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Employees' Manual
Title 7
Chapter C

FOOD ASSISTANCE

NONFINANCIAL

ELIGIBILITY



**Iowa Department
of Human Services**

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Overview

This chapter explains who is included in a Food Assistance household (the “household concept”) because the household concept is the basis for determining eligibility for the Food Assistance program.

This chapter also contains information about the nonfinancial requirements a household must meet to be eligible for Food Assistance. Nonfinancial requirements are factors like age, work requirements, and where a person lives.

Household Composition

The following sections explain policies on treatment of:

- ◆ [Mandatory household members](#)
- ◆ [Nonmandatory members](#)
- ◆ [Ineligible household members](#)
- ◆ [Children under joint custody](#)
- ◆ [Elderly and disabled people](#)
- ◆ [Family-life homes](#)
- ◆ [Foster and pre-adoptive children](#)

Mandatory Household Members

Mandatory household members include:

- ◆ [Spouses](#) living together
- ◆ [Parents and children](#) living together
- ◆ [Children under parental control](#)
- ◆ [People who purchase and prepare food together](#)

Spouses

Legal reference: 7 CFR 273.1(a)(2)

Policy:

Eligible spouses living together must be in the same Food Assistance household whether they eat together or not. This includes both legal and common-law spouses.

Parents and Children

Legal reference: 7 CFR 273.1(a)(2), 441 IAC 65.1(234)

Policy:

Parents living with their children who are aged 21 and under must all be certified in the same Food Assistance household.

Procedure:

Include a child age 21 and under in the parents' household even if the child routinely buys and fixes food separately from the parent **and**:

- ◆ Is married and living with the spouse, **or**
- ◆ Is a parent with a child in the home.

The term "parent" includes legal, natural, and stepparent. Consider a man the natural father if he:

- ◆ Was married to the mother at the time of the child's conception or birth (unless the court has declared this man **not** to be the father), or
- ◆ Has been declared by the court to be the father, even though not married to the mother at the time of the child's conception or birth, or
- ◆ Claims to be the father, **unless** the child already has another legal father as described above.

For Food Assistance purposes, the stepparent relationship ends with the death or divorce of the parent.

Mr. V lives with his son Hank, 25, his daughter Wendy, 23, his son Mark, 19, and Mark's wife Nancy. Because of their conflicting schedules, all buy and fix their food separately.

Hank and Wendy can each be a separate Food Assistance household. However, Mr. V, Mark, and Nancy must be in the same household, because Mark is not over age 21 and Nancy is Mark's spouse.

Children Under Parental Control

Legal reference: 7 CFR 273.1(b)(iii), 441 IAC 65.24(234)

Policy:

Eligible children under age 18 who are living with and under the parental control of another person must be in the same Food Assistance household as that person.

Procedure:

Consider a person to be exercising "parental control," when the person fulfills the role of a parent, financially or otherwise. The person does not have to be related to the child.

EXCEPTIONS:

- ◆ Children are not under parental control if they are married, because state law defines them as adults.
- ◆ Foster children, along with their spouse or their children living with them, are not required to be in the foster parents' Food Assistance household, unless the household chooses to include them.

This is true even if they buy and fix food together with the foster parents. However, if the household excludes them, they cannot receive Food Assistance on a separate case.

People Who Purchase and Prepare Food Together

Legal reference: 7 CFR 273.1(b)(1)

Policy:

In addition to people who are mandatory household members based on relationship, people who live together and buy and fix the majority of their meals together must be in the same Food Assistance household.

Procedure:

Explain the option to buy and fix meals separately and to be certified as a separate household.

Accept the household's statement regarding eating arrangements and document it in the case file.

Nonmandatory Members

Legal reference: 7 CFR 273.1(b)(1), (2)

Policy:

"Nonmandatory members" are people who are not mandatory household members, as described above. They include:

- ◆ Roomers to whom the household provides lodging, but not meals, for compensation.
- ◆ Live-in attendants who provide medical care, housekeeping, child care, or other similar personal services. Live-in attendants can be separate households even if they buy, fix, and eat their food with the person for whom they are providing care.
- ◆ Other people who live with the household, but who do not routinely buy and fix their food with the household.

Procedure:

Do not include nonmandatory members when determining the Food Assistance household's size, eligibility, or amount of benefits. (See [7-E, Nonmandatory Members' Income](#), for instructions.) If eligible, nonmandatory members can receive Food Assistance as a separate household.

Ineligible Members

Legal reference: 7 CFR 273.1(b)(2)(1)

Policy:

"Ineligible members" are people who would normally get Food Assistance with other members of the household but are not included because they are ineligible to participate for some reason. Ineligible members **cannot** participate in the Food Assistance program as separate households. The following people are ineligible household members:

- ◆ Ineligible aliens. See [Citizenship and Alien Status](#) in this chapter, and [7-I, Households with Alien Members](#).
- ◆ Ineligible students. See [7-I, Students](#).
- ◆ People who are disqualified for failing to provide a social security number. See [Social Security Numbers](#).
- ◆ People who are disqualified for intentional program violation. See 7-J, [INTENTIONAL PROGRAM VIOLATION](#).
- ◆ Mandatory work registrants who are disqualified for not complying with work requirements. See [Work Registration](#).
- ◆ Ineligible adults who are not disabled and don't have dependents (ABAWDs). See [7-I, Able-Bodied Adults Without Dependents \(ABAWDs\)](#).
- ◆ Probation or parole violators and fleeing felons. See [7-I, Fleeing Felons and Parole and Probation Violators](#).
- ◆ SSI recipients whose Food Assistance benefits were received as cash in a state that cashes out Food Assistance benefits to SSI recipients.
- ◆ Residents of institutions. (See [Residents of Institutions](#) for exceptions allowing institution residents to get Food Assistance benefits as separate households.)

Procedure:

Consider the relationship of the ineligible member to others in the household when determining who else is a mandatory member. However, do not include an ineligible member when determining size of the eligible household, household eligibility, or the amount of benefits for the eligible household. For more information, see [7-I, Ineligible Household Members](#).

Elderly Members Who Are Disabled

Legal reference: 7 CFR 273.1(a)(2)(ii)

Policy:

Under certain conditions, a person who is both elderly and disabled can buy and fix food with others and still be a separate household. However, an elderly and disabled person still cannot be a separate household from people that are listed under [Mandatory Household Members](#).

Procedure:

Allow the elderly and disabled person to be a separate household when:

- ◆ The person is unable to buy and fix food independently because of a permanent disability. The disability can be physical or mental, disease-related, or non-disease-related. Determine disability by observing the person or through a statement from a physician or a licensed or certified psychologist saying that the person is unable to buy and fix food without help.
- ◆ The countable gross income of nonmandatory members living with the elderly and disabled person is at or less than 165% of the federal poverty level for the corresponding household size. The following chart gives the amount of monthly countable gross income that is 165% of poverty for the corresponding household size.

165% of the Poverty Level			
Number of People	Maximum Gross Monthly Income	Number of People	Maximum Gross Monthly Income
1	\$1,634	5	\$3,911
2	\$2,203	6	\$4,480
3	\$2,772	7	\$5,051
4	\$3,342	8	\$5,623
For each additional member, add \$572			

Do not include the elderly and disabled person or that person's mandatory household members when determining the household size and income of the other people living in the household.

The other people in the household can get Food Assistance benefits separate from the elderly and disabled person only if the elderly and disabled person and that person's mandatory household members are eligible to get Food Assistance benefits separately. This does not mean that the elderly and disabled person must accept Food Assistance benefits, only that eligibility exists.

Mr. X is over 60 and gets SSI. He cannot buy or fix his own meals due to his permanent disability. Mr. X and his spouse, Mrs. X, live and eat with their son, aged 40; their daughter-in-law; and two grandchildren. The son, daughter-in-law, and grandchildren have gross income of \$1,400 per month. This is less than 165% of poverty line for four people, so Mr. and Mrs. X can be considered a separate Food Assistance household.

Mr. and Mrs. X are eligible for Food Assistance, but don't choose to participate. Their son's family can get Food Assistance benefits as a separate household.

Children Under Joint Custody

Legal reference: 7 CFR 273.1(a)

Policy:

When a child is under joint physical custody and the child spends an equal amount of time in each household during a month, include the child in only one household for Food Assistance. The custodians decide in which household to include the child.

Family-Life Homes

Legal reference: 7 CFR 273.1(a)(1)

Policy:

Adults for whom a family-life home payment is made cannot get Food Assistance on their own. They are not members of the Food Assistance household unless the household wants to include them, even if they buy and fix food with other household members.

Foster and Pre-Adoptive Children

Legal reference: 7 CFR 273.1(b)(4)

Policy:

Foster children and their spouse or children living with them are not required to be in the foster parents' Food Assistance household unless the household chooses to include them. This is true regardless of whether they buy and fix food together. If the household excludes them, they cannot receive Food Assistance on a separate case.

Similarly, the children for whom the pre-adoption payments are made are not members of the Food Assistance household unless the household wants to include them, even if they buy and fix food with other household members.

Independent Living

Legal reference: 7 CFR 273.9(b)(2)(ii)

Policy:

Children that live in an independent living arrangement and receive foster care payments can get food assistance on their own.

Subsidized Guardianship

Legal reference: 7 CFR 273.1(c)(7)

Policy:

Subsidized guardianship situations are like foster care. The children for whom the subsidized guardianship payments are made are not members of the food assistance household unless the household wants to include them, even if they buy and fix food with other household members.

Categorical Eligibility

Legal reference: 7 CFR 273.2(j)

Policy:

When a household is "categorically eligible," certain eligibility factors are automatically considered to be met and verified for that household.

Categorical eligibility does **not** confer automatic eligibility for Food Assistance benefits. With the exception of the requirements that are automatically met, these households still must meet all Food Assistance eligibility requirements to receive benefits.

Procedure:

The following sections explain:

- ◆ [Categorical Eligibility for FIP and SSI Households](#)
- ◆ [Categorical Eligibility for General Assistance \(GA\) Households](#)
- ◆ [Categorical Eligibility for Combination FIP or SSI and GA Households](#)
- ◆ [Categorical Eligibility for Households Eligible for the Promoting Healthy Marriage Program \(PHMP\)](#)
- ◆ [Eligibility Factors Met by Categorical Eligibility](#)
- ◆ [Processing Delay for Categorical Eligibility Determination](#)
- ◆ [Reactivating the Application](#)
- ◆ [Zero-Benefit Cases](#)
- ◆ [Reporting Requirements for Categorically Eligible Households](#)
- ◆ [Review of Categorical Eligibility](#)
- ◆ [Claims](#)

FIP and SSI Households

Legal reference: 7 CFR 273.2(j)(2)

Policy:

Unless any member is disqualified because of a Food Assistance intentional program violation (IPV), a household is "categorically eligible" when all household members receive or are authorized to receive FIP or SSI benefits.

A household with a member disqualified for IPV cannot be categorically eligible even if the disqualified person does receive FIP or SSI.

Procedure:

For purposes of determining categorical eligibility, consider a person to be receiving FIP or SSI benefits when:

- ◆ The needs of the person are included in the cash payment.
- ◆ A cash payment is not received because benefits are being recouped.
- ◆ Benefits are suspended.
- ◆ A cash payment is not being received because the amount is less than \$10.
- ◆ A payment has been authorized but not yet received.
- ◆ The person is a SSI-related dependent person for whom State Supplementary Assistance payment is issued.

Comment:

Do not consider a person who is ineligible for any reason other than an IPV when determining if the rest of the household is categorically eligible.

1. Mr. and Mrs. J both receive SSI. Mr. J is found to have committed an IPV and is disqualified from receiving Food Assistance benefits. Mrs. J continues to get Food Assistance benefits as a household of one, but is no longer categorically eligible. Since categorical eligibility does not apply, all Food Assistance policies must be examined.

For example, resource limits are not automatically considered to be met, but Mr. and Mrs. J's resources remain exempt because they receive SSI. Mrs. J is disabled, so the gross income limit does not apply. However, because her household is not categorically eligible, the net income limit does apply when her Food Assistance eligibility and benefits are calculated.

2. Mr. and Mrs. B receive Food Assistance benefits. Mrs. B receives SSI. Mr. B is employed. The household does not meet categorical eligibility criteria.

Mr. B quits his job without good cause and is canceled from the Food Assistance case. Mrs. B is now a household of one. She is categorically eligible because, for determining categorical eligibility, the only household member is an SSI recipient.

General Assistance (GA) Households

Legal reference: 7 CFR 273.2(j)

Policy:

A household is categorically eligible when:

- ◆ All members of the household receive **ongoing** benefits from a state or local general assistance (GA) program, **and**
- ◆ The GA program's income and resource criteria are comparable to or more restrictive than the FIP, SSI, or Food Assistance income limits and gross income test, **and**
- ◆ The GA, other than in-kind assistance, is financed with state or local funds and is for living expenses or other basic needs intended to promote the health or well-being of recipients.

GA programs that provide emergency payments for only one month do **not** qualify a household as categorically eligible.

Comment:

There may be GA programs in Iowa that meet the criteria to make Food Assistance households categorically eligible. However, none have been identified. If you have a situation in which a household that is not otherwise categorically eligible might be based on receipt of GA benefits, contact the SPIRS Help Desk.

Combination FIP or SSI and GA Households

Legal reference: 7 CFR 273.2(j)(4)(vii)

A household is categorically eligible when all of its members meet the categorical eligibility policies for and receive benefits from one of the following programs:

- ◆ FIP or SSI unless a member is ineligible for Food Assistance because of an IPV.
- ◆ General assistance from a GA program that meets criteria for categorical eligibility.

For combination households, see [FIP and SSI Households](#) and [General Assistance \(GA\) Households](#) to determine whether to consider benefits to be received from each program.

Households Eligible for the Promoting Healthy Marriage Program

Legal reference: 441 IAC 47.1(234), 47.2(234), and 65.39(234)

Policy:

The Promoting Awareness of the Benefits of a Healthy Marriage Program (PHMP) uses funds from the Temporary Assistance to Needy Families (TANF) block grant to provide information about the benefits of a healthy and stable marriage. Households are categorically eligible for Food Assistance for any month in which they are eligible for the PHMP.

There is no resource limit for the PHMP. Food Assistance households are eligible for the PHMP if they meet **all** of the following criteria:

- ◆ Total gross countable Food Assistance income is at or below 160% of the federal poverty guidelines.
- ◆ No household member is currently disqualified due to an intentional program violation (IPV).
- ◆ All Food Assistance eligibility criteria other than resource limits and gross and net income limits are met.
- ◆ Food Assistance benefit amount is greater than zero. NOTE: Eligible one-member and two-member households are eligible for the "minimum benefit."

Procedure:

There is not a separate application for the PHMP. Eligibility for the PHMP is automatically determined whenever a household applies for Food Assistance. When you process the Food Assistance application, the ABC system will determine eligibility for the PHMP by comparing income to the chart below:

Household Size	Maximum Gross Monthly Income for PHMP	Household Size	Maximum Gross Monthly Income for PHMP
1	\$1,584	5	\$3,792
2	\$2,136	6	\$4,344
3	\$2,688	7	\$4,898
4	\$3,240	8	\$5,453
For each additional person, add \$556			

The notice of decision issued by the ABC system to approve Food Assistance will include language approving the PHMP if the household qualifies. When PHMP eligibility exists, the ABC system will assign the same certification period for the PHMP as for Food Assistance.

The ABC system will issue Comm. 390, *Benefits of a Healthy Marriage*, to PHMP eligible households once per certification period. If you manually issue an NOD to approve Food Assistance, include language about approval of the PHMP if eligible and issue Comm. 390.

Whenever Food Assistance eligibility is recalculated in the ABC system, eligibility for the PHMP is automatically redetermined. If Food Assistance eligibility ends, eligibility for the PHMP will be terminated.

Comment:

1. Household A applies for Food Assistance. The two-member household has monthly gross countable Food Assistance income of \$1900 and meets all nonfinancial eligibility criteria. Because the household's income is within 160% of the federal poverty guidelines and the benefit amount would be greater than zero, the household is categorically eligible based on the PHMP.

2. Household B, which consists of three eligible members and an ineligible alien who has income, applies for Food Assistance. The household's countable monthly Food Assistance income after proration is \$2400, which is within 160% of federal poverty guidelines for a household of three.

The household meets all nonfinancial eligibility criteria. If the household's benefit amount would be greater than zero, the household is categorically eligible based on the PHMP.

If you enter an IPV disqualification, the ABC system cancels the PHMP. Because the household's resources become countable when you impose the disqualification, review the case file and enter the household's countable resources on ABC.

Household C applies for Food Assistance and lists countable resources of \$4300. The household meets income and other criteria to be PHMP-eligible. Because the household is PHMP-eligible, resources are not considered and Food Assistance is approved.

A household member is later disqualified due to an IPV. The household is no longer categorically eligible. The worker reviews the case file and enters \$4300 countable resources on the ABC system to determine the C household's continued Food Assistance eligibility.

Eligibility Factors Met by Categorical Eligibility

Policy:

Once a household is determined to be categorically eligible, which eligibility factors are considered automatically met depends on whether:

- ◆ The household is categorically eligible because all members receive FIP, SSI, or GA, or
- ◆ The household is categorically based on eligibility for the Promoting Healthy Marriage Program (PHMP).

If the household meets both of the above items, treat the household as categorically eligible based on receipt of FIP, SSI, or GA.

Categorical Eligibility Based on Receipt of FIP, SSI, or GA

Policy:

When determining Food Assistance eligibility for categorically eligible FIP, SSI, or GA households, consider the following Food Assistance eligibility requirements met:

- ◆ Resource limits
- ◆ Gross and net income limits
- ◆ Residency information
- ◆ Sponsored alien information

Categorically eligible FIP and SSI households also:

- ◆ Do not have to provide social security number information.
- ◆ Are not subject to the transferred resources policy.

Categorical Eligibility Based Only on the PHMP

Policy:

When determining Food Assistance eligibility for households that are categorically eligible only due to the PHMP, consider the following Food Assistance eligibility requirements met:

- ◆ Resource limits
- ◆ Gross and net income limits

Households categorically eligible based only on the PHMP must provide social security number, residency, and sponsored alien information.

Processing Delay for Categorical Eligibility Determination

Legal reference: 7 CFR 273.2(j)(1)(iv), 273.10(d)(7)

Policy:

If a household has a FIP application pending and Food Assistance eligibility is dependent on becoming categorically eligible based on FIP, temporarily postpone processing the Food Assistance application.

Procedure:

Do not delay processing beyond the 30th day from the date of application. If the household meets criteria for emergency services, do not delay beyond the emergency services processing timeframes.

See [Reactivating the Application](#) if you deny Food Assistance prior to the FIP application being processed and FIP is later approved.

Comment:

Do not delay processing the Food Assistance application if the household would otherwise be categorically eligible based on the PHMP.

Reactivating the Application

Legal reference: 7 CFR 273.2(j)(1)(v), 273.10(d)(7)

Policy:

When Food Assistance is denied on a jointly filed application, reactivate the application if the household becomes categorically eligible because FIP, SSI, or GA is approved.

Procedure:

Start benefits from the beginning of the period for which FIP, SSI, or GA is paid or from the original Food Assistance application date, whichever is later.

Determine eligibility and benefits using the original application and any other available information. Do **not** require the household to complete a new application or to attend another interview. Contact the household to:

- ◆ Discuss possible eligibility, and
- ◆ Determine if any changes have occurred.

Obtain any necessary verification.

Zero-Benefit Cases

Legal reference: 7 CFR 273.2(j)(2)(xi)

Policy:

Deny categorically eligible households with three or more members when income causes Food Assistance benefit issuance to be zero.

Comment:

The ABC system will deny households with three or more members if their benefit amount would be zero.

Reporting Requirements for Categorically Eligible Households

Legal reference: 441 IAC 65.5(4)

Policy:

Do not require categorically eligible households to report any income changes if the household reported income in excess of its gross income limit and remained eligible. Take appropriate action on all reported changes.

Comment:

A categorically eligible household that reports income in excess of its gross limit is not required to report further income changes until recertification. This includes households that are over the gross limit at the time of application.

Review of Categorical Eligibility

Legal reference: 7 CFR 273.2(j)(2)

Policy:

When there is a change in household circumstances, review the case to see if the household has either gained or lost categorical eligibility.

Claims

Legal reference: 7 CFR 273.18

Policy:

Categorical eligibility cannot be rescinded retroactively.

Procedure:

Do not do a claim because a household should not have been categorically eligible. Do not establish a Food Assistance claim if it is discovered the household should not have been approved for FIP, SSI, GA, or PHMP.

Do a claim if changes in income were required to be reported for Food Assistance and would have affected the benefit level. Also complete a claim if incorrect deductions or household size were used.

Citizenship and Alien Status

Legal reference: 7 CFR 273.2(b), 273.4(a)

Policy:

Only the following people can get Food Assistance benefits:

- ◆ United States citizens,
- ◆ Non-citizen nationals of the United States, and
- ◆ Aliens who hold an immigration status as an “eligible alien” for Food Assistance purposes.

Procedure:

United States citizens are people born in one of the 50 states, the District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, or the Virgin Islands. Non-citizen nationals are people born in American Samoa or the Swain Islands. Non-citizen nationals are the same as U.S. citizens for Food Assistance purposes.

Comment:

A person who has been convicted of a felony does lose certain rights of citizenship. However, these people are still considered to be citizens for the purposes of the Food Assistance program.

See [7-1, Who Is An Eligible Alien](#), for who is an “eligible alien” for Food Assistance purposes. Also see [7-1, Documentation of United States Citizenship by Birth and Documentation of Acquired Citizenship](#), for listings of the kind of documents that can be used as evidence of citizenship.

Cooperation

Legal reference: 7 CFR 273.2(d)(1) and 2, 441 IAC 65.22(3), 481 IAC 72.1(10A)

Policy:

In order to be determined eligible for Food Assistance, households must:

- ◆ Complete and sign the application form;
- ◆ Be interviewed;
- ◆ Verify certain information;
- ◆ Cooperate in any review of its eligibility, including reviews that are a result of a reported change or a recertification application; and
- ◆ Cooperate in any review done by Quality Control

Procedure:

Deny or cancel any household that refuses to cooperate. To “refuse to cooperate,” the household must be able to cooperate but clearly show that it will not take the necessary actions. Do not deny or cancel a household if there is a question about whether the household refused to cooperate or merely failed to cooperate.

To be denied for refusal to cooperate with the local office, a household must refuse to be interviewed, rather than just fail to appear for an interview.

The household may reapply, but it may not be determined eligible until it cooperates. See [Cooperation With Quality Control](#), below, for more information.

Cooperation With Front-End Investigations

Legal reference: 481 IAC 72.1(10A), 72.2(10A), 72.4(10A)

Policy:

The purpose of front-end investigation is to prevent households from fraudulently receiving Food Assistance by conducting investigations on applications and reapplications before an eligibility determination is made.

The following sections explain procedures for:

- ◆ [Referring a household to the DIA for investigation](#)
- ◆ [The front-end investigation process](#)
- ◆ [Acting on front-end investigation findings](#)

Referring a Household for Investigation

Legal reference: 481 IAC 72.2(10A)

Policy:

Refer questionable cases to the Economic Fraud Control Unit of the Department of Inspections and Appeals (DIA) for further investigation.

Procedure:

Before making a referral to DIA, take a prudent-person approach to the information the client gives you. Allow the client the opportunity to explain the situation or resolve any questionable information.

Make referrals using form 470-5130, *DHS Investigative Referral to DIA*. One or more of the factors listed on the form must be present in a case in order to make a referral. See [6-Appendix](#) for more information about how to fill out the form.

Food Assistance Trafficking

Legal reference: 481 IAC 72.2(10A)

Policy:

If you receive a complaint about Food Assistance trafficking, see [7-A, Handling Complaints of Trafficking](#). See [7-A, Definitions](#), for the definition of trafficking.

Front-End Investigation Process

Legal reference: 481 IAC 72.2(10A), 72.3(10A)

Policy:

DIA staff investigate cases to:

- ◆ Determine if information supplied by the client is correct.
- ◆ Assist in reducing the program error rate.
- ◆ Identify overpayments for recovery.

Procedure:

DIA investigators use form 427-0326, *Investigator Introduction Letter*, to let clients know that their case has been referred to the Economic Fraud Control Unit for front-end investigation.

The DIA investigator determines if an interview is needed. If so, the DIA investigator mails form 427-0323, *Investigator Appointment Letter*, to the client to be interviewed. Before the interview, the DIA investigator informs the client of the purpose of the investigation and the type of information being reviewed.

DIA investigators also decide which eligibility items need further verification.

If the client previously received benefits and there is a discrepancy, the investigation may continue. However, DIA does not continue an investigation involving clients who withdrew their application and never received benefits or clients who were denied benefits.

The DIA investigators may request and have access to the DHS client file if the investigator determines it is necessary. DIA staff must follow the terms of the contract between the Department and DIA with respect to confidentiality.

Acting on Front-End Investigation Findings

Legal reference: 481 IAC 72.4(10A)

Policy:

The DIA investigator reports the results of the investigation to the Department on a front-end investigation report. This report is sent to the IM worker.

Procedure:

After an investigation has been done, determine eligibility and benefits, taking into consideration the findings of the investigator. The evidence in the findings of the investigator is considered verified information. Once you have made an eligibility determination, report the actions taken to the investigator.

If you so request, the DIA investigator will attend appeal hearings and testify to the information gathered by DIA.

Cooperation With Quality Control

Legal reference: 7 CFR 273.2(d)(2)

Policy:

A household is ineligible if a member refuses to cooperate in any review of its eligibility done by quality control. The period of ineligibility is:

- ◆ 95 days from the end of the review period for reviews by state quality control staff **or**
- ◆ Seven months from the end of the review period for reviews by federal quality control staff.

The annual review period ends on September 30 of each year.

Procedure:

A household terminated for refusal to cooperate with a quality control reviewer may reapply. If the noncooperating person is still a member of the household, do not determine the household eligible until **either**:

- ◆ The household cooperates with the quality control reviewer by attending an interview and providing required verification, or
- ◆ The period of ineligibility is over.

If the noncooperating person moves to a new household, the ineligibility applies to the new household.

Duplicate Assistance

Legal reference: 7 CFR 273.3

Policy:

A person can receive Food Assistance in only one household at a time. EXCEPTIONS: Residents of shelters for battered women and children who get Food Assistance as a member of the same household as the batterer may get duplicate Food Assistance.

It is **not** duplicate assistance when:

- ◆ A person moves from one household to another, **and**
- ◆ The person's benefits on the previous case are subject to a claim because they were issued in error, **and**
- ◆ The person is added to the new household for the same month.

Residency

Legal reference: 7 CFR 273.3

Policy:

Verify that a household is living in Iowa. EXCEPTIONS: People are exempt from the residency verification requirement if they are:

- ◆ Homeless,
- ◆ Migrant farm workers, or
- ◆ New arrivals to Iowa.

Procedure:

Accept any document or collateral contact that reasonably proves the applicant's residency. This could include documents used to verify other information, such as rent payments, mortgage payments, and utility expenses. Do not verify residence again unless it becomes questionable.

Comment:

The household does not need to be living in a fixed residence to be living in Iowa. For example, if a person lives in a car or at a campsite, the person still meets the residency requirements. The household does not need to plan on living in Iowa permanently, but a person who is just on vacation does not meet the residency requirement.

Residents of Institutions

Legal reference: 7 CFR 273.1(b), 273.11(e), (f), 271.2

Policy:

People who live in institutions that furnish meals are not eligible for Food Assistance, with the following exceptions:

- ◆ Residents of federally subsidized housing for the elderly built under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act.
- ◆ People who are eligible as described under [7-A](#), Meal Providers That Accept Food Assistance.

Comment:

People are ineligible if they live in an institution that serves them over 50% of three meals a day as part of the institution's normal services.

Dormitory students are not eligible for Food Assistance when the institution serves them a majority of their meals. Dormitory students who purchase a plan that does not serve a majority of their meals or don't purchase a meal plan can receive Food Assistance if otherwise eligible.

People who are hospital patients for a full calendar month are not eligible for Food Assistance.

People who are in jail or prison for more than 30 days are not eligible for Food Assistance. The Department may become aware of this when:

- ◆ An automated match is made and reported on the *Prisoner Match Report*, S470X438-A,
- ◆ The household reports it, or
- ◆ A third party or any other source reports it.

Procedure:

Any time the Department becomes aware that a recipient is incarcerated, verify the information and take appropriate action. Do this whether or not the person has already been incarcerated for 30 days at the time of the report. Benefits for the individual must be canceled if the stay has, or is expected to, exceed 30 days.

1. Household A is receiving Food Assistance. On May 3, Mrs. A calls to report that Mr. A has been arrested and is in jail. She explains that it is a minor offense and he will be released by the end of the week. Since Mr. A will not be out of the home for more than 30 days, no further action is necessary.
2. Household B is receiving Food Assistance. On June 22, Mr. B calls to report that Mrs. B has been sent to prison. She is expected to be there for approximately six months. Since Mrs. B is expected to be out of the home for more than 30 days, she is removed from the Food Assistance household, effective August 1 (to allow for timely notice).
3. Household C is receiving Food Assistance in Polk County. While looking up information on the Polk County jail website, the worker notices Mr. C is in jail. The worker verifies that Mr. C is going to be out of the home for more than 30 days. The worker removes Mr. C from the Food Assistance household.

Social Security Numbers

Legal reference: 7 CFR 273.6(a), (b)(2)(ii), Policy Letter 98-03 Att. 1

Policy:

Before being certified, a household applying for Food Assistance must:

- ◆ Give the social security number of each household member aged seven months or older, or
- ◆ Provide proof that the person has applied for a number.

A certified household must give the social security number or apply for a number before a person aged seven months or older is added to the household.

EXCEPTION: If a household refuses to provide a social security number for any household member based on a sincere religious objection, a social security number cannot be required as a condition of eligibility.

However, you may check with the Social Security Administration to see if the household members already have social security numbers, and may use any existing social security numbers for verification and matching purposes without further notice to the household.

Persons Under Seven Months Old

Legal reference: 7 CFR 273.6(b)(4)

Policy:

Households applying for assistance do not have to provide a social security number or proof of application for members who are under seven months of age. The household must provide the social security number or proof of application for the number at the next recertification or when the baby is seven months old, whichever is later.

When a participating household reports the birth of a baby, the household must provide the social security number or proof of application for the number at the next recertification or when the baby is seven months old or older, whichever is later.

Comment:

A household can have good cause for failure to provide a social security number or proof of application for a number. See [Good Cause for Not Supplying a Social Security Number](#).

Persons Seven Months Old or Older

Legal reference: 7 CFR 273.6(b)(4)

Policy:

A newly applying household must provide either a social security number or a receipt of application for the number for each household member who is seven months of age or older.

When an ongoing household is adding a person who is seven months of age or older, the household must provide either a social security number or a receipt of application for the number for that person.

Obtaining a Social Security Number

Legal reference: 7 CFR 273.6(a), 6(b)(2)(ii)

Policy:

When a household member needs to apply for a social security number, tell the household where to file the application, form SS-5, and that the Social Security Administration requires proof of age, identity, and citizenship or alien status.

A household can also apply for a social security number for a newborn at the hospital through the "Enumeration at Birth" project.

The Social Security Administration issues form SSA-5028, *Proof of Application*, as proof that the person has applied for a social security number. The Social Security Administration will notify the Department after the social security number has been assigned if form SS-5 is filled out according to instructions in [14-G-Appendix](#).

Verifying a Social Security Number

Legal reference: 7 CFR 273.2(f)

Policy:

If a social security cannot be verified, the client has ten days to either:

- ◆ Apply for a new number and give proof of application (form SSA-5028), **or**
- ◆ Provide information to resolve the discrepancy.

Procedure:

Verify social security numbers with the Social Security Administration by entering the number into the ABC system.

Verify application for a social security number for a person aged seven months or older with either:

- ◆ Form SSA-5028, *Proof of Application*.
- ◆ Form SSA-2853, *Information About When You Will Receive Your Baby's Social Security Card*.

Do not delay certification just because a social security number has not been verified.

Good Cause for Not Supplying a Social Security Number

Legal reference: 7 CFR 273.6(d), 273.2(i)

Policy:

Good cause for not supplying a social security number exists when:

- ◆ A household can prove that it gave a complete application with needed documentation to the Social Security Administration, but a number has not been received.
- ◆ A household has made a good faith effort to get the Social Security Administration the needed documents to apply.

Procedure:

Offer to help a person applying for a social security number who is unable to get the documents the Social Security Administration needs. Illness, lack of transportation, or temporary absence do not count as good cause, because the applicant has the option to mail the application in rather than apply in person.

If good cause for not supplying the number exists for a person aged seven months old or older, allow the person to get Food Assistance, including emergency Food Assistance, for the month of application plus one more month. The person must supply a social security number by the end of the second month or be disqualified, unless good cause continues to exist. Reexamine good cause on a monthly basis.

Failure to Give or Apply for a Social Security Number

Legal reference: 7 CFR 273.6(c)

Policy:

If a household member refuses or fails to give or apply for a social security number of a household member aged seven months old or older without good cause, the person who does not have the social security number is ineligible.

Only the person who does not have a social security number is ineligible—not the entire household. The disqualified household member is ineligible until a social security number is received and verified.

Strikers

Legal reference: 7 CFR 273.1(e), 441 IAC 65.17(234)

Policy:

Special procedures apply to households that have a member who is on strike.

Procedure:

Processing an application from a household in which one or more of the members may be on strike is a three-step process.

1. Determine if the person is a striker. If a household member is **not** considered a striker, no special procedures apply. The following people are **not** considered strikers:
 - ◆ A person affected by a lockout. A lockout occurs when an employer closes the workplace in order to resist demands of employees.
 - ◆ A person who goes on strike who was exempt from the work registration requirements the day before the strike. (This provision does not apply to people who were exempt from work registration only because they are employed.)
 - ◆ A person unable to work as a result of striking employees (e.g., truck drivers left with nothing to deliver).
 - ◆ A person who is not participating in a strike. A person is not participating in a strike if the person meets all of the following conditions:
 - The person is not picketing and does not intend to picket during the strike,
 - The person does not draw strike pay, and
 - The person either crosses the picket line and goes to work or provides a signed statement indicating the person is willing to return to work but does not want to cross the picket line for fear of injury, death, or trauma from harassment. The service area manager determines if such a risk to the person's physical or emotional well-being exists.
2. If a household member **is** considered a striker, determine if the household would have been eligible the day before the strike occurred. Use the household membership on which current eligibility will be based. If the household would **not** have been eligible, deny the application.

3. If the household **would** have been eligible before the strike **and** is otherwise eligible at the time of application:
 - ◆ Compare the striker's income before the strike to the striker's current income.
 - ◆ Add the higher of the two amounts to the current income of non-striking members during the month of application.

Continue to count income according to this method for each month in which a member is on strike. The higher amount is used because households cannot receive an increased allotment because of a decrease in the income of the striking members of the household.

4. To determine eligibility in comparison to the net income eligibility standard, use deductions for the month of application the same as for any other household member. Whether you are using the striker's pre-strike earnings or current income, allow the earnings deduction if appropriate. Approve the application if the household is eligible.

When the striker returns to work and the household remains eligible, continue to use this calculation until full regular paychecks are received and considered.

Work Registration

Legal reference: 7 CFR 273.7(j)

Policy:

Food Assistance applicants and recipients are mandatory work registrants unless they qualify for an exemption listed under [Exemptions From Work Registration](#).

A mandatory work registrant (MWR) is required to meet the work requirements listed under [Work Requirements for MWRs](#) to be eligible for Food Assistance benefits.

Procedure:

Determine the work registration status of:

- ◆ Each household member at application and recertification.
- ◆ A new member who is joining an ongoing household. See [Changing From Exempt to MWR](#) for when a new member must be registered for work.
- ◆ Members of a certified household when a change in household circumstances may also change the work registration status of the members. See [Changing From Exempt to MWR](#) and [Changing From MWR to Exempt](#) for instructions.

Enter the work registration status of each household member on the ABC system each time it is determined. Use the following codes to enter the person's status in the TD03 FSET field:

- 3 Mandatory work registrant, not an able-bodied adult without dependents (ABAWD)
- 4 FIP recipient
- 9 Exempt from work registration and ABAWD work requirements
- L Mandatory work registrant and ABAWD who is not meeting the work requirement
- V Mandatory work registrant and ABAWD who meets the work requirement

Exemptions From Work Registration

Legal reference: 7 CFR 273.7(b), 441 IAC 65.28(2)(a-h)

Policy:

A person is exempt from mandatory work registration if the person is:

- ◆ Under age 16.
- ◆ Aged 16 or 17 and is not the head of the household. The head of household is the person that shows on ABC as the case name.
- ◆ Aged 60 years or older.
- ◆ Physically or mentally unfit for work. The person's condition can be either temporary or permanent. If the person's disability is not readily apparent, you may ask for verification. Verification can include proof such as:
 - A statement from a licensed health care professional, or
 - Proof that the person is receiving temporary or permanent disability benefits from the government or a private source.
- ◆ A FIP recipient.
- ◆ Caring for a dependent child under age six or an incapacitated person. The person must agree to register for work as part of the next scheduled recertification after the child's sixth birthday, unless another exemption applies.

More than one person cannot claim responsibility for the care of the same child. If there are two or more children in a household, each adult can claim the responsibility for the care of different children. For example, in a household with two adults and two children, both adults can be exempt if they each claim responsibility for the care of a different child.

- ◆ Receiving job insurance benefits (JIB) or registered for work as part of the JIB application process (unemployment compensation).

NOTE: This exemption does not apply to union members who are laid off and expect to be recalled, because they are **not** required to register for work when they apply for JIB. Once they start to receive JIB benefits, union members are exempt from work registration.

- ◆ Working for pay at least 30 hours per week or receiving gross weekly earnings at least equal to the federal minimum wage multiplied by 30 hours. Effective July 24, 2009, the federal minimum wage rate is \$7.25 per hour.

When hours of work fluctuate, average the hours for a period of time that allows a reasonable estimate of the hours expected to be worked per week. Working for an in-kind benefit, such as working off rent, does not provide an exemption from work registration.

- ◆ Working at self-employment and receiving net earnings at least equal to the federal minimum wage multiplied by 30 hours.
- ◆ Working at self-employment for at least 30 hours per week, regardless of the amount of money earned. A statement from the person is sufficient documentation of hours of work. Home-schooling a child at least 30 hours a week is considered self-employment for the purpose of this exemption.
- ◆ A migrant and seasonal farm worker who is under contract or similar agreement with an employer or crew chief to start work within 30 days.
- ◆ Enrolled at least half time in any recognized school, training program, or institution of higher education (provided that the student has met student eligibility requirements in [7-1](#)). The school defines half time enrollment.

This exemption continues during all school terms, vacations, and breaks when the student intends to register for at least half time for the next school term. The exemption ends when the person:

- Graduates.
- Is suspended.
- Is expelled.
- Drops out.
- Has completed a regular school term and does not intend to register for the next normal school term.

- ◆ Participating in a drug addiction or alcoholic treatment rehabilitation program. Participation can be either as a resident of the center or on an outpatient basis.

- ◆ An applicant for both SSI and Food Assistance who filed a joint application at the Social Security office. If the person filed for SSI, but applied for Food Assistance separately at DHS, do not use this exemption. Instead, determine if the exemption for “physically or mentally unfit for work” applies.

This exemption continues while the person is waiting for a decision about SSI eligibility. “Waiting for a decision” includes the period of time during which a person is appealing a denial of the SSI application.

If the person becomes eligible for SSI, the exemption continues as long as the person continues to be eligible for SSI. If the Social Security Administration finds that person is **not** eligible for SSI, the exemption ends.

A person who is found ineligible for SSI still may be exempt from work registration under the exemption for being “physically or mentally unfit for work.” Determine if the person meets this exemption or a different exemption status within two months of notification of ineligibility for SSI.

Work Registration Process

Legal reference: 7 CFR 273.7(c)

Policy:

By signing the application or recertification form, a Food Assistance applicant or recipient is considered to be registered for work. However, work requirements apply only to mandatory work registrants (MWRs) in the household.

Procedure:

When a household has one or more members who are MWRs, give or mail to the person who is interviewed a copy of form 470-2255 or 470-2255(S), *Food Assistance Work Rules*. Document that the form was given to the household.

Explain to the person who attends the interview:

- ◆ What work requirements are,
- ◆ The rights and responsibilities of MWRs, and
- ◆ The penalties for failing to comply with [Work Requirements for MWRs](#).

See [Changing From Exempt to MWR](#) for the process to register new MWR members who join certified households.

The work registration status of a household member may change during the certification period. When a change is reported that may affect mandatory work registration status of a household member, see the policies [Changing From Exempt to MWR](#) and [Changing From MWR to Exempt](#). These policies provide the process to change the mandatory work registration status of certified household members.

Changing From Exempt to MWR

Legal reference: CFR 273.7(b)

When a household reports a change in circumstances that results in a member losing an exemption from mandatory work registration, mail or give form 470-2255 or 470-2255(S), *Food Assistance Work Rules*, right away to the person who lost the exemption. Also issue the form to any new member joining the household.

Make the system entry to show the person's mandatory work registration status.

Changing From MWR to Exempt

Legal reference: 441 IAC 65.28(5)

When a change is reported during the household's certification period that indicates a person has become exempt from work registration, act on the change.

- ◆ If verification is **not** necessary in order to allow the exemption, make the system entry right away to change the person to exempt.
- ◆ If verification **is** necessary to allow the exemption, give the household ten days to verify the circumstances keep the person coded on the system as an MWR until the verification is returned. Make the system entries to show the person's exempt status when you receive the verification.

Do not cancel a person for the sole reason that the person fails to verify an exemption from work registration. If this happens, keep the person coded as an MWR on the system until you receive verification. If a work requirement violation happens while the person is coded as an MWR, be sure to give the person another opportunity to verify the claimed exemption, if necessary to avoid disqualification.

Work Requirements for MWRs

Legal reference: 7 CFR 273.7(a), 441 IAC 65.28(6), 65.27(234)

Policy:

Unless they have good cause to not do so, to be eligible for Food Assistance benefits MWRs must:

- ◆ Not voluntarily quit a job that provides at least 30 hours of work weekly.
- ◆ Work at least 30 hours a week if their employer offers at least 30 hours a week.

Procedure:

See [Voluntary Quit](#) to determine if a job loss is a voluntary quit. See [Reduction in Work Effort](#) to determine if a reduction in work effort has happened.

Verifying a Claim of Good Cause for Not Complying

Legal reference: 7 CFR 273.7(i)(3) and 273.7(i)(4), 441 IAC 65.28(17), 65.28(12), and 65.27(234)

Policy:

Do not disqualify an MWR for committing a work requirement violation when the person has good cause for not complying. A person has good cause for not complying when:

- ◆ There were circumstances beyond the person's control. Examples include the person's illness, illness of another household member requiring the person's presence, a household emergency, the lack of transportation, or the lack of adequate child care for children ages 6 through 11. The household determines if adequate child care or transportation is available.
- ◆ The job was unsuitable. See [Determining if Employment Is Suitable](#) for reasons that make a job unsuitable.
- ◆ The employment became unsuitable after the person accepted the job. See [Determining if Employment Is Suitable](#) to determine if the job was unsuitable.
- ◆ There was discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs.
- ◆ The work demands or conditions make it unreasonable to continue employment, such as working without being paid on schedule.

- ◆ A person leaves employment to accept another job or enroll at least half time in a recognized school, training program, or institution of higher education.
- ◆ A person leaves employment because another household member accepted a job or enrolled at least half time in a recognized school, training program, or institution of higher education in another county or state, causing the household to move.
- ◆ A person under age 60 resigns and it is recognized by the employer as retirement.
- ◆ A person accepts a genuine job offer that provides at least 30 hours a week, or weekly earnings at least equal to the federal minimum wage times 30 hours, and which because of circumstances beyond the control of the person either:
 - Did not materialize, or
 - Resulted in employment of less than 30 hours a week or pay of weekly earnings of less than federal minimum wage times 30.
- ◆ A person leaves a type of employment that, due to its nature, requires workers to frequently move from one employer to another. Examples include migrant farm labor, or construction work.
- ◆ The job quit was not a voluntary quit. See [Voluntary Quit](#) to determine if a voluntary quit occurred.
- ◆ The reduction in hours of work was not a reduction of work effort. See [Reduction in Work Effort](#) to determine if the person reduced his or her work effort.

Procedure:

Always consider all the facts and circumstances when an MWR claims good cause for failing to comply with work requirements. When a good cause reason is based on circumstances beyond a person's control, the person's statement is sufficient verification.

Document the person's claim of good cause in the case record. In the case of a voluntary quit, include information such as that submitted by the household member involved, the employer, employee associations, union representatives, and grievance committees or organizations.

If you cannot obtain requested proof to dispute an MWR's claim of good cause, grant the person good cause and do not deny or cancel food assistance benefits. This most often occurs when the person quits due to discrimination or unreasonable demands made by the employer, or when the employer cannot be located.

Determining if Employment Is Suitable

Legal reference: 7 CFR 273.7(h), 441 IAC 65.28(15)

Policy:

Failure to continue employment is grounds for disqualification only if the employment is suitable.

Procedure:

Consider employment unsuitable if:

- ◆ The wage offered is less than:
 - The applicable federal or state minimum wage (whichever is higher), or
 - 80 percent of the federal minimum wage, if neither the federal nor state minimum wage is applicable.
- ◆ The job is on a piece-rate basis and the average hourly earnings are less than the hourly wage as defined above.
- ◆ The person must join, resign from, or refrain from joining any legitimate labor organization to get or keep the job.
- ◆ The job offered is at a site currently subject to a strike or lockout, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under Section 10 of the Railway Labor Act.
- ◆ The distance from the person's home to the place of employment is unreasonable, considering the expected wage and the time and cost of commuting. The person makes this determination.
- ◆ Daily commuting time exceeds two hours per day, not including taking a child to and from a child care facility. When a household move results in more than two hours commuting time the job is unsuitable. This includes moves within the state as well as from state to state. This applies whether a person leaves a job before or after the move.

- ◆ The distance to the place of employment is too far to walk, and neither public nor private transportation is available to get the person to the job site. The person makes this determination.
- ◆ The household member involved can show, or you become aware of, any of the following:
 - There is an unreasonable degree of health and safety risk.
 - The person is physically or mentally unfit to perform the job, as documented by medical evidence or by reliable information from other sources.
 - The job is offered within the first 30 days of registration and is not in the person's major field of experience.
 - The working hours or nature of the job interferes with the person's religious observances, convictions, or beliefs.

Voluntary Quit

Legal reference: 7 CFR 273.7(j)

Policy:

Mandatory work registrants are not eligible for Food Assistance benefits when they voluntarily quit a job that provided 30 hours a week of work **or** weekly earnings at least equivalent to the federal minimum wage multiplied by 30 hours.

Procedure:

Consider it "voluntary quit" when:

- ◆ A person quits suitable employment voluntarily without good cause. See the policies [Verifying a Claim of Good Cause for Not Complying](#) and [Determining if Employment Is Suitable](#) to determine if the person had good cause to quit.
- ◆ An employee of the federal, state, or local government is fired because of participating in a strike against the employer. Good cause provisions do not apply to this situation.

Comment:

It is not a voluntary quit when a person:

- ◆ Terminates a self-employment enterprise.
- ◆ Resigns at the demand of the employer.
- ◆ Does not reenlist in the military.

Reduction in Work Effort

Legal reference: 7 CFR 273.7(j)

Policy:

Mandatory work registrants are not eligible for Food Assistance when they voluntarily and without good cause reduce their work effort to working less than 30 hours a week. This policy applies to both employed and self employed individuals.

Procedure:

Do not apply this policy to jobs that provided less than 30 hours of work per week before the reduction. Do **not** use the minimum wage equivalency to determine the number of hours a person works for the purpose of applying this policy.

It is not a reduction in work effort when a person reduces hours of work:

- ◆ But not to less than 30 hours per week, or
- ◆ At the demand of the employer, or
- ◆ To less than 30 hours per week on a temporary basis. A person may temporarily reduce hours of work for reasons like vacation or personal business.

Disqualification for MWR Work Violations

Legal reference: 7 CFR 273.7(f)

Policy:

Mandatory work registrants are not eligible when within 30 days before the date of applying, after applying, or while certified for Food Assistance benefits, they without good cause:

- ◆ Voluntarily quit a job. See [Voluntary Quit](#) for what constitutes a voluntary quit.
- ◆ Voluntarily commit a reduction in work effort. See [Reduction in Work Effort](#) to determine if a reduction in hours of work is a reduction in work effort.

Procedure:

Apply a penalty only to the person who committed the violation. For the appropriate penalty, see [Disqualification Periods](#).

If acting on an application, do not delay benefits beyond the normal application processing times solely to determine a possible voluntary quit or a reduction in work effort.

If you receive verification that a person committed a voluntary quit or reduction in work effort after the person has already been certified for Food Assistance benefits, apply the appropriate disqualification period. Do not do a claim for the Food Assistance benefits the person received before the disqualification was imposed.

Send the household a notice denying the person's benefits and informing the household of:

- ◆ The type of violation, voluntary quit or reduction in work effort.
- ◆ The length of disqualification period.
- ◆ Its right to reapply at the end of the disqualification period.
- ◆ Its right to request a fair hearing.

Do not disqualify applicants or people certified for Food Assistance benefits who:

- ◆ Become exempt from work registration before the disqualification period is imposed.
- ◆ Were exempt from work registration when the work requirement violation happened, unless they were exempt only because of being employed at least 30 hours a week (or having equivalent earnings).

Do not disqualify people who voluntarily quit or reduce work to less than 30 hours weekly while not certified for Food Assistance when they join a participating household.

Disqualification Periods

Legal reference: 7 CFR 273.7(f)

Policy:

Disqualification periods are the same for all violations of work requirements. The length of disqualification to apply depends on how many times an MWR has failed to comply with one of the requirements.

Procedure:

A disqualification period is set for a minimum number of months for the first and each subsequent violation. However, the minimum disqualification period is extended at the end of the set period of months until the person complies with the requirement that was failed. The disqualification periods are:

- ◆ For the first violation: 2 months or till the person complies, whichever is later.
- ◆ For the second violation: 3 months or till the person complies, whichever is later.
- ◆ For the third and subsequent violations: 6 months or till the person complies, whichever is later.

See [Ending a Disqualification](#) for how a disqualified person can become eligible for Food Assistance benefits after a disqualification period has been implemented.

Applying a Disqualification

Legal reference: 7 CFR 273.7

Policy:

If the disqualified person is a member of an ongoing household, issue a *Notice of Decision* within ten days after you determine it is appropriate to apply a sanction. The first month of the disqualification period is the month after the end of the timely notice period.

Procedure:

A notice of adverse action is **not** required when a household's certification ends before or at the same time as the adverse action notice period would end, and the household has not been recertified. Start the disqualification period with the month after the last month of certification.

If you find out about a violation when the household's case is closed, begin the disqualification with the month you find out. No notice to the household is required.

When disqualifying a member of a household that is certified but in canceled status, hand-issue a notice of adverse action and give timely notice.

If a household that is not certified applies for certification while a member's disqualification is in place, deny the person's benefits and approve benefits for the eligible members of the household.

If a person's benefits are continued pending a fair hearing and your decision is upheld, begin the sanction the first month after the hearing is decided, allowing timely notice. The benefits received while a hearing is pending are not subject to a claim.

When you discover that a disqualification period was not timely implemented, impose the disqualification period after giving timely notice. Benefits issued during the period of time that the disqualification period should have been in place are not subject to a claim.

Ending a Disqualification

Legal reference: 7 CFR 273.7(e)

Policy:

There are two ways that an MWR who has been disqualified for a work requirement violation can get Food Assistance benefits again. A disqualified person can become eligible again by:

- ◆ Becoming exempt from work registration for any reason listed under [Exemptions From Work Registration](#), or
- ◆ Serving the minimum disqualification period **and** complying with the failed requirement. If the person has not complied with the requirement that was failed by the time the minimum disqualification period ends, the disqualification remains in effect until the person does comply with the requirement that was failed.

Procedure:

A disqualified person complies by:

- ◆ Getting a new job that is comparable in salary **or** in hours to the job that was quit, if disqualified for a voluntarily quit.

NOTE: If the new job provides at least 30 hours per week or pays gross weekly wages of at least the federal minimum wage times 30 hours, the person becomes exempt from work registration and does not have to serve the minimum disqualification period. See below.

- ◆ Increasing hours of work to 30 or more, if disqualified for a reduction of work effort. NOTE: When the hours of work increase to 30 or more, or gross weekly wages increase to at least the federal minimum wage times 30 hours, the person becomes exempt from work registration and does not have to serve the minimum disqualification period.

Do not implement the disqualification period if before the effective date of the disqualification period the person either:

- ◆ Complies with the failed requirement, or
- ◆ Becomes exempt from work registration for any reason.

Reinstate the person's benefits if necessary.

When the disqualification period of a person who is a member of a certified household ends for any reason, add the person back into the household starting with the month following the month in which the disqualification ended. If the disqualified person is not a member of a certified household, the person must file a new application to get benefits again.

1. Mr. M is disqualified for a minimum of two months for voluntarily reducing his hours of work to less than 30 hours per week. The disqualification period starts on March 1. The rest of his household remains certified.

On March 14, Mr. M starts a new job working 30 hours per week. He is now exempt from work registration, because he is working 30 hours a week. Mr. M is added back to the eligible household effective April 1.

2. Same situation as Example 1, except that Mr. M does not start his new job until May 14. He is added back to the eligible household effective June 1, for a total of three months of disqualification.