SNAP Nonfinancial Eligibility

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Overview

This chapter explains who is included in a SNAP household (the "household concept") because the household concept is the basis for determining eligibility for SNAP.

This chapter also contains information about the nonfinancial requirements a household must meet to be eligible for SNAP. 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(b)(1)(i)

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

Parents and Children

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

Policy: Parents living with their children who are aged 21 and under must all be certified in the same SNAP 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 natural (biological) parents, adoptive parents, and stepparents.

If a parent's rights have been terminated, the legal relationship between child and parent ends, and the person is no longer considered a "parent" for SNAP purposes. A stepparent relationship ends with the death of, or the stepparent's divorce from, the child's natural or adoptive parent to whom the stepparent was married.

Consider a man a child's 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.

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 SNAP 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)(1)(iii)

Policy: Eligible children under age 18 who are living with and under the parental control of another person must be in the same SNAP 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' SNAP 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 SNAP on a separate case.

People Who Purchase and Prepare Food Together

Legal reference: 7 CFR 273.1(a)

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 SNAP 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)

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 SNAP household's size, eligibility, or amount of benefits. (See **7-E, Nonmandatory Members' Income** for instructions.) If eligible, nonmandatory members can receive SNAP as a separate household.

Ineligible Members

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

Policy: "Ineligible members" are people who would normally get SNAP with other members of the household but are not included because they are ineligible to participate for some reason. Ineligible members **cannot** participate in SNAP 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 failing to respond to a NAC match. See **7-I, NAC Match Disqualifications**.
- 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 SNAP benefits were received as cash in a state that cashes out SNAP benefits to SSI recipients.
- Residents of institutions. (See **Residents of Institutions** for exceptions allowing institution residents to get SNAP 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(b)(2)

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	$2,195	5	$5,319
2	$2,976	6	$6,100
3	$3,757	7	$6,881
4	$4,538	8	$7,662
For each additional member, add $781			

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 SNAP 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 SNAP benefits separately. This does not mean that the elderly and disabled person must accept SNAP 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 SNAP household.

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

Children Under Joint Custody

Legal reference: 7 CFR 273.1

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 SNAP. The custodians decide in which household to include the child. If there are multiple children, there is no requirement that all of the children are included in the same SNAP household.

Mr. L and Ms. L are divorced and have 50/50 custody of their two children. They both apply for SNAP and would like to include one child in each SNAP household, to assist the parents in taking care of the children while in their care. This is acceptable.

If the parent who has children the majority of the time does not receive SNAP, the other parent may include them in their SNAP household if the children spend a significant amount of time there. If the parent with majority custody later applies, the children would have to be removed from the first household and included with the household in which they spend the majority of time.

Comment: Custodians might choose to have one parent apply for SNAP and another parent apply for a different program, such as Medicaid. Having active benefits for another program on a different case does not affect SNAP eligibility.

Family-Life Homes

Legal reference: 7 CFR 273.1(c)

Policy: Adults for whom a family-life home payment is made cannot get SNAP on their own. They are not members of the SNAP 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' SNAP 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 SNAP on a separate case.

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

Comment: For the purpose of determining the SNAP household, children receiving payments through the Kinship Caregiver Payment (KCP) program are treated the same as other foster children.

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 SNAP on their own.

Subsidized Guardianship

Legal reference: 7 CFR 273.1(c)

Policy: Subsidized guardianship situations are like foster care. The children for whom the subsidized guardianship payments are made are not members of the SNAP 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 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.

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 SNAP benefits. Mrs. J continues to get SNAP benefits as a household of one, but is no longer categorically eligible. Since categorical eligibility does not apply, all SNAP 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 SNAP eligibility and benefits are calculated.

2. Mr. and Mrs. B receive SNAP 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 SNAP 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 SNAP 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 SNAP 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 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 48

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	$2,128	5	$5,159
2	$2,887	6	$5,916
3	$3,644	7	$6,672
4	$4,400	8	$7,431
For each additional person, add $759			

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.

If you manually issue an NOD to approve SNAP, include language about approval of the PHMP if eligible. Households who would like more information about a healthy marriage may request to have a copy of Comm. 390.

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

Comment:

1. Household A applies for SNAP. The two-member household has monthly gross countable SNAP income of $2,200 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 a Specified Ineligible Alien who has income, applies for SNAP. The household's countable monthly SNAP income after proration is $2,750, 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 SNAP 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 SNAP 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 SNAP 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 SNAP eligibility for categorically eligible FIP, SSI, or GA households, consider the following SNAP 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 SNAP eligibility for households that are categorically eligible only due to the PHMP, consider the following SNAP 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.

Categorical Eligibility Following Ineligibility Due to Lottery or Gambling Winnings

Legal reference: 7 CFR 273.11(r)

Policy: A household who lost eligibility due to the receipt of lottery or gambling winnings remains ineligible until they meet regular income and resource limits. This means they cannot be considered categorically eligible until they are certified under regular SNAP rules.

Procedure: The system will accurately apply this policy when the household has been canceled due to lottery or gambling winnings. Once eligibility has been established under regular income and resource rules, categorical eligibility will be evaluated for subsequent months.

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 SNAP eligibility is dependent on becoming categorically eligible based on FIP, temporarily postpone processing the SNAP 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 SNAP prior to the FIP application being processed and FIP is later approved.

Comment: Do not delay processing the SNAP 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 SNAP 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 SNAP 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 SNAP 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: 7 CFR 273.12(a)(5)(v)

Policy: Do not require categorically eligible households to report any income changes if the household was certified at an income level in excess of its gross income limit or reported income in excess of its gross income limit and remained eligible. Take appropriate action on all reported changes per reporting changes policy in **7-G**.

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 approval.

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 establish an overpayment claim **only** because a household shouldn't have been granted categorical eligibility (should not have been approved for FIP, SSI, GA, or PHMP). There may be other reasons to establish a claim for the same time period (incorrect income, deductions, household size used, IPVs), but an incorrect categorical eligibility determination, by itself, is not a reason to establish a claim.

Citizenship and Alien Status

Legal reference: 7 U.S.C. §2015(f); 8 U.S.C. §§1612, 1613

Policy: Only the following people can get SNAP benefits:

- United States citizens,
- Non-citizen nationals of the United States, and
- Aliens who hold an immigration status as an "eligible alien" for SNAP 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.

See **7-I, Who Is An Eligible Alien** for who is an "eligible alien" for SNAP purposes. Also see 7-I, **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)

Policy: In order to be determined eligible for SNAP, 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 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:

- 125 days from the end of the review period for reviews by state quality control staff **or**
- Nine 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.

Comment: Ineligibility due to noncooperation with quality control is not treated like a sanction or disqualification. Follow instructions in **14-B(5), Closing Case for Non-Cooperation With QC**.

Duplicate Assistance

Legal reference: 7 CFR 273.3, 87 FR 59633

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.

National Accuracy Clearinghouse (NAC):

NAC is a mandatory look-up at application, RRED, and the addition of a new household member. NAC is used to check for duplicate SNAP assistance. If a NAC match is found, you must verify that the matched individual's SNAP benefits closed in the other state.

Send an RFI to the household to obtain verification that their SNAP benefits closed in the other state. Use the appropriate "NAC Match" selection so the household understands this request is based on a data match we received.

RFI language explains that if we don't hear from the household, the matched individual(s) will be removed from SNAP. If the household doesn't respond, cancel the household member(s) identified on the NAC match using the corresponding "you did not respond to the notice of match results" reason code (individual or case reason). Don't cancel the entire case unless the individual(s) from the NAC match is/are the only household member(s), in which case it would appropriate for the case to be closed.

See **7-I** for additional details and for information about how to treat the income, resources, and deductions of these matched household members.

Note: NAC matches received during the certification period that were initiated by another state are treated differently than the matches initiated by Iowa at application, recertification, and when adding a household member. For more information on how to treat NAC matches initiated by another state, see **7-G**.

NAC information can only be used for preventing duplicate participation in SNAP. The information cannot be used for other purposes or programs.

Investigations

Legal reference: 481 IAC 82

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 of 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-J**. 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 IPVs 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.

Procedure: If verified information is received that someone has been a resident of an institution (medical facility, jail, or prison) for:

- Less than 30 days, but expected to last more than 30 days; cancel them for being out of the home, not for being a resident of an institution
- More than 30 days; cancel them for being a resident of an institution.

Take no action if the person has not left the home yet. If the report is not from a verified source or prisoner match report, no immediate action is taken. See **7-G** for acting on changes, including prisoner match reports.

1. Household A is receiving SNAP. On May 3, Angelica calls to report that her spouse Alexander 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. Because Alexander has not and will not be out of the home for more than 30 days, no further action is necessary.
2. Household B is receiving SNAP. On June 22, Brandon calls to report that Bella has been in prison since May 1 and is expected to be there for approximately six months. Since Bella has been out of the home for more than 30 days, and the report by the household is considered verified upon receipt, Bella is removed from the SNAP household effective August 1 (to allow for timely notice) because she is a resident of an institution.
3. Household C is receiving SNAP. During the certification period, the worker receives information from an unverified third-party source that Charlie is in jail.

   Because this is not something the household is required to report, no action is taken. If the household later voluntarily reports it, or it appears on a prisoner match report, take appropriate action following policies for acting on changes. It is considered a verified report if made by someone in the SNAP household.

4. Household D is receiving SNAP. During the certification period, Dolores calls to report that her child Devin reported to jail last week and their sentence is for 90 days. Since Devin has not been incarcerated for at least 30 days when Dolores calls, Devin cannot be canceled for being a resident of an institution. However, Devin should be canceled for no longer living in the home (allowing for timely notice) since Devin is expected to be out of the home for at least 30 days.
5. Household E is receiving SNAP. During the certification period, Erwin calls to report his spouse is expected to leave the home the following week to enter a medical facility. This future change is not verified upon receipt because Erwin's spouse has not left the home yet. Explain to Erwin that he can call back once his spouse has left the home, but he is not required to report the change and no action can be taken today. Do not send an RFI to request further verification of the change. Do not set an event to follow-up on the change.

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 SNAP 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.

For qualified aliens who are not authorized to work in the U.S., follow procedures using form **470-5745, Enumeration Referral**.

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 SNAP, including emergency SNAP, 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)

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), 441 IAC 65.11

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.

When determining work registration status, all individuals must be screened for all possible exemptions from work registration. The exemption that would be effective for the longest period of time must be applied.

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)

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 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. The child or incapacitated person doesn't have to be in the client's SNAP household or live with the client for the client to be eligible for this exemption. However, the client cannot be exempt for caring for a child under six or an incapacitated person as part of their job (their work hours or earnings may qualify them for an exemption; see below).

  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.
- 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 and may include, but is not limited to, programs such as:
  - Medically-managed inpatient or outpatient services
  - Medically-monitored treatment services
  - Narcotic treatment services for opiate addiction

  NOTE: Participating in an Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) program alone does not meet the criteria for this exemption. However, if an individual has a drug or alcohol addiction, discuss with the household any physical or mental barriers to employment the individual may have.
- 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.

- A person enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must meet the student eligibility requirements in **7-I**.

  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.

1. Travis is an 18 year old full-time high school student. He is not subject to student requirements (see **7-I**). Because Travis is enrolled at least half-time in high school, he is exempt from MWR and therefore exempt from ABAWD work requirements.
2. Taylor attends a CDL program through DMACC. She attends this program half-time. A person enrolled in an occupational training program is not considered to be enrolled in an institution of higher education and therefore is not subject to student requirements (see **7-I**). Because Taylor is enrolled half-time in this training program, she is exempt from MWR and therefore exempt from the ABAWD work requirements.
3. Bey is full-time college student at the University of Iowa and taking credit classes working toward an undergraduate degree. Bey is subject to student eligibility requirements in **7-I** and is only exempt from MWR if she meets the student eligibility requirements.

Work Registration Process

Legal reference: 7 CFR 273.7(c), 7 CFR 273.7(c)(1)(ii)

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

Procedure: Explain at the interview:

- What work requirements are,
- The rights and responsibilities of MWRs, and
- The penalties for failing to comply with **Work Requirements for MWRs**.

Form **470-5674** or **470-5674(S), SNAP Work Rules** will automatically be sent to the household. If issuing a manual NOD, give or mail form **470-5674** or **470-5674(S), SNAP Work Rules**, right away to the person who is subject to the work rules. Document that the form was given to the household and that you verbally explained the work requirements to the household. The oral explanation of work requirements can be found in the WISE narrative template link.

For desk RREDs, there's no requirement to verbally explain their work requirements. The **SNAP Work Rules** form will automatically be mailed to household based on the WR coding in the system. If issuing a manual NOD, give or mail form **470-5674** or **470-5674(S), SNAP Work Rules**, right away to the person who is subject to the work rules. See **Changing from Exempt to MWR** for the process to register new MWR members who join certified households.

Work Registration Status Changes During the Certification Period

Legal reference: 7 CFR 273.7(b), 7 CFR 273.7(c)(1)(ii)

Changes in circumstances can cause a person's work registration status to change back and forth. During periods in which a person is not an MWR, the general work requirements for receipt of SNAP benefits do not apply. During the periods in which the person is determined to be an MWR, the general work requirements for MWRs do apply.

Changing From Exempt to MWR

If the exemption will be lost based on a reported change, follow the policies regarding acting on changes in **7-G** to determine whether the reported change requires immediate action or if it must be held until the next recertification. If the change doesn't require action based on the household's reporting requirements, hold the information and take appropriate action at the next recertification.

When a household reports a change in circumstances that results in a member losing an exemption from mandatory work registration or when a new member joining the household is subject to work rules, the system automatically mails form **470-5674** or **470-5674(S), SNAP Work Rules**, to the individual. If issuing a manual NOD, give or mail form 470-5674 or 470-5674(S), SNAP Work Rules, right away to the person who is subject to the work rules. You must also provide a verbal explanation of the work requirements to the member who lost the exemption or the new household member subject to the work requirements as noted above.

If a person who previously qualified for an MWR exemption loses that status and as a result, loses their ABAWD exemption, you cannot apply the time limit (count ABAWD months) without screening the individual for all other exemptions. See **7-I, Changes in ABAWD Status**.

Changing From MWR to Exempt

When a change is reported during the household's certification period that indicates a person has become exempt from work registration, follow the policies regarding acting on changes in **7-G** to determine whether the reported change requires immediate action or if it must be held until the next recertification. If the change doesn't require action based on the household's reporting requirements, hold the information and take appropriate action at the next recertification.

- If the change requires action based on **7-G** and verification is **not** necessary in order to allow the exemption, make the system entry right away to change the person to exempt.
- If the change requires action based on **7-G** and verification **is** necessary to allow the exemption, give the household 10 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)

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)

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)

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.

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.