent client error, it is sent to the FSSD Benefit Integrity and Recovery Section. FSSD Benefit Integrity and Recovery Section staff either establishes the overpayment claim and notifies the household of the overpayment with appropriate notices or refers the case to OIG for a possible judicial determination.

(A) When the case is transferred to OIG, the overpayment claim is not established and notices are not sent to clients until after OIG completes its determination.

(B) After OIG acquires a judicial determination and the claim is either determined to be an intentional program violation or fraud or remains an inadvertent household error, the claim is released back to the FSSD Benefit Integrity and Recovery Section to establish the overpayment claim.

(C) After the overpayment claim is established, the client is sent Form 08OP009E, page 1 of Form 08OP005E, and Form 08OP118E.

(6) Food benefit overpayment claims classified as inadvertent household error or
agency error do not cover more than 12 months prior to the month in which the overpayment was discovered. Food benefit overpayments classified as fraud or intentional program violation may cover the entire time the overpayment occurred. However, the time covered cannot include periods more than six years prior to the date the overpayment was discovered.

(7) Food benefit overpayments arising from trafficking related offenses are the value of the trafficked benefits as determined by the person's admission, adjudication, or documentation that forms the basis for the trafficking determination. OIG refers these cases directly to the FSSD Benefit Integrity and Recovery Section for establishment of the claim and/or disqualification.

INSTRUCTIONS TO STAFF 340:50-15-1

Issued 6-1-08

1. The worker uses the Oklahoma Program Integrity (OPI) system to document the circumstances leading to the overpayment and calculates the amount of the overpayment claim. To be considered timely, per Section 273.18 of Title 7 of the Code of Federal Regulations, all food benefit overpayment claims must be established within the quarter following the quarter of discovery.

2. When fraud is established, the Family Support Services Division (FSSD) Benefit Integrity and Recovery Section codes the food benefit claim as intentional program violation in the OPI system with an agency error (AE), inadvertent household error (IHE), or intentional program violation (IPV) reason.

Revised 6-1-10

(a) The earned income deduction is not allowed in determining the overpayment amount when a recipient fails to report earned income in a timely manner.

(b) When the worker believes a household received an overissuance of food benefits, the worker documents the circumstances causing the overpayment and calculates the overpayment claim. The food benefit claim is considered established when the overpayment notice is dated and mailed to the client.

(c) The worker and supervisor establish overpayment claims classified as inadvertent household error and less than $500, and all agency error claims regardless of the amount. Notices sent to the client include:

1. the Notification of Food Benefit Overpayment notice;
2. page 1 of Form 08OP005E, Report of Food Benefit Overissuance; and
3. Form 08OP118E, Food Benefit Repayment Agreement.

(d) Calculated overpayments that are $500 and over that are not due to agency error are not established until reviewed by staff in the Family Support Services Division (FSSD) Benefit Integrity and Recovery Section staff. In most instances after calculation, FSSD staff sends these overpayments to the Office of the Inspector General (OIG) to determine fraudulent intent prior to establishing the overpayment.

INSTRUCTIONS TO STAFF 340:50-15-3

Issued 6-1-08

1. The worker uses the Oklahoma Program Integrity (OPI) system to calculate the amount of the overpayment claim and document the circumstances leading to the overpayment in the Comments Section of OPI.

2. Once staff in the Office of the Inspector General (OIG) makes a determination regarding fraudulent intent, the overpayment is sent back to the Family Support Services Division (FSSD) Benefit Integrity and Recovery Section through OPI to establish the overpayment claim.
340:50-15-5. Right to appeal

Revised 6-1-10

If there is a disagreement with the overpayment decision, the household may request a hearing within 90 calendar days of the date on the Notification of Food Benefit Overpayment notice. Upon notification from the Appeals Unit of receipt of Form 13MP001E, Request for a Fair Hearing, the Family Support Services Division (FSSD) Benefit Integrity and Recovery Section postpones reduction in food benefits pending the hearing decision.

Revised 6-1-10

(a) Repayment of established overpayment claims. Households must make repayment on all established overpayment claims regardless of the reason for the overpayment. Family Support Services Division (FSSD) Benefit Integrity and Recovery Section initiates collection efforts against all adult household members except those who are deceased. Collection may be received from two separate households for the same claim. Any repayment option shown at (d) of this Section may be used to collect the overpayment claim from any adult who was in the household at the time of the overpayment and who is not currently a member of the household undergoing allotment reduction.

(b) Repayment plan time frames. After the overpayment is established, the FSSD Benefit Integrity and Recovery Section sends the client Form 08OP118E, Food Benefit Repayment Agreement, that explains the acceptable methods of repayment for the debt classification. The client is responsible for completing and returning Form 08OP118E within the appropriate time frame.

(1) The food benefit overpayment claim is considered delinquent if the overpayment claim is not paid within 30 calendar days of the date of the Notification of Food Benefit Overpayment notice, or a monthly payment, as designated on the repayment agreement, has not been made by the due date.

(2) An overpayment claim is not considered delinquent if another food benefit overpayment claim for the same household is currently being paid either through a previous repayment agreement or allotment reduction.

(c) Consequences of non-return of repayment agreement. Paragraphs (1) and (2) of this subsection describe the consequences of non-return of the repayment agreement within appropriate time frames.

(1) Agency error or inadvertent household error. To make a voluntary plan of repayment of an agency error or inadvertent household error claim, the client must complete and return Form 08OP118E within 30 calendar days of the date on the form. If the client fails to return Form 08OP118E, FSSD begins recoupment from the client's food benefits or other collection methods.

(2) Intentional program violation. To make a voluntary plan of repayment of an intentional program violation debt, the client must complete and return Form 08OP118E, within 30 calendar days of the date on the form. If the client fails to
return Form 08OP118E, FSSD begins recoupment from the client's food benefits or other collection methods. 1

(d) Repayment options.

(1) Payment in full. The client may repay an overpayment claim in one lump sum by personal check, money order, cashier's check, or Electronic Benefit Transfer (EBT) debit with a signed statement.

(2) Monthly payments. The client may repay an overpayment claim in regular monthly installments by personal check, money order, cashier’s check, or approved EBT debits. The amount to be repaid in monthly installments cannot be less than the amount that could be recovered through allotment reduction.

(A) Agency error or inadvertent household error. The FSSD Benefit Integrity and Recovery Section processes the reduction in the amount of 10% of the client's monthly allotment or $10, whichever is greater. The client may request a reduction up to the client's maximum monthly allotment.

(B) Intentional program violation. The FSSD Benefit Integrity and Recovery Section processes the reduction in the amount of 20% of the client's monthly allotment or $20, whichever is greater. The client may request a reduction up to the client's maximum monthly allotment.

(3) Lost benefit reductions. Any lost benefit due the household is used as payment on a food benefit overpayment claim.

(4) Client authorized EBT debits. A household may make a voluntary payment through a debit from the EBT Access account. In order to debit the EBT account, a signed statement must be received from the client or the household’s authorized representative giving permission for the debit. This statement is faxed to the FSSD Benefit Integrity and Recovery Section for immediate processing.

(5) Expunged benefits. Expunged food benefits are those where the account has not been accessed for one year. These expunged benefits, when known and identified with an overpayment account are used to adjust the overpayment balance by the amount of the expunged benefit.

(6) Stale benefits. Stale food benefits are those where the account has not been accessed for three months. These benefits, when known and identified with an overpayment account, are used as payment on a food benefit overpayment claim.
(e) **Reconsideration of repayment plan.** The client may request reconsideration of the repayment plan by submitting information regarding changes in family and financial circumstances directly to the FSSD Benefit Integrity and Recovery Section. The FSSD Benefit Integrity and Recovery Section reconsiders any repayment plan if circumstances warrant.

(f) **Referrals for Treasury Offset Program (TOP).** If the client fails to pay the overpayment claims or payments have become delinquent, the FSSD Benefit Integrity and Recovery Section makes a referral to TOP.

1. **Criteria for TOP.** The criteria for state and federal tax offsets are the:

   (A) amount owed must be at least $25;

   (B) claim is under ten years delinquent except for judgment claims;

   (C) claim is delinquent by 180 days;

   (D) overpayment claim is not part of a bankruptcy stay or under litigation or review;

   (E) client received the original notification of the debt; and

   (F) overpayment claim is not being collected through allotment reduction, also known as recoupment, or under an approved repayment plan.

2. **Notification of TOP.** The FSSD Benefit Integrity and Recovery Section notifies a person of any intended referral to TOP 60 calendar days prior to referring the overpayment claim to TOP. The notice is mailed to the household at the address provided by United States Department of Agriculture (USDA), Food and Nutrition Service. Information contained in the notice includes:

   (A) the person's Social Security number;

   (B) the citation of the statutory authority for the offset;

   (C) the instructions on how to pay the claim;

   (D) the person's right to request a review;

   (E) all TOP exemptions and restrictions;
(F) information regarding spousal protection from offset;

(G) a statement that all adult household members who were members when the overpayment occurred are liable for repayment of the food benefit overpayment claim; and

(H) the person’s right to review applicable records.

(3) Request for review of intended action. A person whose food benefit overpayment claim is referred to TOP may ask for a review of the intended action. The person’s contention that the claim is not past due or legally enforceable is the basis for the review.

(A) A claim is not past due and legally enforceable if the person:

   (i) proves the claim has been paid;

   (ii) cited for offset is not the person who owes the claim;

   (iii) substantiates bankruptcy action; or

   (iv) denies he or she was informed of the overpayment claim and a review of Oklahoma Department of Human Services files substantiates the denial.

(B) The person must request the review within 60 calendar days of the TOP notice date. FSSD Benefit Integrity and Recovery Section sends written notification of the review decision to persons requesting reviews. The notice informs the person requesting a review why the overpayment is or is not being referred to TOP and further review rights to which he or she is entitled.

(C) The person can avoid referral to TOP if the person pays the overpayment claim in full or a payment specified by the FSSD Benefit Integrity and Recovery Section along with an acceptable repayment agreement is received within 60 calendar days from the date of the TOP notice.

INSTRUCTIONS TO STAFF 340:50-15-6

Issued 6-1-09

1. If the court has ruled the client is to make specific monthly payments, the payments cannot be renegotiated. The court ruling is legally binding until the debt is paid in full. If the court has set restitution of the claim at a lesser
amount than the established overpayment claim, the court's amount is the restitution amount and satisfies the court's requirements. The full amount of the overpayment claim established by the Oklahoma Department of Human Services (OKDHS) is the amount owed to OKDHS per Section 171 of Title 56 of the Oklahoma Statutes.