

July 7, 2023

GENERAL LETTER NO. 7-C-121

ISSUED BY: Bureau of Financial, Food, and Work Supports
Division of Community Access

SUBJECT: Employees' Manual, Title 7, Chapter C, **SNAP Nonfinancial Eligibility**, 7, 9, 16-18, 21, 24-26, 28-33, revised.

Summary

This chapter is revised to

- Update references to DHS and Department of Human Services, changing them to HHS and Department of Health and Human Services respectively
- Update references to DIA and Department of Inspections and Appeals, changing them to DIAL and Department of Inspections, Appeals, and Licensing, respectively
- Correct formatting issues that resulted in numbers dropping off

Effective Date

Upon receipt.

Material Superseded

Remove the following pages from Employees' Manual, Title 7, Chapter C, and destroy them:

<u>Page</u>	<u>Date</u>
7, 9, 16-18, 21, 24-26, 28-33	September 23, 2022

Additional Information

Refer questions about this general letter to your area income maintenance administrator.

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 SNAP. With the exception of the requirements that are automatically met, these households still must meet all SNAP 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](#)
- [Categorical Eligibility Following Ineligibility Due to Lottery or Gambling Winnings](#)
- [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 SNAP 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.

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 SNAP 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 SNAP for any month in which they are eligible for the PHMP.

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

- Total gross countable SNAP 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 SNAP eligibility criteria other than resource limits and gross and net income limits are met.
- SNAP 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 SNAP. When you process the SNAP 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	\$1,813	5	\$4,330
2	\$2,442	6	\$4,960
3	\$3,072	7	\$5,589
4	\$3,701	8	\$6,218
For each additional person, add \$631			

The notice of decision issued by the ABC system to approve SNAP 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 SNAP.

Duplicate Assistance

Legal reference: 7 CFR 273.3

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

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.

Investigations

Legal reference: 48I IAC 72.1(10A), 72.2(10A), 72.4(10A)

Policy: The purpose of an investigation is to prevent households from fraudulently receiving benefits or determine if households previously received benefits incorrectly. HHS contracts with the Iowa Department of Inspections, Appeals, and Licensing (DIAL) to conduct investigations.

Complete investigations on applicant, participant or past recipient households, as explained below:

- Application/Recertification investigations occur at the time of application or recertification, and include applications to add a member to an ongoing household. Complete these investigations before an eligibility determination to prevent households from receiving benefits to which they are not entitled.
- Ongoing/Closed investigations occur on a household that is currently participating or has received benefits in the past. These are initiated if HHS believes the household may have provided incorrect or incomplete information that led to the receipt of benefits to which the household were not entitled. Use these findings to determine whether the household's current benefit level needs to be adjusted or past benefits are subject to overpayment.

It is important to remember that DIAL does not determine eligibility. DIAL investigates and provides their findings, but HHS is responsible for using that information to determine eligibility based on policy.

Procedure: Before referring a case for investigation, take a prudent-person approach to the information the client gives you. Allow the household an opportunity to explain the situation or resolve any questionable information. If you still find the information to be questionable, refer the case to DIAL using form 470-5130, *DHS Investigative Referral to DIA*.

Once the referral is received, DIAL will conduct an investigation. It is the responsibility of the investigator to gather information and state the findings. DIAL will close the investigation and provide a written investigative report with the findings to HHS within the following timeframes:

- For application investigations, within 10 working days.
- For ongoing investigations, within 90 working days.

Because application investigations are done before making a benefit determination, there is a shorter timeframe to ensure HHS is able to meet processing standards. This means application investigations may not be as thorough as ongoing investigations. If a more thorough investigation is warranted, the case should be re-referred as an ongoing investigation after the application is processed.

Any time you still have questionable information or may be missing something, regardless if it is an application or ongoing investigation, re-refer the case to DIAL for a more complete investigation. Re-referring the case may be done in one of two ways:

- Complete a new referral form 470-5130, *DHS Investigative Referral to DIA*. If you do this, be sure to note that a recent investigation was completed along with the name of the investigator, so that DIAL can assign it to the appropriate investigator.
- Contact the investigator directly and explain what information is still needed. Although a closed investigation cannot be reopened, DIAL will open a new investigation to get the additional information based on the re-referral.

It is important to make sure you get a complete report with all of your questions resolved. If the case goes to appeal or an intentional program violation (IPV) is pursued, you must have complete evidence to support your actions. At your request, the DIAL investigator will attend appeal or IPV hearings and testify to the information gathered. It is strongly recommended that you request the investigator's presence any time you have a hearing based on evidence provided.

After an investigative report is sent to HHS, it is the responsibility of the worker to consider the information in the report to help determine eligibility and establish any appropriate overpayments based on policy. HHS also uses this information to determine whether to pursue an IPV, as explained in [7-1](#). The evidence in the findings of the investigative report is considered verified information.

Once HHS has determined how the findings of the report affect the case, take any necessary action. Within 30 days of taking these actions, HHS is responsible for completing form 470-5129, *DHS Investigative Referral Follow-Up to DIA*, to inform DIAL of the outcome of the findings. This completes the process.

Comment: Once DIAL provides an investigative report to HHS, DIAL considers the case to be closed.

SNAP Trafficking

Policy: "Trafficking" means buying or selling of electronic benefit transfer (EBT) cards. This includes trading benefits for firearms, ammunition, explosives, controlled substances or anything other than eligible food. Trafficking is an intentional program violation.

Procedure: Refer complaints of SNAP trafficking to DIAL using form 470-5130, *DHS Investigative Referral to DIA*. However, these types of IPV's are handled by DIAL and have different procedures once the referral is done.

When DIAL is finished with a trafficking investigation, a copy of the investigative report and evidence is uploaded into the Worker Information System Exchange (WISE). HHS does not take any other action unless DIAL has a founded trafficking IPV and a sanction needs to be imposed.

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 SNAP, 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 SNAP](#).

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 SNAP 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 SNAP if otherwise eligible.

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

People who are in jail or prison for more than 30 days are not eligible for SNAP. 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.

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 [I4-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.

Work Registration

Legal reference: 7 CFR 273.7(j)

Policy: SNAP 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 SNAP 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 WR 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
- E Potential ABAWD, only exempt from MWR and ABAWD due to earnings
- F Central Office use only
- 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 or a refugee receiving Refugee Cash Assistance (RCA).
- Caring for a SNAP household member that is 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 SNAP who filed a joint application at the Social Security office. If the person filed for SSI, but applied for SNAP separately at HHS, 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” does not include 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. This includes a person who is appealing a denial.

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 SNAP 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), *SNAP 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), *SNAP Work Rules*, right away to the person who lost the exemption. Also issue the form to any new member joining the household.

Work Requirements for MWRs

Legal reference: 7 CFR 273.7(a), 44 IAC 65.28(6), 65.27(234)

Policy: Unless they have good cause to not do so, to be eligible for SNAP 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), 44 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 SNAP 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), 44I 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 SNAP 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 SNAP 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 SNAP 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 SNAP benefits, apply the appropriate disqualification period. Do not do a claim for the SNAP 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 SNAP 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 SNAP 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 until the person complies, whichever is later.
- For the second violation: 3 months or until the person complies, whichever is later.
- For the third and subsequent violations: 6 months or until the person complies, whichever is later.

See [Ending a Disqualification](#) for how a disqualified person can become eligible for SNAP 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 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.

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 SNAP 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.